

## ORAL HEARING SUBMISSION - ANNE G MEEHAN (ANU)

Module 1 - 27.2.24

Thank you for the opportunity to speak here today on behalf of my family, my community - Prospect Architectural Conservation Area (ACA), and myself.

Before I start with my oral submissions I would like it noted that I am aware that there has been substantial new information submitted by the applicant on Day 1 of the hearing, much of which represents information that was missing or inadequately referenced in the EIAR and/or represented the subject of specific requests for information from the applicant that went unanswered.

I will not be responding to this new information today (but will mention a couple of relevant points) as I have not yet had reasonable time to consider it in detail before making my oral submission. I would expect sufficient time to be allocated by the inspector at the end of the hearing for observers' responses to this new information to be heard.

I was disappointed when I received TII's responses to my written submission. I waited many months anxiously waiting for it to arrive and the clarity I hoped it would bring. When I read the responses, I felt that that they were generally inadequate and generalised and did not address my fears for my property and my neighbourhood. I am therefore going to focus first on the lack of meaningful communication with TII, before and after they submitted their Railway Order application.

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### 1. LACK OF MEANINGFUL COMMUNICATION WITH TII:

#### 1a. Very recent communications with TII

In this section of my submission, I first want to talk about very recent communications with TII.

<b>AN BORD PLEANÁLA</b>	
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My first, in-person, meeting with TII, was on the 8<sup>th</sup> February 2024. It was informative (and reassuring) regarding soil settlement and tunnelling. However, whilst apparently understood by those present for TII, questions which I raised at the meeting regarding the POPs scheme, major insurance cover for structural damage during and after construction (matters that were inadequately addressed in TII's written responses to my submission) are still unanswered. As the meeting (which was at TII's request) took place just 11 days before the opening of this hearing, it is hardly surprising that TII have not got back to me yet – I expect they were busy preparing for this hearing. But that is no excuse – they could have engaged directly with me on these issues many months earlier. As I will go on to show, their openness to constructive and respectful dialogue throughout this process has been wholly unacceptable.

Michael Horan listened to my concerns, regarding Land Take and acquisition but no clarification email has so far followed, as promised, with answers. These are matters that will be covered in Module 2 so I hope I will get my answers well before Module 2 starts.

The only clarification I received following the meeting was emailed to me by Aidan Foley on the 12<sup>th</sup> February 2024; this concerns a preliminary Survey carried out by Thorntons, which will be discussed later in this statement.

#### **1b. TII communications and consultations before and after the Railway Order Application was submitted**

I have made numerous attempts to communicate my concerns to TII and seek discussions and answers from them since 2018, initially in relation to MetroLink's Emerging Preferred Route (EPR). These have been by via email, and phone, but my questions were left unanswered; as noted above, until 8<sup>th</sup>

February this year, neither I nor the Prospect ACA group received any invitation from TII to attend any meeting online or in person.

When the Emerging Preferred Route (EPR) was revealed, I asked many questions in a Submission to TII, regarding settlement, noise, vibrations, and tunnelling underneath my ancient property and in our Architectural Conservation Area (Prospect ACA).

These were simply ignored.

When I questioned why my concerns were ignored and questions unanswered, I was told in an email (by administration staff) that TII had received thousands of submissions and I simply had to wait my turn.

And wait I did. It was not until 31<sup>st</sup> October 2022, that my questions regarding tunnelling, settlement, and land take were answered with pointers to links for full information. However, the links listed to CPO, POPs, Land acquisition, Vibrations, Noise, etc. would either not open or, if they did open, blank pages appeared with no information, whatsoever.

Here is a sample of the frustration caused by TII in an email I sent to GADRA, (Griffith Avenue & District Residents' Association)

The following email was sent after numerous efforts to obtain information, leading up to the submission of Observations on the Railway Order Application (ROA).

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Anu Meehan <anugmeehan@gmail.com>

Nov 25, 2022, 10:44 AM to info@gadra.ie

Ruth,

Thank you for your reply yesterday.

I am very overwhelmed with the entire process, especially as TII continues to update their links, many of which did not open or if they did, were blank. For example, POPs link - nothing - CPO link - nothing, and TII drip feeding stakeholders towards the end of the 6-week Observation period.

My questions were raised with TII on 31/10/22 and they responded on 23.11.22 at 8 pm. Unacceptable as we had hours to get in Observations.

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## **2. INDEPENDENT SURVEY**

Now I come to the independent survey that was carried out at my property.

In August 2019, I requested TII to organise a survey of my property and Thorntons carried it out in August 2019.

