

Griffith Avenue and Residents Association

Oral Submission for Metrolink Module 2

Thank you for the opportunity of speaking here today on behalf of our residents' association.

As with Module 1, we again confirm that fully support the submissions of the Ballymun Residents Association, Albert College Park Residents Association and Hampstead Residents CLG particularly in relation to the location of the Collins Ave Station. We fully support their request that the Inspector, in accordance with Section 42 Section 2 (e), fully consider the alternative position of this station as articulated by the Albert College Residents association, Ballymun Residents Association and Hampstead Residents CLG.

In Module 1 we outlined our difficulties in obtaining information from and dealing with the TII and note now the number of other residents' associations that confirmed in their oral submissions that they also experienced these difficulties in Module 1.

With regards to the Shaft in ACP- item 11- GADRA do not accept that the TII statement – ***"TII would therefore contest that they have not undertaken sufficient consultation or withheld information as suggested by the observation made"***.

GADRA would like to again state that we object to the positioning of an Intervention Shaft in a public park, which will serve to remove a significant area of public park land permanently from public use. It is our opinion that, as no information was available to the public during the consultation period on the Preferred Route, the NTA/TII have not fulfilled their requirements of DPERs "Consultation Principles & Guidance" or their statutory obligations under Aarhus Convention in terms of the underpinning pillars of providing access to information and enabling public participation in decision-making.

We also question the decision to place a shaft in the park rather than a station, noting the fact that the option of a station was not considered as part of this consultation process. GADRA note that on February 22nd, 2024, the TII entered a drawing/design of a station in ACP into evidence during Module 1 and question why this could not have formed part of a consultation process.

GADRA also feel that the NTA decision to hold a mini 'consultation' in relation to the Intervention Shaft and limit the scope to the two issues of appearance and construction methodology, rather than on the substantive issue of the location of the Intervention Shaft in a park, does not address the fundamental gaps in the consultation on this to date. GADRA again call for a station at this location, which would have a smaller footprint in the park in the longer term and will allow the public access the benefits of the station, which is after all positioned in a public park.

As mentioned in our previous submission GADRA has since March 2018 been asking the NTA for information regarding the Intervention Shaft.

When the Preferred Route (PR) was announced in March 2019, there were 17 words only in relation to the Intervention Shaft in the documentation, and no detail was included as to whether the shaft was to be above or below ground. GADRA asked for this information immediately on the day of the announcement.

GADRA continued to request information regarding the shaft and, just two working days before the public consultation closed, during the final week of local and European elections, the NTA sent GADRA (and only GADRA) a hand drawn 'map' of the shaft which showed an above ground structure (email attached in Appendix). We have referred to this map as the "*back of beer mat*" drawing in Module 1. The NTA noted that the access area around the shaft was not shown on the map.

In an email to GADRA on 17th May which was still within the public consultation period, albeit just inside the period, TII do give some details of both the below ground and above ground structures in relation to the shaft, so the TII always intended a large above ground structure at this site but withheld this information from the public in the consultation period.

TII also confirmed to GADRA that we, GADRA, were the only ones that they the TII had sent this information to. The NTA also confirmed this. It is simply a matter of fact that no other members of the public were even aware of this above ground structure during that consultation. GADRA immediately requested an extension to the consultation period so that the public would be afforded the statutory 6-week period of consultation instead of just 48 hours - but this was refused by Mr Hugh Creegan. The consultation on the preferred route completed on May 21st 2019. We feel NTA have not satisfied its requirements under Aarhus. It is clear to us that TII had more information available relating to the Shaft during the public consultation period, and deliberately withheld this information from the public. TII have admitted at these hearings (22/02/2024) that they did not consult on the positioning of the shaft because they had needed it in that position. **We are asking the Inspector to decide if TII can omit from consultation any structure along the metro route, simply because they "need" it.**

GADRA has learned also that the decision to put an above ground shaft and emergency vehicle/ maintenance car park in a Dublin city park was taken without discussing the proposal with DCC (as confirmed to GADRA by the Head of Parks, email dated 27/11/2019 attached in Appendix), nor with the public. An underground station, while disruptive during the construction phase, would, in our opinion, have less significant impact once operational and have significantly more benefits for the public.

