

ORAL HEARING - MODULE 2

Date: Tuesday 12th March 2024

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The White House, 114 Ballymun Road, Glasnevin, Dublin 9

AN BORD PLEANÁLA	
12 MAR 2024	
LTR DATED	FROM
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ABP-	314724-22

ACHIEVING THE COMMON GOOD

- The acronym NIMBY encapsulates well the content of the oral hearing so far. Curiously I am not referring to conscientious objectors who have made submissions to ABP around noise, vibration, dust, destruction and generally intolerable living conditions for the guts of a decade.
- I am referring to the thousands who may benefit from a Metrolink but have the luxury of no disruption during construction stage because it is simply **not in their backyard**.
- It seems accepted that the conscientious objectors' concerns have to take second place in order to deliver the common good, being a Metro system for Dublin. Put simply the benefit to many outweighs the concerns of the few.
- It seems that to ease congestion and deliver a green transport system that the Applicant believes the Metrolink is the only option.
- Was consideration ever given to extending the Luas? Would extension of the Luas deliver the same goals?
- We have very little track record in this jurisdiction of underground projects save for perhaps the Port Tunnel that resulted in 261 claims for damage caused to homes during its construction. Damages ranged from €19,000 to €165,000 in particular case.

- The Port Tunnel is 4.5km long- the proposed length of the Metrolink is 18.8km.
- I think it is interesting to note the comments of the Applicant's Director Aidan Foley on day 1 of the oral hearing when he said "*damage to property if any will be cosmetic.*"
- I think it is interesting to note that the Property Owners Protection Scheme at the start of the oral hearing was capped at €45,000.
- I think it is interesting to note that the Scheme is now capped at €75,000. So I am left wondering if the €75,000 is still for cosmetic damage which may be equates to a very fancy re-wallpapering project for those affected by the Metrolink construction in Dartmouth Square.
- I am left wondering if the Applicant always had it in its mind to cap the Scheme at €75,000 but started at €45,000 because the 60% increase will be seen as a benevolent gesture by the Applicant when in fact it was just a good PR exercise.
- Whatever way you look at it this project will cause damage to properties, it will cause the total destruction of some properties like the Brian Boru pub, the apartments at College Gate, the houses at Townsend Street, it will cause permanent changes to the landscapes of iconic landmark properties like St. Stephens Green and this is the damage that we know about.
- I want to talk a little bit now about sinkholes.
- The engineers sitting here this morning will be familiar with this phenomenon but for those perhaps not familiar a sinkhole is a dent or dip

in the ground that is caused by a collapsing surface. Sink holes are all about water. Water washes away the soil and residue from voids in the rock.

- A very recent example of a sinkhole occurring is the large sinkhole that opened up at the site of construction of motorway tunnels in Sydney, Australia. This happened on the first of March. It is reported that Fire and Rescue New South Wales is still investigating the cause of the sinkhole but site contractors and workers point to water and geological concerns.
- I live in The White House at 114 Ballymun Road. We live in very close proximity to the Wad River which is culverted underground through Albert College Park and Hampstead Avenue and Ballymun Road.
- In its Non Technical Summary at page 59 the Applicant sets out a brief paragraph numbered 10.12.4 and talks about the predicted impacts of soils and geology as a result of tunnelling and surprisingly the word sinkholes does not appear once.
- Can the Applicant confirm with any degree of certainty what the risk of sinkholes may be along the route but in particular from Griffith Park Station to Collins Avenue Station?
- Or are we going to have a situation like they did in Brazil where very recently the Judge handed down a \$48,000,000 fine over a deadly sinkhole where 7 people were killed- workers were apparently digging a tunnel to extend of all things, the Metro System when the earth gave way.

AIR OF INEVITABILITY

- Michael O’Leary is engaged currently in a row with the Minister for Transport Eamonn Ryan about capping passenger numbers in Dublin Airport. The Ryanair Boss has refuted the Minister’s claim that he (the Minister) cannot intervene in the planning process by saying the Minister has shown no restraint in confidently predicting that the Dublin Metro Link will receive planning approval later this year.
- A leading Law Firm in this city says “*an enforceable Railway Order is anticipated for Metro Link by late this year*”.
- The Applicant certainly believes it will be successful in obtaining the Railway Order- Tender documents will apparently issue for advance works in 2025 with the final business case and government approval to award contracts expected in 2026. So one might wonder what the point of an oral hearing is?
- Is this a rubber stamping / tick box exercise? Are the concerns of the conscientious objectors’ being taken seriously? Perhaps not.
- I have followed closely the content of other objectors’ submissions. The same formula of words keeps cropping up;
 - David versus Goliath.
 - Drip feeding information by the Applicant.
 - Condescending manner of the Applicant dealing with residents.

- Hired guns.
 - No level playing field.
 - No public consultation.
- I heard anecdotally that the Applicant was quietly pleased that only 318 submissions were received- perhaps failing to realise that many of those submissions are from Residents Associations where the numbers represented are far greater than the mere one submission lodged.
 - It is worrying that we are placing the delivery of a €9.5 billion project in the hands of an organisation that really does not appear to understand or for that matter care about the effect that this project will have on the everyday lives of the people who live on the route. There appears to be a basic lack of common courtesy in the Applicants' dealings with the public. I wonder how many of the Applicant's personnel will be directly affected by the construction project.
 - That leaves me to address one final issue- the role of An Bord Pleanála in all of this. I cannot be heard for closing statements on the 28th so the following will take the form of a closing submission.
 - I was a Public Servant myself for nearly 14 years- is there a higher duty for Public Servants to ensure that the common good is achieved? Yes there most certainly is.
 - An Bord Pleanála's Mission Statement says the following; "To play our part as an independent national body in an impartial, efficient and open manner, to ensure that physical development and major infrastructure

projects in Ireland respect the principles of sustainable development, including the protection of the environment.”

- My first submission outlined our concerns in relation to our house in the first instance which is a protected structure and our opposition to the construction of a ventilation shaft in ACP in the second instance preferring instead a station.
- I was disappointed with the Applicant’s replies to those submissions which were inconsistent and certainly carried that air of inevitability that I am speaking about.
- Everyone who has appeared at the Oral Hearing has real, tangible, legitimate concerns and these should not be taken lightly by the Applicant or indeed the Board.
- I urge the Inspectors to listen to what the conscientious objectors’ have said.
- I urge the inspectors to be cognisant of the fact that with great power comes great responsibility.
- I urge the inspectors to carry out their public duty and to protect in as far as possible everyone’s interest in the context of this Metrolink Project if indeed the Railway Order is granted and can I remind everyone here the Order has not at the time of these hearings been granted.
- I urge the Inspectors to pause before they make their decision and consider if this option is the best option for our City. Why do we need to go underground and invite all that destruction when a Luas presents an

opportunity for green transport without the level of disruption associated with an underground system.

- Finally, I urge the Inspectors to protect the constitutional right of the people who live along the route to their property and their constitutional right to the enjoyment of their lives.