

METROLINK

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MetroLink Property Owners' Protection Scheme March 2024



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1 Introduction

MetroLink is the proposed high-capacity, high-frequency, automated rail line running from Swords to Charlemont, linking Dublin Airport, Irish Rail, DART, Dublin Bus and Luas services, creating fully integrated public transport in the Greater Dublin Area.

As well as linking major transport hubs, MetroLink will connect key destinations including Ballymun, the Mater Hospital, the Rotunda Hospital, Dublin City University and Trinity College Dublin.

Much of the 18.8 kilometre route will run underground, an exciting innovation for Irish public transport. MetroLink will carry up to 53 million passengers annually, cutting journey times from Swords to the city centre to 25 minutes. It will change the way we travel and how we live.

Safety is being prioritised every step of the way towards the delivery of MetroLink. Tried and tested methods and best international standards are being applied throughout. Any vibrations and ground movement will be managed in accordance with the limits and mitigation measures set out in the project's Environmental Impact Assessment Report (EIAR). The contractor will also carry out regular, comprehensive monitoring of surface levels and vibrations throughout the period of the works.

Nevertheless, in order to allay any concerns property owners may have, Transport Infrastructure Ireland (TII) has put in place the Property Owners' Protection Scheme (POPS).



Image: MetroLink Route Alignment Map

2 What is the Property Owners' Protection Scheme?

MetroLink Property Owners' Protection Scheme (POPS) is a voluntary, non-binding, free of charge Scheme that allows homeowners (i.e. owners of residential property) and owner management companies (in relation to residential common areas) to sign their property up to the Scheme. This Scheme is available to homeowners, where their property is:

- (a) thirty (30) metres outside the edge of the tunnel alignment, or
- (b) thirty (30) metres outside the edge of open cut or cut and cover structures, or
- (c) within fifty (50) metres of station underground structures.

See POPS Boundary Drawings in Appendix A.¹

If your property immediately adjoins a house that is eligible for POPS, you will also be eligible for POPS. This means that if one semi-detached house is in POPS, then the immediately adjoining semi-detached house is also now eligible for POPS. In addition, if one property in a terrace is already included in POPS, the immediately adjacent house in that terrace is also now eligible for POPS.

The Scheme is restricted to residential properties and landlords of residential properties. However, if there is a commercial entity that is part of the residential property this will also be surveyed as part of the Scheme. For instance, a property that has residency upstairs and a retail unit at ground level is eligible for the Scheme.

3 How will it work in practice?

TII has established a panel of three independent firms of building surveyors. When you sign up to the Scheme you will be invited to select the firm of building surveyors from the panel of building surveyors (and if a qualifying property is on the Record of Protected Structures, this survey will be carried out by a Conservation Specialist).

This firm will carry out an initial condition survey of your residential property before construction begins. After they complete the initial condition survey they will issue that initial condition survey report to you and TII.

If, in the course of the MetroLink works, a homeowner considers that an interim condition survey is required, the homeowner will inform TII of this and the reasons for same. The homeowner will then be invited to select from the panel of building surveyors, and the appointed surveyor will carry out the survey and issue this to the homeowner and TII.

After construction, a final condition survey will be carried out on your residential property by the firm of building surveyors you selected at the start of the Scheme. After they complete the final condition survey, they will issue the final survey report to you and TII.

¹ Please also note that where the 1mm settlement contour extends beyond the limits above (EIAR Appendix A5.17 refers), the boundary for POPS has been extended accordingly.

If you notice any changes to the property during MetroLink construction works, please refer to TII without delay. Should the surveyor recommend repairs to an owner's property to rectify damage caused by MetroLink works, TII will implement that recommendation promptly with the owner's agreement. These repairs will be carried out by a contractor appointed by TII at a mutually convenient time.

To avail of the Scheme, homeowners need to sign-up to POPS at least 6 months before construction of any local works commences and will be notified by TII in advance. This deadline is necessary because POPS requires that surveys are necessarily undertaken before construction of the project. TII will continue to advertise the Scheme.

POPS will remain in place for twelve months after the opening of the MetroLink line to passengers. This means that any homeowners who have joined POPS will be entitled to submit claims for any alleged damage or change to their property in this twelve-month period, following completion of the project. Homeowners must notify TII of that change or damage.

Anyone who signs up to POPS is entitled to withdraw from this Scheme.

If we avail of the Limits of Deviation at any stage during the project and depart from the lines of the plans and drawings lodged as part of this Railway Order application, and where this has the effect of bringing more properties within the boundaries of POPS, we will notify any properties which may be affected by this change and invite them to sign up to POPS.



Image: Artist's Impression of Tara Station entrance at street level at night



4 What happens if I notice a change to my property during or after construction?

If you notice any change to your property during MetroLink construction, you should notify TII without delay. The earlier an issue is identified the easier it will be to determine the cause and resolve the situation. Any condition survey prompted by this notification will be carried out by the firm of building surveyors you initially chose, and an interim survey report will be issued to you and TII.