On February 12th, 2020, even the TII realised that some form of consultation had to occur on the shaft, so they undertook a mini consultation. However, they consulted the public on two issues only - Aesthetics and Construction Methodology. GADRA again stated that this is not adequate as a consultation process, as the question of locating the shaft in a public park did not form part of the consultation. The public were asked to comment on a decision the NTA had made without any previous consultation - this is, in our opinion, made this process meaningless. All the alternatives to this shaft

were not assessed as part of this consultation. A station satisfies all the safety requirements and removes the need for a shaft.

GADRA highlight the following, noting the seriousness of points 1 and 2:

1. GADRA believe that the fact that Jacobs did not include the option of a station at this site is a fundamental flaw with this assessment. Jacobs did not include any reason why a station was not considered.
2. Although the public in the mini consultation were being asked about the Environmental impacts of the construction stage the Environmental Impact Assessment Report (EIAR) was not part of these documents - again we believe a fundamental flaw and a major issue with this mini consultation. The report states:
 - *"The location assessment gave consideration to a number of factors including environmental impact, constructability,"*
 - *"The Environmental Impact Assessment Report (EIAR) to be produced a later stage of project development will identify all environmental constraints and impacts arising from both the construction phase and the operational phase of the project. To minimise potential environmental impacts, mitigation measures will be prescribed in the EIAR. The EIAR document will also specify the residual impacts that might remain following the implementation of the proposed mitigation measures. "*
3. In the introduction section, the report states that this preliminary design was developed from feedback provided during the public consultation process. GADRA find it completely unbelievable that any member of the public gave feedback requesting a large works depot to be put into the park for the period of construction. Feedback which also seemingly agreed to the final positioning of the shaft and maintenance/emergency car park based on 17 words in the PR documentation - none of which indicated that this structure was to be above and below ground and would be taking a permanent area of the park out of public use. We note that it was confirmed to GADRA in May 2019 that we were the only group looking for information pertaining to the shaft so do not believe the details regarding the shaft was widely circulated or communicated. As a residents' association in this area, we are aware of no one who is in favour of this shaft.
4. GADRA note in the literature pertaining to the mini consultation that Section 4.1 Table 1 of the report indicates that the distance from Glasnevin Station to Mater Station is 683m. This shows that a station in Albert College Park would not result in a distance between consecutive stations that is out of line with the distance between other stations on the Preferred Route.
5. GADRA note that in Section 4.3 of the report the NTA appeared to have considered putting this shaft into the residential area along the Ballymun Road and The Rise. Given that the need for this shaft was driven by a decision to save a GAA pitch from an underground station, we are shocked that putting the Shaft into a residential area was considered. In our view this was simply scare mongering:
"For the tunnel intervention shaft to be no more than 1000m from either Collins Avenue or Griffith Park Stations, it must be situated either immediately north of

Hampstead Avenue in the south-west corner of Albert College Park; or within the residential area immediately south of Hampstead Avenue;"

6. GADRA note that the report states that shaft is a significant construction - so we ask again why this significant construction was excluded from consultation on the Preferred Route. Remembering that GADRA specifically requested that the consultation at the Preferred Route stage be extended by 6 weeks for this structure to be considered and NTA refused.
7. In relation to Item 11, where TII say they did not withhold information, we strongly disagree. The following is another example of the withholding of information from us:
 - Following the mini consultation entitled "Metrolink Albert College Park Intervention Survey", GADRA asked to review the submissions – TII refused, GADRA requested the submissions under FOI on 31/1/21 from NTA but were told NTA did not have these responses and the request was transferred to TII 3/2/2021. We received a response from Mr Ray Foley 3rd March 2021 stating *"The records you have requested relate to the deliberative processes of TII and the decision maker, Mr Aidan Foley, has, accordingly, refused your request in accordance with sections 29(1)(a) and 29(1)(b) of the Act"*.
 - We appealed this decision and, on March 31st 2021, were refused again by Mr Nigel O'Neill, TII, indicating in the TII Internal Review Decision Letter that: *"Having regard to the foregoing, I have decided to affirm the decision maker's decision, as notified on 3 March 2021, and to refuse your request under the provisions of sections 29(1)(a) and 29(1)(b) of the FOI Act. "*
 - We appealed to the Information Commissioner as to whether the TII was justified in refusing access, under section 29(1) of the Act, to anonymised versions of the responses submitted to the consultation on the Metrolink Proposal for an intervention shaft in Albert College Park and our appeal was upheld in August 21, with the TII instructed to release the documents to us.

