

D C W N E Y

29 Merrion Square, D02RW64

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Submission to the Draft Railway Order (MetroLink - Estuary to Charlemont via Dublin Airport) Oral Hearing (ABP – 314724-22)

**Prospect House,
No. 2-3 Prospect Road,
Glasnevin, Dublin 7**

Observer: Farrier Technology Limited

13th March 2024

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Approved by	John Downey (MRTPI MIPI) Director	12/03/2024	FINAL

1.0 INTRODUCTION

I, Donal Duffy, of DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Oral Hearing into Transport Infrastructure Ireland's ("TII") Draft Railway Order for the Metrolink Project - Estuary to Charlemont via Dublin Airport (2022) – (ABP Ref. 314724-22).

I am a Director of DOWNEY, Chartered Town Planners and have a BSc (Hons) in Spatial Planning, an MSc (Hons) in Energy Management and a Diploma in Environmental Resources Management. I am a member of the Irish Planning Institute. I have over fifteen years' experience in planning practice.

This submission is made on behalf of our client, Farrier Technology Limited, and relates to the Metrolink route and its relationship with Prospect House 2 and 3 Prospect Road, Glasnevin, Dublin 7.

DOWNEY made a submission on behalf of our client, Farrier Technology Limited, for the consideration of An Bord Pleanála, as part of the Railway (MetroLink-Estuary to Charlemont via Dublin Airport) Order 2022 public consultation process. While the rationale behind the Metrolink proposal is recognised, our client has grave concerns regarding how the project will impact their business and asset as well as TII's assessment and consideration of these concerns, as outlined in their application and subsequent submission to An Bord Pleanála.

This submission to the Oral Hearing relates to TII's response to our client's submission on the Railway Order application as it relates to our client's property (Section 5.2, part 1 of – TII Response to Submission No. 093 refers).

TII propose to develop the Glasnevin Metrolink Station on lands that include our client's land interest at Prospect House, 2-3 Prospect Road, Glasnevin, Dublin 7. Within this context, the purpose of this submission is to ensure that our client's land interests are suitably assessed by An Bord Pleanála in their determination of the application.

2.0 SPECIFIC WORKS AT GLASNEVIN STATION

The Metrolink Draft Railway Order proposes to develop a station (Glasnevin Station) at our clients' land interest. To facilitate this, the acquisition of the lands will be a necessity to accommodate for this development under separate Compulsory Purchase Order proceedings. A description of the proposed development to occur on lands including our clients' land interest at Glasnevin station is described as follows:

'The proposed Project will deliver a metro station at the location (named Glasnevin Station) that will interchange with the Kildare and Maynooth commuter lines. This will be delivered as a standalone station. The future development of land above or surrounding the station, station lands or over the tunnel alignment will be subject to separate planning, assessment, and consultation processes' (pp. 79 of the Planner Report submitted as part of the Draft Railway Order [2022] submission to An Bord Pleanála).