The survey was 'lightweight' according to the Independent Engineering Expert (RINA) and most of the information was presented as 'supplied by owner', 'owner has advised' or 'assumed depth of foundations'. It did not seem to me to be a useful basis for assessing how my property would respond (and potentially be damaged by) settlement and/or vibration.

However, what was most concerning was that the survey received by RINA and TII differed from the survey that was sent to me.

Two extra paragraphs appeared in both RINA's and TII's copy which were omitted from my copy. When I received a copy of RINA's version it stated:

*“Owner has advised that her property was not initially on the list of properties selected by TII to be surveyed. Ms. Meehan made a request to TII requesting that her property be added to the list. Ms Meehan also advised that the agreement made with TII was that access would be provided to the*

*property to conduct the survey only if she received a copy of the report. Ms. Meehan will be expecting a copy of the report/survey conducted by Thornton's Chartered Surveyors.*

*Owner namely Anu Meehan has advised that she has spoken in the Dáil and voiced her opinions against the proposed metro. Ms Meehan's speech can be found at the link following link:*

[https://www.oireachtas.ie/ga/debates/debate/joint\\_committee\\_on\\_transport\\_tourism\\_and\\_sport/2018-04-25/4/](https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_transport_tourism_and_sport/2018-04-25/4/)

I mentioned this, to TII's Aidan Foley at our first in-person meeting with TII on 8<sup>th</sup> February 2024. He informed me that he would look into it.

He did respond by email, saying the copy sent to RINA and TII was a draft and he told Thornton's to remove the paragraphs. He stated that I had received Thornton's final copy, hence the missing paragraphs.

I understood that this survey had been offered because my property had erroneously been omitted from the original list of properties to be surveyed, despite being on the tunnel alignment. In any event, the purpose of this survey was not to provide advice to TII as to my character and attitudes to the project but to provide an additional independent survey of properties along the alignment for the purpose of proper assessment of the potential impacts irrespective of who lives there. That being so, it was clearly inappropriate for the surveyor to be providing this sort of information to TII, whether in draft or not and also inappropriate for TII to have expected to approve or seek amendments to such a report before issue to me.

In the interest of truth and transparency, any surveyors working, independently, on behalf of property owners must be fully autonomous of TII.

This is concerning as property owners need to feel that they have been given full accounts of the Survey's findings, without personal information being shared, redacted, or discussed, (aside) with TII, or instructions from TII asking Surveyors to remove details from their findings.

The copies of Thornton's surveys show either an error in judgment or blatant misrepresentation of property owners' interests in favour of TII.

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Aidan Foley

Feb 12, 2024, 6:17 PM (8 days ago)

to John, Peter, me

Anu,

Thank you for meeting us last week. Firstly, I'd like to apologise for the error in the reports for your property. Rina was inadvertently given access to the initial draft report which included some personal comments between yourself and the surveyor which we had asked to be removed. The report was subsequently updated to the final version which you have. We have updated RINA with the final report and I've attached both reports so that you can see the changes made.

With regards to further surveys proposed for your property, as stated in section 5.4 of EIAR Volume 5 Appendices A5.17 Building Damage Report, the Design & Build Contractor will review all property surveys carried out as part of the Phase 2a assessment results carried out by Jacobs/Idom, and carry out an additional assessment of your specific property (Phase 2b) based on updated ground survey information, their detailed design development (increased design maturity) and finalising of their construction methodology and planning, before any construction works take place.

Should you have any queries on any of the above please let me know.

Regards,

Aidan.

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Aidan Foley | C.Eng | Project Director MetroLink | Transport Infrastructure Ireland | Parkgate Business Centre, Parkgate Street, Dublin 8, Ireland |

Phone + 353 1 6463567 | Mob +353 86 0427357 | Fax +353 1 646 3601 |

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### **3. PROPERTY OWNERS' PROTECTION SCHEME (POPS)**

Once accessed, I continually asked TII via RINA, why an upper limit of €45K is imposed by this scheme and why POPS is proposed to run for only 12 months after the operation of MetroLink commences.

My request for information went unanswered until I met with Aidan Foley on 8<sup>th</sup> February 2024.

He agreed that this limit of €45K was mainly for cosmetic repairs, that is, hairline cracks, etc. I have asked, several times, that the POPS scheme be extended far beyond the proposed 12 months but this too has been left unanswered.