To us this is not represent public participation, something which we have a legal right to. Every obstacle was placed in our way when we sought to obtain information on behalf of our residents. Of further note, we observe that the numbers of submissions stated in the report was incorrect - as discovered by the Information Commissioner.

The Commission also noted that the purpose of the consultation was for an intervention shaft in Albert College Park and that the consultation was limited to Environmental impacts from construction, the park amenity and aesthetics/ appearance as follows:

"The records at issue are submissions made to TII in response to a non-statutory local area public consultation on the Metrolink proposal for an intervention shaft in Albert College Park, undertaken in March 2020. This followed on from a non-statutory public consultation in respect of the Metrolink Preferred Route in March 2019. The purpose of the consultation was to provide local residents with information on the proposed siting of the

intervention shaft and to allow interested parties to give their views on the proposal. The consultation, through a questionnaire, sought the views of the public on three specific points and gave the opportunity to provide any other information or comment. The points are (i) The environmental impacts arising from the construction stage (ii) the park amenity when the tunnel shaft is operational and (iii) the aesthetics/appearance of the tunnel."

We believe that TII withheld information from the public during the consultation phase and, compounding this error in judgement, further refused GADRA access to the information they held. In our opinion TII were aware of how negative a structure the Shaft is and tried to conceal it for as long as possible.

With regards to response 11 and GADRA's question relating to the large footprint that this shaft has, the TII refer to "submissions received" feeding into the design – we are not sure who these submissions are from. as we believe we have established that the Public were not consulted on the position or size of the land take for the shaft.

TII confirmed to RINA the Independent experts in RFL21 that DFB had no input into the size of the land take at this site:

"TII Response #21 As DFB have noted, the design for the shaft and external footprint is wholly the responsibility of TII and our designers, Jacobs/IDOM and an indicative footprint was developed in 2019 based on best practise that fire tenders and other emergency response vehicles will require direct access to the shaft entrance and a suitably sized hard standing area adjacent to the emergency stairs and lift access point was included in this early design"

DFB have only recently employed the experts Atkins to advise in relation to fire safety and since there has been no real changes to the shaft in size or overall footprint throughout this process since predesign stage, we can only conclude that TII decided that, because this shaft is being positioned in a park, they could take as much land as they wanted. They do not appear to have based this footprint decision on any design standard, industry or safety standard. **The safety standard distance of a hard standing access for fire service appliances within 20 meters of the shaft entrance can be satisfied by using the hard standing area of the layby on the Ballymun Road, negating the need for this car park in the perimeter of the park – see maps below which show the area on the Ballymun Road.**

This does seem at variance to their subsequent answer RFI21:

"TII Response #21: As DFB have noted, the design for the shaft and external footprint is wholly the responsibility of TII and our designers, Jacobs/IDOM and an indicative footprint was developed in 2019 based on best practise that fire tenders and other emergency response vehicles will require direct access to the shaft entrance and a suitably sized hard standing area adjacent to the emergency stairs and lift access point was included in this early design"

GADRA note that in the additional information sent to the inspector "Fire safety Legislation - legal submission" it states that DFB under FSA is not concerned with design of buildings or other infrastructure. Therefore we again ask why TII have been saying that the large footprint in Albert College Park is following consultation with DFB - who seemingly should not have a role in this?

Response 10 refers to the decision to move from Twin Bore to Single Bore, which is a decision that we still cannot see a rationale for within the application. This decision occurred at the same time as the movement of the TBM launch site and station from Na Fianna, but that change did not in itself necessitate a change to single bore. We see TII refer to the pros of this decision without any reference to the cons. We did ask at the open days in Crown Plaza in 2018 why the TII had chosen a twin bore configuration on the EPR, and were told by Mr Aidan Foley that, from a fire safety perspective, it was safer. GADRA have concerns that this decision is based on reducing costs and have concerns with regards to fire safety.