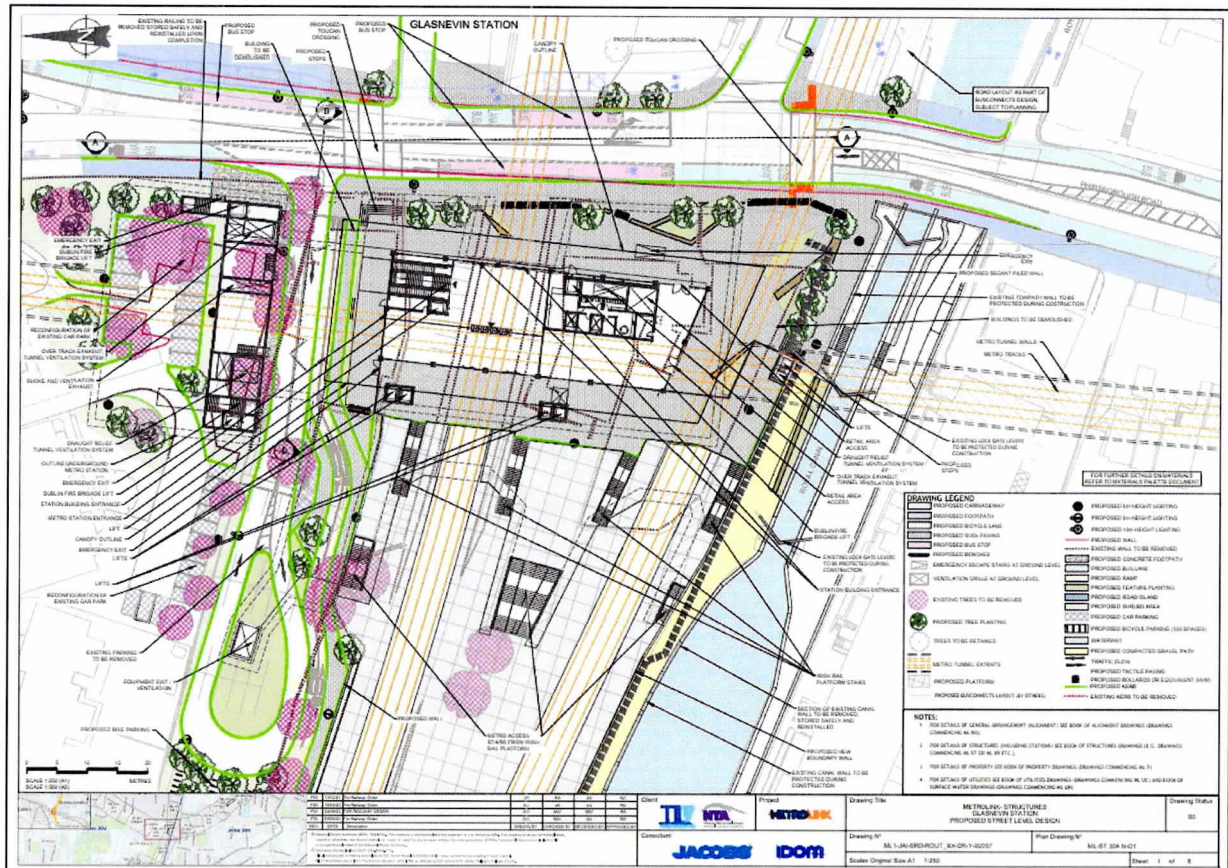


Figure 1: Proposal plans for Glasnevin Metrolink Station (Obtained from Draft Railway Order 2022)

Glasnevin Station will become a new multi-interchange station within Glasnevin/Phibsborough, which will link the Metrolink, the two existing Iarnród Éireann Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car and active modes of transport. The proposed tunnel for the Metrolink is to run under the parallel alignments of the heavy railway lines. The station box is to be constructed under both the Western Commuter and the South-Western Commuter Lines. It will have 5-levels, which will comprise of not just Metrolink but also Iarnród Éireann platforms. Access to the station will be via Prospect Road. In order to facilitate these construction works it will require the demolition of the existing structures on the site which includes our client's land interests at 2 - 3 Prospect House, Prospect Road.



Figure 2: Extract from Metrolink Property Books, with 1 and 2 - 3 Prospect House to be acquired with red outline (Site highlighted in Yellow)

3.0 GROUNDS OF SUBMISSION

I shall now set out our client's grounds of concern regarding TII's response to Farrier Technology Limited's submission to the Railway Order application.

3.1 Impact on Ongoing Operation and Future Development of Prospect House

Farrier Technology Ltd purchased the property from a Director of Farrier Technology Ltd in 2020 and thus it can be said that the owners of Farrier Technology Ltd have owned the property since 2016. The property itself comprises a 2-storey commercial building, extending to approximately 543 sq.m. GFA, with 24 no. surface car parking spaces on the western side of Prospect Road. The building is occupied by Bytek Technologies (employing 35 people), Avitor (employing 12 people), Viso (employing 10 people) and F & M Accountants (employing 8 people). In this regard, it is a significantly busy and strong employment generating building, which provides significant benefits to the local area in terms of employment and economic gain, both directly and indirectly.

It is important to note that these businesses have invested significant sums of money into the layout and fit out of the property, to best serve their business needs. These are service-based businesses, and the location of the business is a crucial factor in their continued success.

In the first instance, the fact that Metrolink is even being proposed and prior to a Railway Order being confirmed to TII, the project is having a detrimental effect on our client's interest and business operations at Prospect House, 2-3 Prospect Road.

Our client then sought planning permission (Dublin City Council Reg. Ref. 3526/21; ABP Ref 312150-21 refers) for a redevelopment of the subject site to further improve and serve their business needs. However, following a first party appeal, this refused by An Bord Pleanála for the following reason:

“The application site forms a major strategic future urban transport node that will comprise a new multi-modal interchange station connecting the MetroLink, DART+ West project, the two existing heavy railway lines, that is the Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car, walking and cycling. Due to the location of the proposed development on lands scheduled for acquisition and demolition as part of the MetroLink project, the Board considered that it would be premature to further develop this land in the interest of protecting and facilitating the development of the MetroLink project, which will deliver transformative public transportation infrastructure for the Greater Dublin Area. The proposed development fails to take into account proposals for MetroLink rail infrastructure and the proposed Glasnevin MetroLink station, a strategic and crucial future transportation interchange hub. The proposed development would, therefore, be contrary to Policies SMT22 (Key Sustainable Transport Policies) and Objective SMT017 (Additional Interchanges and Rail Stations) of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area”.