It has been suggested (by RINA) that it might be more appropriate for the POPS scheme runs for a 10-year period from the operation of MetroLink. Also, that substantial insurance cover for property owners be made available, especially if house insurance is not available or too expensive because of the impact of MetroLink (as perceived by insurance companies) on their properties. In its response to my Observation on this particular matter (response to item 3), TII completely misses the point I made about availability of insurance, it focuses on the value of the substratum land. My fear is that insurance companies will not offer cover for structural damage to my property at a reasonable cost (or at all) when they know that there will be tunnelling beneath my property causing settlement and vibration during the construction period and the presence of a tunnel in perpetuity thereafter.

The proposed POPS scheme does not address the nuances of our Architectural Conservation Area and the vulnerability of the buildings within it. Some properties date back to 1830 and our properties will need to be treated with a

bespoke POPS agreement, sturdy structural damage insurance, and enough time for soil settlement to take place before these insurance indemnities end.

### **3a. Structural damage insurance**

In my Observation, there are references to sinkholes in both London during the recent railway lines construction (Channel Tunnel Rail Link) and in Dublin, during the Luas Green Line construction.

My comments regarding sinkholes in Harcourt St and London were addressed theoretically in the response. However, much more must be done before any (or if any) construction begins to ensure our properties are fully surveyed, and property owners are informed before any serious damage is caused to their properties.

In its response to Item 2 of my Observation, TII states: *"In the unlikely event that your property is significantly impacted by the Metrolink works, any damage to your property will be covered by the project insurance"*. No details are given about this insurance in the response and the paragraph goes on to talk about the POPS, which only relates to minor (cosmetic) damage.

When I raised the question of possible structural damage to my property, and serious defects arising from the construction of MetroLink, Aidan Foley told me that the government would have an insurance indemnity in place and he would look into it and get back to me. I have received no further information regarding this extensive insurance indemnity from Aidan Foley or TII.

We are told that the POPS does not take away any of our legal rights, but what I need to understand is whether the project insurance/insurance indemnity would protect TII against claims I may bring (in the expectation that I would employ lawyers and surveyors to bring a compensation claim against them) or



whether it will be linked to an easy to access compensation scheme that is designed to resolve disputes without putting affected residents to the cost, expense and stress of bringing such a claim.

#### **4. REPRESENTATION OF OUR ACA AT OIREACHTAS HEARING ON METROLINK 25.4.2018**

As an ACA, with great significance to Dublin City and visitors from far and wide, it is imperative that our ancient properties are protected and given 'special' treatment.

TII has not adequately reassured us that, if a Railway Order is granted, our homes will be viable in the years to come for our families.

TII's response was generic to my concerns stating that their Project Conservation Architect (PAC) (yet to be appointed?) must engage with all property owners in our ACA to evaluate our concerns and ensure all that is necessary is done to minimise the impact on historical properties within Prospect ACA.

Extensive surveys must be carried out before construction begins, as our properties have little or no foundations. TII informs us that surveys will be carried out at the start, possibly during and at the end of construction, but extensive surveys must be carried out as soon as possible.

#### **5. NOISE/ VIBRATIONS AND POPS**

TII's response to my observations on Noise/Vibrations and POPs has no fewer than 10 links to answers my queries which is wholly unsatisfactory.

For example, TII's link to EIAR appendix A5.17 Building Damage, could not be found.

However, the EIAR report Chapter 13 states that:

*Should the project be approved, prior to the commencement of any construction works, a detailed noise assessment for each work site will be undertaken based on the most up-to-date information for each.*

The EIAR also points out that the information it has to date is limited and the impact on 'sensitive receptors' (human beings, hospitals, schools, etc.) is negotiable and at worst temporary rehousing will be necessary.

When asked about noise and vibrations at the construction of Glasnevin Station and proposed 24-hour-a-day construction and traffic - again I was told to find the information for myself using links, which are impossible to locate and have 100s of pages to navigate.

TII - at our in-person 8.2.24 meeting said that if they did not construct the Glasnevin Station on a 24-hour basis it would 'delay' the project - but if they are granted permission for this project and are given permission to work on a 24-hour basis, it will be surely the demise of many 'sensitive receptors', due to constant noise, vibrations, and filth in our environment.

The suggestion of temporary rehousing of residents shows the level of potential noise and vibrations - and again, TII has no concrete plan in place, just a wait-and-see on a one-to-one basis of how much each 'sensitive receptor' can endure.

This is a very worrying attitude to residents and needs to be addressed before any RO permission is granted.

In response to requesting Floating Tracks (to reduce noise and vibrations) for underneath our ACA, as with Trinity College and other sensitive buildings, TII's response was brief, referring me again to find out the relevant information for myself, and found 'no reason to consider floating tracks for Prospect ACA'. I

would ask, again, that Floating Tracks be considered for our ACA, to ensure that no damage is caused and that vibrations of trains running from 05.30 am - to 00.30 daily are not a permanent nuisance for property owners.