TII in response 10 reference the single bore design as offering more flexibility throughout the life of the metro, allowing additional cross over tunnels. We would appreciate an explanation as to why 1) additional cross over tunnels would be needed 2) whether these additional crossover tunnels require a new planning application? 3) if TII/NTA currently have plans for additional cross over tunnels?

In response to GADRA in Module One in relation to single over twin bore design, TII indicated that the single bore removed the need for small cross over tunnels, and the large, cavernous crossover tunnel that would be required. However, if the twin bore design removes the need for the intervention shaft, it is our understanding that a large cross over tunnel below ground in Albert College Park would not require any above ground footprint. We do not believe that this issue was considered and/or assessed within the application.

With regards to Response 12: we have not seen where the huge student population travelling daily, and ever increasing, was included in modelling in relation to decision for the position of the Collins Ave Station. We would ask you Inspector to please ensure that this large population of commuters is included in the modelling figures. We note the Northwest corner of Albert College Park is suitable for a station as this is the position that was granted in MetroNorth RO.

In conclusion Inspector we note with concern number of 11th hour private consultations/arrangements being carried out by the NTA/TII during these oral hearings and the consequent withholding of these resulting details from the public. We believe that all negotiations in relation to this RO process should be open, transparent and within the public domain.

We hope that today we have shown you, Inspector evidence of the withholding of information from the public by the TII. This was in relation to the above ground nature of the shaft and during the statutory consultation period in 2019. It is our view that the consultation did not meet the standards of existing environmental protections and the rights of public participation guaranteed by EU law and the Aarhus Convention.

The choice of a single bore tunnel and the location of stations at Collins Avenue and Griffith Park (on the Home Farm football pitch) will result in the permanent loss of a significant portion of Albert College Park. The permanent loss of a significant area of public parkland will have a significant adverse environmental effect for our residents and yet they were not offered an opportunity to participate in any consultation. We are again asking for a station in this park and not a shaft.

To quote Mr. Justice Richard Humpreys:

"Without taking from the principles of land law, we are all, at best, leaseholders on Planet Earth. All property must be held with some view to the benefit of society as a whole and of future generations and is not to be dealt with as one sees fit".

We do not feel present or future generations will thank us for allowing TII to put a concrete box and car park in our beautiful park instead of a station.

Today we have further shown the difficulties our group as others have had trying to extract information from TII. They deliberately withheld information from us until compelled to release it by the Information Commissioner.

We are asking Inspector that proper consultation and consideration be given to a station in ACP prior to a RO being granted.

Thank you.

GADRA

Appendix – Emails Referenced in Oral Submission

From: "Leslie Moore" <leslie.moore@dublincity.ie>

Sent: Wednesday, November 27, 2019 12:01 PM

To: "info@gadra.ie" <info@gadra.ie>

Subject: RE: Albert College Park

Ruth, I have not been appraised of any plans for an above ground structure or a maintenance car park for Metrolink in Albert College park. I am not in a position therefore to comment on the matter. I will watch this situation with interest. Thank you for your email. Les

Leslie Moore
Head of Parks Services
Dublin City Council..

From: "Foley Aidan" <Aidan.Foley@tii.ie>

Sent: Wednesday, July 24, 2019 3:02 PM

To: "info@gadra.ie" <info@gadra.ie>, "Metrolink Information" <info@metrolink.ie>, "Hugh Creegan" <Hugh.Creegan@nationaltransport.ie>

Subject: RE: questions relating to the public consultation on the intervention shaft

Hugh,

We will prepare a response for you to issue.

Thanks

Aidan.

Aidan Foley | C.Eng | Project Director MetroLink | Transport Infrastructure Ireland | Parkgate Business Centre, Parkgate Street, Dublin 8, Ireland |
Phone + 353 1 6463567 | Mob +353 86 0427357 | Fax +353 1 646 3601 |

From: Griffith Avenue & District Residents Association <info@gadra.ie>

Sent: Tuesday 16 July 2019 15:37

To: Metrolink Information <info@metrolink.ie>; Hugh Creegan <Hugh.Creegan@nationaltransport.ie>

Cc: Foley Aidan <Aidan.Foley@tii.ie>

Subject: fw: questions relating to the public consultation on the intervention shaft

Dear Mr Creegan

We did not get a response to any of the questions contained in the email below sent May 27th- we would be grateful for a response