It is evident therefore that the proposed MetroLink project is having a detrimental impact on the ability of our client and the businesses within Prospect House to develop in the future at this location, which is strategic to their operations. The TII's Do-Nothing Analysis and their response to this, does not take into account the impact that no MetroLink and the ongoing delay in the delivery of the project is and will continue to have on our client, as outlined in the above planning precedent example, which is potentially having the effect of devaluing our client's property.

3.2 TII Response to EIAR Baseline Assessment

Our client's original submission on the Railway Order application raised concern with the Criteria for Baseline Categorisation within Chapter 21 of EIAR, which stated that office use has a 'low' baseline for impact.

TII's response is not acceptable to our client and shows a clear lack of understanding as to the nature of the businesses that operate at the property and the importance that these play in the area having regard to employment and economic gain. Our client's interest is more than just the bricks and mortar of the structure itself but include the location of the premises within 2km of the city centre at a location that is convenient to staff and customers.

The businesses that operate within the property do not have a greater capacity to accommodate change as they need to be situated within a location that is convenient to attract and retain skilled workers as well as being readily accessible to customers and for the businesses to service customers at their own property. The current location achieves this exceptionally well. The location of the property is just as important to the continued operation of the businesses within the building as the building itself is.

The acquisition of the property will result in our client having to find an alternative location that can accommodate the existing businesses, within 2km of the city centre and which has an equal number of car parking spaces.

3.3 TII Response to CPO Acquisition Strategy

Our client is concerned with TII's Land Acquisition Strategy and how appropriate valuation of our client's property and business will be assessed. The TII have stated in their response that:

"Please refer to the MetroLink Compulsory Purchase Order (CPO) Guideline (metrolink_cpoguideline_final_september-2022). Businesses which are subject to compulsory acquisition will be subject to compensation, in accordance with the compensation code. TII understands the importance for businesses to be provided with certainty and is therefore proposing to introduce an agency service, at its own expense to support affected businesses to identify suitable alternative accommodation. The agency will assist in assessing property requirements and will be established following confirmation of the Railway Order".

However, in response to other submissions, TII have stated:

"Businesses which are subject to the compulsory acquisition of their property will be compensated in accordance with the statutory compensation code. The principle of code is to seek to place the affected party in no better or worse position than prior to the compulsory acquisition. The nature and amount of compensation will depend on the specific circumstances but the typical heads of claim are as follows: (i) value of legal interest in land to be acquired such as freehold/leasehold (ii) severance or other injurious affection which relates to devaluation of retained lands, if any, caused as a consequence of the acquisition (iii) disturbance and any other matters such as professional fees and the loss sustained or expenses incurred by an owner following the compulsory acquisition. As part of the Land Acquisition Strategy, TII are introducing an agency service to support businesses whom may be displaced as a consequence of the scheme proposals. This will be introduced following confirmation of the MetroLink RO"

This is a materially different response to that received by our client, even though the response above relates to a neighbouring property. The differentiation in TII's responses to similar issues is deeply concerning to our client and does not appear to adequately take into account the operational needs of our client and the businesses in the property, the impact that the MetroLink project has on this and the difficulty that our client will have in finding a suitable property.

It is respectfully requested that further consideration of this matter is required, and our client is willing to discuss this with TII through an appropriate forum.

4.0 NEXT STEPS AND MITIGATION

The concerns of our client with TII's response have been outlined. It is respectfully requested that An Bord Pleanála and/or TII take the following actions:

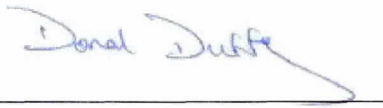
- Take further consideration into the operational and economic impact that the proposal is having on our client's property and the businesses operating within it. This includes the 'Do-Nothing Scenario' to assess the economic impact it is already having in terms of development potential and ability to further invest in the property from a business perspective.

- The CPO strategy to assess the full impact that the project is having on our client's property and to request further engagement at the appropriate time.
- A clearer timeline for relocating the business, through accurate timeline reporting and strong communication being provided.

5.0 CONCLUSION

In light of the above, DOWNEY respectfully request that An Bord Pleanála consider the concerns and issues raised by our client, Farrier Technology Limited, when assessing the Draft Railway Order 2022 (Metrolink - Estuary to Charlemont via Dublin Airport).

Yours sincerely,



Donal Duffy MIPI

Director

For and on behalf of DOWNEY