

## **MetroLink - Module 1**

- 1. Tunnelling, Excavation Related Issues (Groundborne Noise & Vibration, Hydrogeological and soils impacts, settlement, property damage**
- 2. Airborne Noise & Vibration**

**Tuesday 5<sup>th</sup> March**

**Jerry Barnes, Behalf of Charlemont & Dartmouth Community Group**

**Concluding Statement on Module 1**

### **Introduction**

As outlined in my introductory comments at the hearing the residents are reliant upon the An Bord Pleanála to protect their amenities and property. The draft railway order submitted with the application outlines the matters which the Board should have regard to including, including inter alia, the application documentation, the EIAR, further information submitted, oral hearing submissions and the provisions of the provisions of the relevant Development Plan. Importantly, the Board will take into account the inspector's report, which must analysis all of these matters and make a recommendation. Inspector, as you are aware your report must consider the planning impacts and other merits of the scheme. It is not solely and exclusively restricted to the EIA process, but to broader planning matters and appraisal. Ultimately, you will have to form an opinion on these matters and will not be able to reach conclusions in this regard until all matters are considered in the process. However, even based on the evidence presented yesterday and today, we strongly contend that the Board is not in a position to grant consent for the full extent of the railway order application as currently before the Board.

### **Adequacy of EIAR**

Article 3 and 4 of the EIA Directive require adequate information to be submitted by the developer and an assessment to be made by the competent authority. Numerous inadequacies and inaccuracies have been identified in the EIAR and the significant further information submitted to the hearing. These relate to airborne and groundborne noise, soils, settlement and hydrogeology.

In relation to settlement impacts, the evidence submitted by our experts indicate that the preliminary generic assessment is wholly inadequate and in particular these protected structures may be severely damaged due to differential settlement. We strongly content that a

Phase 3 assessment should be undertaken on these structures at this stage based on an appropriate design. It cannot be left to the post consent stage, as to do so would defer an assessment of the likely significant effects of the development until after the EIA process has been completed. This would be contrary to the requirements of the EIA Directive and would prejudice the rights of property owners, particularly in a scenario where settlement parameters (e.g. 45mm) which are set within the Railway Order prove to be incorrect.

The assessment in relation to these matters is generic and is inadequate to assess the impact upon the environment, which for our clients is the environs of Dartmouth Square and Charlemont.

While even on the basis of the evidence presented, after mitigation there will be very significant effects arising from airborne noise over a prolonged period of time. Critically, there is no assessment of the interaction of effects for the Dartmouth Road and Dartmouth Square West residents, particularly in relation to the construction phase. The site at Charlemont Station will be a major construction compound for the 8.5 year duration. Let us remind ourselves of all the construction activities which will be going on at Charlemont. There will be enabling & site preparation works, station piling, an operational batching plant for the duration of construction, mechanical ground excavation works of the site to a significant depth immediately in front of the Dartmouth Road houses, mechanical excavation of the intervention tunnel, blasting on site, the passage of the tunnel boring machine, the construction of the station, backfilling of areas, fit out of the station, and HGV truck movements associated with the compound. There will be multiple interactions between all of these construction activities. The EIA completely fails to address these. The EIAR merely assesses individual elements, acknowledging that for some topics there will be very significant effects and for others not. There are also serious concerns about the operational impacts.

Inspector, as you will not find this fundamental and critical appraisal in the EIAR, you will have to do a good old fashioned planning assessment using your own professional judgement and common sense in relation to the construction impacts. As a town planner and one who has been involved in the assessments of planning projects in the public and private sectors for nearly 35 years, it is my professional judgement that all of the proposed works at the Charlemont Station will have very significant adverse effects on the environs of the Dartmouth Square, Dartmouth Road and Cambridge Terrace.

## Mitigating Measures

The policy on airborne and groundborne noise mitigation is unenforceable as it is a system to be operated by TII and the contractor. It is arbitrary and applied on a case-by-case basis by the applicant. There is no recourse to arbitration or appeal. The Board cannot take this into account as an appropriate mitigation measure. Notwithstanding this, even that proposed in the policy is derisory for those residents affected by the development. For example, offering to rehouse for a maximum period of 4 weeks when construction will last between 4 and 8 years is meaningless. Furthermore, this is during a time of a housing and accommodation shortage

and takes no account of the impact upon residents' lives of having to move either temporarily or permanently.

The POPS scheme is not fit for purpose and will not provide any realistic mitigation for properties which may be damaged during the project development phase.

The inability to implement many of the mitigation measures will leave many of the unmitigated and therefore with adverse significant effects.

## Planning Assessment & Impact upon Amenities and Property Values

The properties on Dartmouth Road and Dartmouth Square are protected structures and are within an Architectural Conservation Area. The area is zoned with objective Z2: *To protect and/or improve the amenities of residential areas.*

Notwithstanding the inadequate assessment, based on what has been submitted and the mitigation measures proposed, the project will have significant effects on the amenities residents of Dartmouth Road and Dartmouth Square West. This is reflected in the multiple cases of significant effects recorded under the topics discussed yesterday and today. It will fail to protect the architectural heritage of the area.

This submission represents 18 individual properties with approximately 60 residents. The broader area to which the general submission relates includes hundreds of homes. They will be living for between 4 and 8 years beside a major construction compound and station development for MetroLink, with a batching plant, significant excavation, piling, advance enabling works, utility works and diversion, station construction and fit out. They will be impacted significantly during the operational phase in relation to passengers accessing the station and general noise and disturbance.

This development will have a devastating impact over a prolonged period of time, potentially 24 hours a day. Their amenities and whole lives will be severely damaged by this development. Evidence will be submitted in relation to the devaluation of property. The Planning and Development Act seeks to ensure that planning decisions do not adversely affect third party amenities with any associated devaluation of property and Article 43 of the Constitution protects property rights. This development if permitted would infringe those rights.

The question has arisen as to why these properties have not been CPOed given the significance of the effects upon them. While it is evident that some or all of the properties should have been included in the CPO, the Board cannot now include them in a CPO without going through the appropriate process and must deal with the application currently before it.

On the basis of what has been submitted in the RO application, we request that it be **REFUSED** or the line terminated further north. This matter will be further considered in Module 2.