## **6. TRAFFIC MANAGEMENT**

In response to my concerns regarding HGVs travelling to and from the construction site at Glasnevin Station - I suggested that the main R135, dual carriage be used rather than the residential R108, to access the M50.

There are various and differing numbers suggested of HGVs travelling through our residential area, from 70 to 100 per day.

TII gave links to no less than 13 documents for information in their response to my concerns on Traffic Management.

Again, TII expect property owners to transverse 100s if not 1000s of pages with technical jargon to clarify what is intended for our neighbourhood and only came up with the idea of meeting with us!! days before this hearing started.

During our in-person meeting, with Aidan Foley this month, he said both routes to the M50 will be used for construction traffic. In their response to my Observation - TII states *'any change to the proposed working hours at Glasnevin would have a significant impact on the duration of the works'*.

Ireland has waited 20 years for a Metro-type or rail line to the airport and beyond. To save the health and lives of our residents, a few months more will not make much difference.

Could the Inspector please ensure that construction traffic does not drive through residential areas, if this RO is granted, on a 24-hour, 7-day-a-week basis, which has been proposed during the construction of Glasnevin Station?

EIAR Chapter 13:12 Page 34 - Noise and Vibrations states:

In accordance with the DMRB (which I understand stands for "*Design Manual for Roads and Bridges*") Noise and Vibration (UKHA 2020), construction noise and construction traffic noise impacts shall constitute a significant effect where it is determined that a major or moderate magnitude of impact will occur for a duration exceeding: Ten or more days or nights in any 15 consecutive days or nights; and a total number of days exceeding 40 in any six consecutive months.

As an aside, the use of acronyms and abbreviations in the EIAR text is excessive, adding to navigation challenges mentioned earlier for an ordinary person using home internet and computer equipment.

## **7. BRIAN BORU PUB - NEW STATION**

TII in response to the design of the new station, categorically dismiss any inclusion of the facade of the historical Brian Boru pub which TII intend to demolish entirely.

The inclusion of historical facades has been successfully integrated into many rail stations throughout Europe, examples of such were dismissed by TII.

As part of our historical architecture, could TII be asked to reconsider its Glasnevin Station to include the facade of the Brian Boru, rather than their suggestion of photographs of the building before they demolished it?

## **CONCLUSION OF SUBMISSION TO MODULE 1**

Since the TII's (PR) Public Consultation began in 2018, they have been, at best, elusive; dismissive; economic with facts; drip-feeding stakeholders; uploading links to information on their website which did not exist, documents so large that were inaccessible to property owners on personal PCs or simply blank documents. When complaints have been made before about the accessibility

of information and answers, residents like me have been referred to the non-technical summary – but that is so high level, that the information we need to understand the scheme simply is not there.

TII withheld information from stakeholders during the six-week Observation period. They uploaded information hours before the Observation deadline making the inclusion of this information impossible in their Observations.

This was, on the final day, addressed by ABP, which insisted that affected parties were given extra time to include TII's continuous uploading of information into their Observations.

But for some, it was already too late. I was handing in my Observation when this information came through to me.

In my opinion, there was no Emerging Preferred Route - apart from a few minor tweaks - one tunnel instead of two - use of one football field over another - this EPR was, and is, a *fait accompli*.

TII has worked on this project since 2015, with teams of experts at their disposal. For unqualified technical experts such as myself, traversing this RO Application has consumed too many hours, days and sleepless nights. Some documents TII has referred me to are over 800 pages long and that is just one section.

I would like to thank RINA for their invaluable help and hope that I am wrong and this RO is not a total *fait accompli*. That some - if not all - of my genuine concerns for our health, well-being, mental health, property protection and the rest of my points, will be considered and worked on for the good of all concerned.

I am not in favour of MetroLink in its present application for an RO but I am in favour of an overground railway, linking Dublin city and suburbs to Dublin Airport. An underground is, in my opinion, unnecessary, when there are already overground successes such as the Luas Red and Green Lines, and Dart. It seems ridiculous to cause such mayhem to so many when all that is truly needed are extensions of train lines already in place.

As John Downey, the chartered planner, speaking on behalf of the OPW stated here, at this OH on 19.2.24 - MetroLink will have 'a direct, severe, negative profound and permanent impact and the risk of danger is unacceptable'.

Thank you.

Anne (Anu) Meehan