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**METROLINK Railway Order
An Bord Pleanála Oral Hearing**

ABP-314724-22

*Submission
Prepared by*

**Mr Blaine Cregan
Mr. John Flaherty**

On behalf of

Esprit Investments Limited

February 2024

AN BORD PLEANÁLA	
28 FEB 2024	
LTR DATED _____	FROM <i>Esprit Investments Ltd</i>
LDG- _____	
ABP- _____	

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1.0 INTRODUCTION

Qualifications and Professional Experience

- 1.1 My name is Blaine Cregan. I am an Executive Director of John Spain Associates, a leading firm of planning consultants. I have 10 year's planning and development consultancy experience in Ireland. I am a Licentiate Member of the Royal Town Planning Institute (RTPI) and member of the RTPI Executive Committee for Ireland.
- 1.2 My qualifications include:
- BENG Civil Engineering – Munster Technological University
 - BSC (Hons.) Construction Management – Munster Technological University
 - MSC Environmental Planning – Queen's University Belfast
- 1.3 John Spain Associates are planning consultants for Esprit Investments Limited, 83 Pembroke Road, Dublin 4 at the subject site. I acted as planning consultant for the permitted development on the subject site. As set out in the original submission, given the proximity of the permitted development to the Metrolink route alignment, there was engagement with TII as part of the planning application process.
- 1.4 This evidence does not reiterate the detailed points addressed within the original submission on the Railway Order made on behalf of Esprit Investments Limited, which are considered as read by all parties.
- 1.5 John Flaherty, Associate Director with ARUP Consulting Engineers is also acting on behalf Esprit Investments Limited and is available to answer any queries on the submission made. John is a structural engineer with the following qualifications:
- BE University College Galway
 - Chartered Member of the Institution of Structural Engineers
 - Fellow of Engineers Ireland

Background

- 1.6 The site is located at Townsend Street and Shaw Street, Dublin 2, with additional property at 32-33 Pearse Street and 36-37 Pearse Street (all within the ownership of our client). The Townsend Street and Shaw Street site currently has an extant planning permission for an office development under Reg. Ref. 4778/19 as amended by Reg. Ref. 2877/21.
- 1.7 As part of obtaining the two permissions for the Townsend Street and Shaw Street site, our client through the project engineers, Arup have engaged with TII over the past several years. Construction and implementation of the permissions has commenced. Piles have been constructed and their design and as built details have been provided to TII.

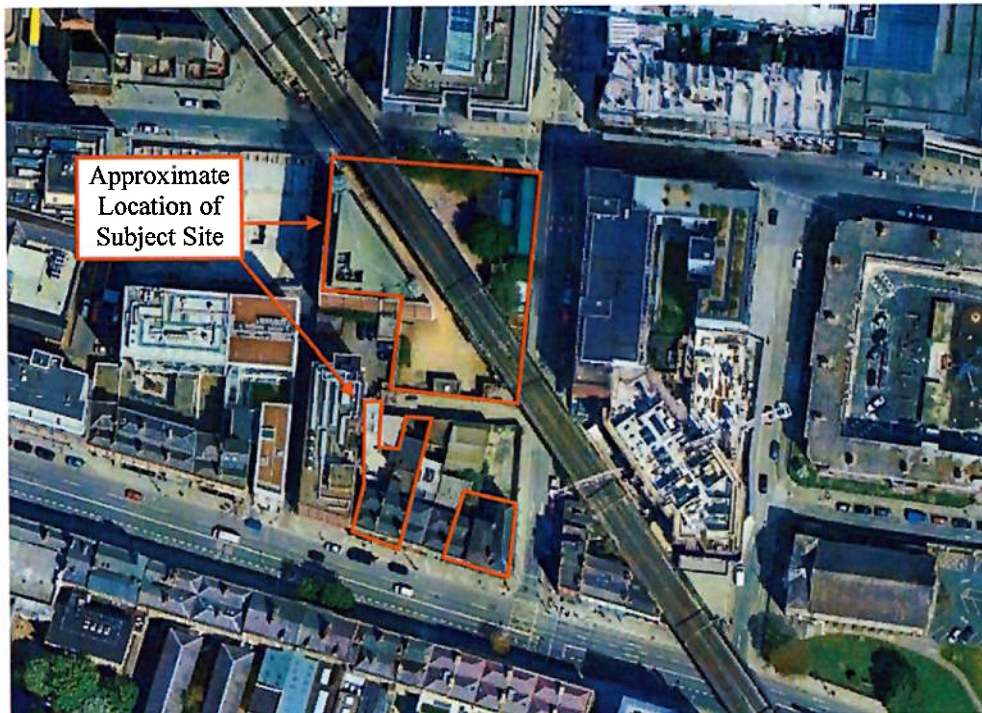


Figure 1.1: Property Location (in red) in Dublin 2. (Source: Google Maps, 2024).

- 1.8 As part of a planning application for the site (DCC Reg Ref 4778/19) agreement was sought with TII Metro link on the installation of piled foundations. The submitted correspondence show that it was agree that the toe of the piles could be constructed to a level of -11.6m OD.
- 1.9 This created a 2.0m buffer zone above the proposed tunnels crown at this location with the crown of the tunnel proposed to be -13.6m OD.
- 1.10 Following the receipt of planning permission, the pile foundation was installed in 2021.
- 1.11 As built drawings were submitted to TII /Metro link in 2021. The lowest as-built pile level was recorded at 9.6m OD.
- 1.12 The current draft railway order is looking for a deviation of 5.0m upwards which if used could have the crown of the tunnel at a level at -8.6m OD, which is in direct conflict with the installed piles.
- 1.13 See figure below as an illustration of this.
- 1.14 It is requested the tunnel profile respects the original agreement at this location.

