

## Shaun McGee

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**From:** oralhearing  
**Sent:** Wednesday 6 March 2024 11:59  
**To:** Niall Haverty; Barry O'Donnell  
**Cc:** Shaun McGee; Kevin McGettigan; Anna Kelsh  
**Subject:** FW: ABP-314724-22 Statement as presented of Leo & Anne Crehan 05 March 2024  
**Attachments:** OH Statement as presented.pdf

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**From:** Leo Crehan <lmcreehan@gmail.com>  
**Sent:** Wednesday, March 6, 2024 12:04 PM  
**To:** oralhearing <oralhearing@pleanala.ie>  
**Subject:** ABP-314724-22 Statement as presented of Leo & Anne Crehan 05 March 2024

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Dear Inspector

When I presented my statement yesterday afternoon, I advised you that I would be adding in an item at the end and that I would revise the statement accordingly and send it to you for your records. Please find the duly revised statement attached below.

I would also like to say that the gracious and unpressurised manner in which you listened to us and conducted the proceedings was very much appreciated by me and my neighbours.

Kind regards

Leo Crehan



05 MAR 2024

Statement for Metrolink Oral Hearing of Leo & Anne Crehan  
 Tuesday 05 March 2024

LR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
 LDG- \_\_\_\_\_  
 ABP- \_\_\_\_\_

My name is Leo Crehan and I am speaking on behalf of my wife Anne and myself. We live in 11 Dartmouth Square West. I am a Chartered Civil Engineer with a lifetime of experience in construction, in the design, appraisal and construction of buildings, and also with some experience in large bore tunnelling. I give you my professional background because my focus in this statement will be on the settlement issue and I want to show I have some experience in the area. Our house is a 3-storey, mid-terrace building, built almost 150 years ago with brick, stone and rubble. It sits on narrow and shallow foundations - those foundations would not be deemed adequate today for a single-storey kitchen extension.

Yesterday, an eminent structural engineer with specialist experience in what you can do, and more importantly what you can't do, with old houses built with such materials at the end of the 19th century, gave evidence to this Oral Hearing on what will happen to such houses when the ground they are built on starts to settle. For the houses that have a boundary with the proposed Charlemont Station, he quoted ground settlement figures of up to 45mm; the degree of settlement depends on their proximity to the 2 enormous holes, one at each end of the pre-existing station box, which will be 30m deep. 45mm is almost 2 inches in old money, and is a very, very substantial level of ground settlement. The engineer demonstrated that 3-storey walls built with brick, stone and rubble will, with absolute and complete certainty, be unable to accommodate, and cope with, this level of settlement. He has stated the houses will not be fit to be lived in as a result of the consequences. And as a permanent display on the face of the terrace, the evidence of the damage caused by the settlement will be plain to see in the mis-aligned horizontal brickwork joints and the filling of wide, vertical cracks in what is now a fine Portmarnock brick facade.

The casual observer of these proceedings might think that the above comments are just a frantic, typically *nimby* reaction to the proposed development and that we are just exaggerating the level of settlement that will occur. But this settlement forecast has not been produced by us. This forecast has been produced by the Applicant's engineers and submitted by them as part of their application for the Railway Order. The Applicant's engineers have calculated that digging these 2 gigantic holes and then driving a tunnel between them will cause the adjoining ground to settle to this extent. But the Applicant has completely ignored this inconvenient truth, with its catastrophic consequences on the adjoining houses, and has carried on blindly with the proposal to build the station. The Applicant is therefore effectively asking An Bord to give planning permission for a development which they have acknowledged, by inference, could seriously damage our house and other houses on the west side of Dartmouth Square.

The houses on Dartmouth Square are not ordinary houses. Again, the casual observer might say this is more *nimby* special pleading. But saying they are not ordinary, that they are somehow special, is not my description, it comes from Dublin City Council having designated these houses as Protected Structures. Calling a building a Protected Structure creates a planning status for the houses that prevents them from being demolished, or even altered in any way that diminishes their integrity. It certainly prevents us, or any future owners, from demolishing the house. And to copper-fasten this level of protection for these houses, Dublin City Council has designated Dartmouth Square as a unique Architectural Conservation Area.

These planning designations are not given lightly, they have been given for a good reason: to prevent acts of architectural vandalism by property owners, developers and State Agencies. So why are we here? Why are we debating whether it is acceptable to allow a development which could destroy a terrace of Protected Structures?

I have worked in construction all my life and I know that when development like this takes place, there is always some disruption and nuisance created for the neighbours. That is simply a consequence of the right to individual comfort being subjugated to the common good. I accept that - but I am very conscious that I am just the current custodian of 11 Dartmouth Square, a unique house in a special area of conservation, that deserves to be protected for future generations by your decision in relation to Charlemont Station.

The TII Director at this hearing yesterday informed us that their POPS damage restitution scheme (€45k max) was designed for making good the cosmetic damage that his advisors have stated is the only damage that will occur. When asked what compensation system would be in place to enable the owners of houses in Dartmouth Square West to re-build their houses, after they get damaged by settlement happening in line with TII's submitted figures, he admitted there was no such compensation system. The reason there was no compensation system for re-building was because, in TII's opinion, the published settlement would not happen. So we are left with the €45k from the POPS scheme; that would be completely inadequate for the damage that TII's published settlement figures indicate will happen.