Kind regards

Ruth Carty
Secretary
GADRA

From: "Griffith Avenue & District Residents Association" <info@gadra.ie>

Sent: Thursday, July 4, 2019 5:01 PM

To: "Hugh Creegan" <Hugh.Creegan@nationaltransport.ie>, info@metrolink.ie

Subject: fw: questions relating to the public consultation on the intervention shaft

Dear Mr Creegan

We did not get a response to any of the questions contained in the email below sent May 27th- we would be grateful for a response

Kind regards

John Webb

Chair

GADRA

From: "Griffith Avenue & District Residents Association" <info@gadra.ie>

Sent: Monday, May 27, 2019 3:51 PM

To: info@metrolink.ie

Cc: "paschal.donohoe@oireachtas.ie" <paschal.donohoe@oireachtas.ie>, "Maureen O'Sullivan"

<maureen.osullivan@oireachtas.ie>, "marylou.mcdonald@oireachtas.ie"

<marylou.mcdonald@oireachtas.ie>, noel@noelrock.ie, "dessie.ellis@oireachtas.ie"

<dessie.ellis@oireachtas.ie>, "roisin.shortall@oireachtas.ie"

<roisin.shortall@oireachtas.ie>, mary.fitzpatrick@outlook.com, gary.gannon@socialdemocrats.ie,

"joe.costello@outlook.ie"

<joe.costello@outlook.ie>, paul@votemcauliffe.com, neasa.hourigan@greenparty.ie,

"patricia.roe@socialdemocrats.ie" <patricia.roe@socialdemocrats.ie>, "Alisonquilliland.ie@gmail.com"

<Alisonquilliland.ie@gmail.com>, "Cllr Cieran Perry"

<cieran.perry@gmail.com>, Seamus.mcgrattan@dublincity.ie, "MarieSherlock"

<marie@mariesherlock.ie>, colmorourke.rep@gmail.com

Subject: questions relating to the public consultation on the intervention shaft

Dear Mr Creegan

1. Could you please explain the rationale for omitting the intervention shaft from the consultation process on the preferred route.
2. Could you explain why the public were not given any information during the consultation phase which finished on Tuesday 21st May
3. Could you clarify if GADRA was the only group to receive the Drawing of the shaft - which they received only two working days before closing date for submissions
4. Could you explain the poor quality of the drawing sent out with regard to the shaft .
5. Could you clarify if there is to be a public consultation pertaining to this shaft.
6. Can you clarify the reason the shaft is necessary i.e max distance between stations etc
7. Can you explain why the Collins Ave Station was not moved to the NW corner of Albert College Park It is our understanding that this request got the second highest number of submissions (second to Na Fianna station move requests) on the EPR consultation. This site was deemed suitable for a station on Metro North as it was granted the RO.
8. It is our understanding that to move this station to NW Albert College Park would eliminate need for the shaft- could you confirm this.

Regards
Ruth Carty
GADRA

From: "Angley Suzanne" <Suzanne.Angley@tii.ie>
Sent: Tuesday, May 21, 2019 2:35 PM
To: "info@gadra.ie" <info@gadra.ie>
Subject: RE: Metrolink

Hi Ruth,

It was simply to say please send in the queries on the Albert College intervention shaft at your convenience and we will be delighted to meet with you on this in the coming weeks.

We understand this does not form part of your current submission. We are happy to note that you received this new information late, we have actually only shown it to you, and no one else yet at all.

Kind regards

Suzanne Angley

From: "Hugh Creegan" <Hugh.Creegan@nationaltransport.ie>
Sent: Sunday, May 19, 2019 3:49 PM
To: "info@gadra.ie" <info@gadra.ie>

Cc: "Aidan Foley (Aidan.Foley@tii.ie)" <Aidan.Foley@tii.ie>

Subject: RE: Ventiation Shaft information released 2 days before end of consultation

Dear Mr. Webb,

I refer to your email of 18th May in relation to MetroLink, the period for submissions under the current consultation process and the proposed intervention shaft in Albert College Park.

At this stage of the project, TII/NTA are consulting on the "Preferred Route" for the project, which is an early stage of the planning and design process. Not all of the details of the project are developed at this stage and final designs for the Intervention Shaft in Albert College Park are not yet available.