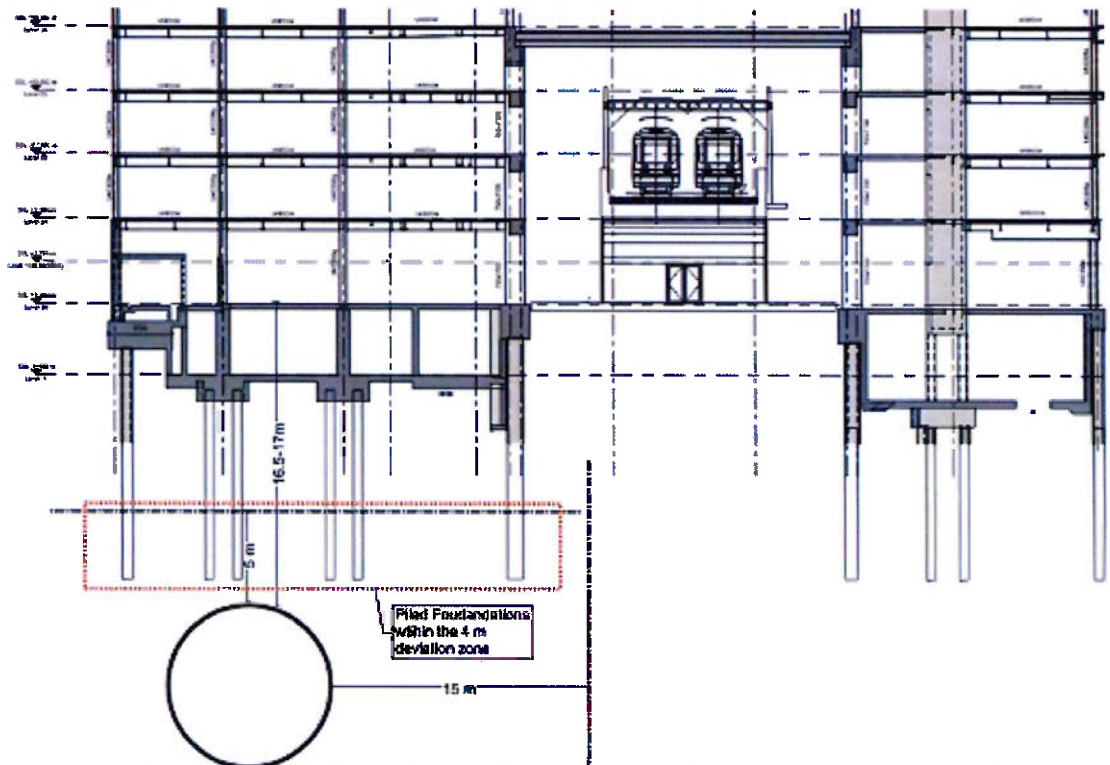


Figure 1.2: Section Illustration of the Metrolink tunnel as proposed in the draft Railway Order in the context of the permitted development. (Source: ARUP Consulting Engineers, 2024).

- 1.15 Whilst it is understood a deviation may be required due to detailed design or conditions encountered, the result of a 5m deviation in relation to the subject property is potential clashes with substructure and increased impacts arising in relation to noise, vibration and associated building damage. Figure 1.2 illustrates this direct conflict.

2.0 RESPONSE TO TII UPDATE

2.1 The Draft Railway Order included for a vertical deviation of 5 metres, it is now understood that this vertical deviation upwards is proposed to reduce to 1 metre following submission by TII at the Oral Hearing on the 19th February 2024.

2.2 In TII's updated book of changes¹ made available on the first day of the Oral Hearing Item No. 15 states:

"Following consultation since submission of RO application, it is now proposed that the vertical Limit of Deviation for the tunnels and underground stations should be changed.

Draft RO amended to reflect this proposed change from 5m upwards for the tunnel(s) and underground stations to 1m. A note has been prepared that assesses the impact of the vertical LOD on the settlement assessment. Please refer to Appendix 8."

2.3 We note that a revised Draft Railway Order was uploaded to the Metrolink RO website Part 2 Section 6 'Deviation' states:

"1) in executing any of the authorised works TII may —

(a) where those works are situated in a public road —

i) Deviate laterally by any distance not exceeding 2.5 metres from the lines or situations shown on the plans,

ii) Deviate vertically by any distance not exceeding 1 metre upwards from the levels shown on the plans,"

2.4 This identified change, if forming part of an approval by An Bord Pleanála addresses our client's primary concern, removing potential for conflict with the existing piled foundations.

2.5 Should the Board be minded to approve the Railway Order without the revision to the upward deviation, the submission originally made and associated very serious concerns therein remain.

3.0 CONCLUSION

3.1 Our client welcomes the identified reduced upward deviation from 5m to 1m as presented at the Oral Hearing on 19th February 2024, which directly addresses our client's key concern.

3.2 In order to provide reassurance to our client we request that this change be a requirement of a condition attached by the Board to the Railway Order, should it be approved.

3.3 However, should ABP decide not to condition or modify the scheme thereby removing any guarantee to our client, we hereby confirm that Esprit Investment Limited's original submission remains valid and of very serious concerns to our client.

¹ Schedule of Updates (source: <https://www.metrolinkro.ie/>, 19th February 2024) Available at: <https://downloads.metrolink.ie/oh/Schedule%20of%20Updates.pdf>