If this interim survey or the final condition survey carried out by the appointed building surveyor recommends repairs to your property to rectify damage caused by MetroLink works, repairs up to a total monetary value of €75,000 will be implemented. These repairs will be carried out by a contractor at a mutually convenient time.

The value of €75,000 will be subject to adjustment, in line with the Consumer Price Index, with adjustments to commence from the date of the grant of the Railway Order.

In addition, where property damage is confirmed to have been caused by MetroLink works, and the value of this damage is in excess of €75,000, the property concerned will have recourse to MetroLink project insurances. In such circumstances, TII will make available its framework of contractors to expedite the remediation works as soon as is practical.

5 What happens if there's a dispute between you and TII over alleged damage?

TII will establish an independent Dispute Resolution Process to seek to resolve any issues which may arise. This will be set up in advance of the commencement of MetroLink construction works.

In the event of a dispute arising, an independent expert will be appointed by Engineers Ireland to act as an expert adjudicator, who will be empowered to issue a non-binding final determination in respect of any dispute.

They will be entirely independent of TII and will make a determination on the homeowner's entitlements under POPS.

Any determination made by the independent expert adjudicator will be final and binding on TII. However, the homeowner will be entitled to choose whether to accept the final determination. If the homeowner chooses not to accept the final determination, the homeowner may pursue all legal remedies outside of POPS.

Your participation in POPS does not in any way impact or undermine your existing legal rights.

Homeowners are not obliged to have the dispute resolved by this independent Dispute Resolution Process, should they prefer to pursue the matter through normal legal procedures.

In the unlikely event that damage is noted after the twelve-month period following the opening of the MetroLink line to passengers, recourse through the normal legal procedures remains available.



Image: Artist's Impression of Swords Central Station Plaza

6 How do I sign up to the MetroLink Property Owners' Protection Scheme?

Transport Infrastructure Ireland are continuing to engage with eligible property owners in relation to the Scheme. TII will continue to advertise the Scheme.

To join the MetroLink Property Owners' Protection Scheme you will be invited to complete and return a Registration Form to TII by freepost or through an online portal.

Closer to the start of MetroLink construction in your area, further notifications and updates will be provided, and (if you haven't signed up already) you will have the opportunity to select the firm of building surveyors from the panel of three independent firms of building surveyors.

You will then be invited to select your preferred firm of building surveyors and they will contact you directly to make arrangements for the initial condition survey to be carried out before construction begins.

If you no longer wish to be included in the Scheme after signing up, please contact pops@metrolink.ie and advise that you no longer wish to be included in the Scheme.

7 Frequently Asked Questions (Updated on 06 March 2024)*

* We will update our FAQs periodically to provide additional clarity to the public on the Scheme's operation, where required.

a. Is the Property Owners' Protection Scheme free?

Yes, there is no cost associated with joining the Scheme.

b. Who decides who is eligible to join the Scheme and how?

This Scheme is available to homeowners, where their property is:

- (a) thirty (30) metres outside the edge of the tunnel alignment, or
- (b) thirty (30) metres outside the edge of open cut and cut and cover structures, or
- (c) is within fifty (50) metres of station structures.

For ease of reference, these distances are set out and captured on the contour alignment drawings, in Appendix A. If you believe that your property lies within the relevant boundaries of the MetroLink Route Alignment, and has not been included in the Scheme, please contact **1800 333 777** or pops@metrolink.ie.

POPS is also available to landlords of residential properties.

c. Are commercial properties eligible for the Scheme?

No, the Scheme is restricted to residential properties. However, if there is a commercial entity that is part of the property this will also be surveyed as part of the Scheme. For instance, a property that has residency upstairs and a retail unit at ground level is eligible for the Scheme.

d. Will there be a Scheme similar to the Property Owners' Protection Scheme for Commercial Properties?

TII do not intend to put in place a Property Owners' Protection Scheme for Commercial Properties along the MetroLink route. To protect commercial properties, TII contractors appointed to carry out the works will, with the agreement of the owners of such properties, commission chartered building surveyors to carry out a precondition survey of commercial properties.

In the event that it is determined that damage has occurred TII's contractor will be required to commission a follow up survey to confirm the extent of the damage and confirm if the damage has been caused by MetroLink works. Where property damage is confirmed to have been caused by MetroLink works the property concerned will have recourse to MetroLink project insurances.

e. What is a condition survey?

The condition survey will be a photographic and written record of the condition of the property. It will identify general information, outline and comment upon the condition of and clearly highlight any particularly sensitive internal and external features of each property and any existing cracking or other damage.

f. How long does a condition survey take?

The surveys will vary in length depending on the size and nature of the property. However, it is not anticipated that the surveys will take more than an hour or two to complete.

g. When will the surveys be carried out?

The surveys will be carried out as close as possible to the commencement of construction. It is important to note that construction cannot commence until an Enforceable Railway Order is granted by An Bord Pleanála.

h. Can I choose another surveyor not on TII's list?