So the Applicant, despite having submitted these severe settlement figures as part of his application for the Railway Order, is dismissing our concerns about their impact - simply by saying that this level of settlement will not occur at all. They know that. They can put their hand on their heart and say that we can all ignore the submitted figures. We, the residents and you, the Inspector, are being asked to ignore the submitted figures and to accept this opinion as fact - we are truly in Alice in Wonderland territory here. When I worked in the Planning Department of Dublin City Council many years ago, assessing plans for building works, our decisions, for approval or refusal, were based on the drawings and documents that had been submitted - and on those drawings and documents only. I fail to see how An Bord can do otherwise. The position that TII are taking, in relation to their own freely submitted settlement document, is an absolute and legal nonsense.

TII should have plenty of options for a station, for a terminus. They should not have to dig their 30m deep hole within 10m of the rear wall of a terrace of Protected Structures. The station does not have to be in a location where the consequences of construction are such that it could cause catastrophic damage to the Protected Structures of an Architectural Conservation Area. There are not so many Protected Structures in the city that they have no alternative but to locate it beside an Architectural Conservation Area.

The reason they are doing so and the reason An Bord is being asked to approve this, is to allow TII, in blatant defiance of current government policy, to resurrect their long discredited plan of shutting down the existing Green Luas line from Ranelagh to Sandyford, for an extended period of time, to enable them to cannibalise it into an overground metro line. And if we dig a bit deeper into their actions, it may also have something to do with their getting retrospective justification for having already spent €20 million of public money on the procurement of a station box, without any public consultation or EIAR or Railway Order. It is

important to note that TII did not get planning permission for that key piece of development, which they got Hines to build for them on their site behind the Carroll's Building. This is our experience of how TII operate: ignore regulations and due process, if it serves to move their project forward.

As another example of this attitude, I would remind the Inspector that yesterday, a TII representative told the Hearing that they had done an assessment of only 1 of the 17 houses on Dartmouth Square West; they hadn't bothered with assessing the other 16 houses. When queried, he assured the Hearing, with what appeared to be full confidence, that the property he had assessed was #15 Dartmouth Square West and the assessment had included an internal inspection. This was repeated several times, it appeared to be a matter of certainty. Later, when told that the owner of #15 was not aware of any such assessment or inspection having been carried out on his dwelling-house, the representative changed his tune and resiled from his statement. This does not inspire confidence in anything they say, or promise, at this Hearing.

We are all aware of the planning travesty that was allowed happen in Fitzwilliam Street when a terrace of Georgian houses was destroyed to make way for the ESB offices in the 1960s. The demolition of that terrace destroyed the finest Georgian vista in Dublin and is widely acknowledged today as something that shouldn't have been allowed to happen, that shouldn't have been given planning permission. But it was given planning permission and it did happen and those houses are gone, forever; their absence is a perpetual reminder of the consequences of a bad planning decision and is regarded by many people as a national embarrassment.

An Bord should not facilitate Dartmouth Square West becoming another ESB/Fitzwilliam Street debacle. The regulations governing Listed Buildings and Protected Structures were brought in after the ESB got their permission, with the objective of preventing similar acts of architectural vandalism. These regulations give Planning Authorities, and An Bord, the legal basis for refusing permission for any application that would damage such buildings. An Bord now has an opportunity, and I believe a statutory obligation, to prevent a repeat of such a planning outrage.

The probability of this happening is not zero, as TII would have us believe. Their decision to leave the Phase 3 assessments until after permission is granted is a bad decision, because it means there will be no special treatment for Protected Structures. They have stated that this assessment will happen in the next phase of the process and will be carried out by the Design & Build contractor at tender stage; this should most definitely not be acceptable to An Bord. I was a director of a major building contractor and so I have some experience of the tendering process. As a contractor, it has always amazed me that Clients and Designers, having worked for months, even years, in developing every little aspect of their design, suddenly expect a tendering contractor to get fully familiar with every little detail of the project in a matter of weeks. It doesn't happen like that; because of the rushed timeline, the contractor's focus is mainly on the big ticket line items and some of the smaller stuff can get minimal attention. In a legal analogy, it is like comparing the rough justice of a District Court with the meticulous examination of the issue by a High Court. The D&B situation has similar pressures, but even more magnified, and in this case, I believe marginal items, such as the assessment of our Protected Structures, will not be given adequate attention. When the contractor is appointed, his emphasis will be on getting the job done and the issue of what might happen to some old buildings nearby will become a minor issue and perhaps collateral damage; the contractor's

main focus will be on getting the job done. The prospects of getting the contractor to give Protected Structures the care and attention they deserve will be very limited indeed.

In conclusion, we beg An Bord Pleanála to carefully consider the enormous risk that this misplaced terminus creates for the Dartmouth Square Architectural Conservation Area. We urge you not to let Charlemont/Dartmouth Square become another ESB/Fitzwilliam Street in the annals of Irish planning shame.

**We therefore respectfully request that the granting of a Railway Order for a much needed metro from the airport to the city centre be conditioned, so as to remove the proposed development of Charlemont Station from the approved plans.**

**AND**

**In the event that you are minded to grant a Railway Order, we respectfully request that you require the Phase 3 assessment of Protected Structures be carried out by the Design Team before the Order is granted.**

LC/05.03.2024