As notified previously, it is not intended to extend the MetroLink public consultation period. You will, of course, be able to continue to engage with TII in relation to the development of the project, including in relation to this proposed Intervention Shaft at Albert College Park.

Finally, I note your allegations of breaches of the Irish Constitution and of the Aarhus Convention. These allegations are simply incorrect.

Regards,

Hugh Creegan,

National Transport Authority.

From: Griffith Avenue & District Residents Association [mailto:info@gadra.ie]

Sent: 18 May 2019 10:14

To: Hugh Creegan; Foley Aidan

Cc: paschal.donohoe@oireachtas.ie; marylou.mcdonald@oireachtas.ie; Maureen O'Sullivan

Subject: Ventiation Shaft information released 2 days before end of consultation

Importance: High

Dear Hugh

We note your continued refusal of our reasonable request to extend the consultation period on Metrolink. We are very surprised at this given that, to date, there has been no consultation on the intervention shaft in Albert College Park. We made this point in our submission which we submitted this week in which we stated our objection to the Intervention shaft based on zero information concerning same.

Yesterday afternoon we received the email below with attached 'drawing'. To disseminate vital information just two working days from a closing date on the

preferred option is totally unacceptable and according to our advice is a clear and serious breach of your obligations under the Aarhus Convention to consult.

The drawing and lack of detail is further evidence of a total disregard for consulting with residents in this area. We are now requesting that the extension to the closing date for submissions be a period of 6 weeks, which we believe residents are entitled to, in relation to this new information. This intervention shaft is one of the few structures that will have a permanent footprint above ground and yet TII/NTA decided that it did not warrant consultation which is further evidence of the arbitrary nature of the NTA's dealings with different areas of citizens and appears to us to be unconstitutional.

As you know we represent an area with a high elderly residency who in many cases are not computer literate so for us to disseminate this information involves a printed newsletter. We are requesting that the TII hold an open day to explain and consult on the shaft design and land take (including that for emergency vehicle parking) to residents. Failure to hold a full six week consultation on the design of this shaft will according to our advice no doubt be subject of a complaint and could form part of any appeal to ABP.

GADRA are supporting the call by the Ballymun Road Resident association and Albert College Residents to move the Collins Ave Station to NW corner of the park to protect their senior citizen complex and to avoid the need for a shaft and should result in a decreased cost of the project.

Kind regards

John Webb

Chairperson

GADRA

From: "Anglely Suzanne" <Suzanne.Anglely@tji.ie>

Sent: Friday, May 17, 2019 2:49 PM

To: "info@gadra.ie" <info@gadra.ie>

Cc: "Metrolink Information" <info@metrolink.ie>

Subject: Albert College park

Dear Ruth ,

Please see below from Jacobs Engineering. We asked them to put this together for you following on from your queries on the ventilation shaft at Albert College Park.

Also I would like to thank you for your submission which we received this morning.

From Jacobs:

Please see attached a sketch of current thinking for this shaft, but please note that design is currently in progress so locations may change slightly. Emergency service/maintenance access from Ballymun Road is not currently shown.

The emergency access and ventilation shaft is required at this location due to the tunnel distance between Collins Avenue station and Griffith Park station exceeding the maximum distance for emergency access and tunnel ventilation requirements. This shaft will thus provide both an access point for emergency services in the event of an incident in the tunnel between Collins Avenue and Griffith Park and will provide an emergency escape route for passengers if required. The shaft will include ventilation equipment to ensure tunnel ventilation and smoke control can be managed safely in the event of a fire.

The underground element of the shaft is envisaged at around 17m by 40m. However the visible surface elements following construction will comprise:

- Ventilation grilles of an area 5m by 17m and set about 0.5m above ground level
- A building of similar area at the opposite end of the shaft but around 3.5-4.0m in height to incorporate the lift shaft building; stairs exit and pressurization shaft with associated side-facing grilles set at 3.5m above ground level.
- The area in between the surface grilles and the buildings would be accessible at ground level.

The architectural finishes for the buildings and raised grilles have not yet been determined and the extent of any screening will be undertaken during the environmental assessment of the works in this area. However, it is our intention to ensure that the structure will be as visually unobtrusive as possible.

Kind Regards

Suzanne Angley