No. The panel of surveyors is set up by TII following a formal tender process. The panel will be obliged to act impartially. Should you wish to use a surveyor who is not on the panel, this would have to be at your own expense.

i. What happens if I sign up to the Scheme but do not select from the panel of building surveyors?

If you do not select from the panel of building surveyors, TII will select one for you on a strict rotational basis before the start of construction works to ensure that appropriate records are established.

j. What will happen if I notice a change to my property during or after construction?

If you notice any change to your property during construction, you should notify TII without delay. The earlier an issue is identified the easier it will be to determine the cause and resolve the situation. Any condition survey prompted by this notification will be carried out by the building surveyor company you initially selected, and an interim survey report will be issued to you and TII.



In that event, following an interim condition survey and such other investigations as are necessary, the surveyor's firm will assess whether any damage has occurred, whether it was caused by the MetroLink works, and what steps are necessary to remedy this damage. The surveyor will, if appropriate, recommend repairs to an owner's property to rectify damage caused by MetroLink works.

TII will implement that recommendation promptly with the homeowner's agreement. If a homeowner notices further changes attributable to MetroLink construction, it is possible for a homeowner to make a separate claim for further damage caused by using the steps mentioned above. It should be noted under the Scheme the total cost of the homeowner's claims for damage caused to a home must not exceed €75,000.

k. What is the ceiling for recommended repairs under the Scheme?

The Property Owners' Protection Scheme is in addition to the existing legal rights of property owners and is in place to provide a simple and prompt way of rectifying any damage caused under the MetroLink Project up to the ceiling of €75,000.

l. If the interim survey identified damage to my property what will happen?

If the interim survey or the final condition survey carried out by the appointed building surveyor recommends repairs to your property to rectify damage caused by the MetroLink works and those repairs cost up to €75,000, we will implement that recommendation promptly with your agreement. These repairs will be carried out by a contractor at a mutually convenient time.

m. If repairs are required, who carries out the repairs?

Contractors appointed by TII will carry out any repairs identified as promptly as possible at a mutually convenient time.

n. If repairs are required, can I choose my own contractor to carry out the repairs?

Should you wish to use your own contractor who is not on TII's panel of repairers this would be at your own expense.

o. How long does the Scheme remain open after MetroLink is operational?

The Scheme will remain in place for twelve months after the opening of the Metrolink Line to passengers.



p. I am the owner of a semi-detached house and the house attached to me is eligible for POPS. Am I also eligible to join?

Yes, you are eligible. The Scheme will now include a house where the immediate adjoining house is eligible to be in the Scheme.

q. I am the owner of a semi-detached house where the house next to me, but not adjoining me, is in POPS. Am I eligible?

No, it is only properties that are immediately adjoining.

r. My house forms part of a terrace of houses where one or more of the terraces is in POPS, but I am not. Am I eligible?

Yes, but only if your house immediately adjoins a property that is eligible to join POPS.

s. What if I disagree with any recommendation of the surveyor or a decision of TII in relation to their recommendations?

TII will establish an independent Dispute Resolution Process to seek to resolve any issues which may arise. This will be set up in advance of the commencement of construction. In the event of a dispute arising, an independent expert will be appointed by Engineers Ireland to act as an Independent Expert Adjudicator, who will be empowered to issue a final determination in respect of any dispute.

The Independent Expert Adjudicator will be entirely independent of TII and will make a determination on the homeowner's entitlements under POPS. Any determination made by the Independent Expert Adjudicator will be final and binding on TII. However, the homeowner will be entitled to choose whether to accept the final determination. If the homeowner chooses not to accept the final determination, the homeowner may pursue all legal remedies outside of POPS.

Your participation in POPS does not in any way impact or undermine your existing legal rights. Homeowners are not obliged to have the dispute resolved by this independent Dispute Resolution Process, should they prefer to pursue the matter through normal legal procedures.



t. Are common areas of an apartment block managed by a management company included in POPS?

Yes, owner management companies (in relation to residential common areas) can sign their property up where it is:

- (a) thirty (30) metres outside the edge of the tunnel alignment, or
- (b) thirty (30) metres outside the edge of open cut and cut and cover structures, or
- (c) is within fifty (50) metres of station structures.

u. My home is on the Record of Protected Structures who will conduct the survey?

This survey will be carried out by a Conservation Specialist.

v. Can I join POPS after MetroLink Construction Works begin?

No. It will not be possible for those who do not sign up to it to join the Scheme once MetroLink construction works begin in your area as a pre-condition survey is required.

8 Next steps

Transport Infrastructure are continuing to engage with eligible property owners in relation to the Scheme.

Closer to the start of MetroLink construction in your area, further notifications and updates will be provided, and (if you haven't signed up already) you will have the opportunity to select the firm of building surveyors from the panel of three independent firms of building surveyors. You will then be invited to select your preferred firm of building surveyors and they will contact you directly to make arrangements for the initial condition survey to be carried out before construction starts.

9 Updates to this Document

This document will be updated from time to time as the project progresses.

Please visit the dedicated section of the MetroLink website for the latest information on the [Property Owners Protection Scheme](#).



Appendix A

POPS Boundary Maps



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