

AN BORD PLEANALA METROLINK ORAL HEARING ABP-314724-22

RAILWAY (METROLINK-ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER
APPLICATION

MODULE 2

ALL OTHER MATTERS (INCLUDING LAND/PROPERTY ACQUISITION ISSUES)

REFERENCE AZ4(d) GLASNEVIN STATION AND TUNNEL AS FAR AS MATER STATION

WRITTEN NARRATIVE OF ORAL SUBMISSION MADE BY THE BOARD OF THE COURT
MANAGEMENT COMPANY CLG ON THIS MODULE, IN RELATION TO THE CONSTRUCTION OF
GLASNEVIN STATION AND ANCILLARY WORKS.

DATE OF SUBMISSION: WEDNESDAY 13TH MARCH 2024

Hello everybody and thank you Inspector for again giving me the opportunity to address this hearing.

My name is Charlie Lowe and I am a Director of the Court Management Company CLG, which is the Management Company charged with overseeing the common areas at the apartment complex known as The Court, Dalcassian Downs, which is located off Prospect Road and which immediately adjoins the proposed location of the Glasnevin Metrolink Station.

Our development, which is 34 years old and is comprised of 3 blocks, totalling 48 apartments, will be severely impacted by the construction of this Station and ancillary works on and adjacent to our property.

These impacts will include ,inter alia, loss of amenity and shared communal green space and I will expand on this theme shortly, on behalf of our residents.

I want to start by stating that our submission today will be comprised only of a response to TII's written observations on the submission made by the Court Management Company CLG to An Bord Pleanala on the 22nd November 2022 and covered by this Module .This complies with the advisory document circulated by An Bord Pleanala in relation to arrangements governing the Oral Hearing .

GLASNEVIN STATION - LOSS OF AMENITY AND SHARED COMMUNAL GREEN SPACE

It was a major shock to our community in March 2018,to be told, at 24 hours' notice from TII, that it was planned to build a Metrolink station on and adjacent to our property.

TII have acknowledged that the direct impact on our development will last for a minimum period of 6/7 years, which means that a large construction site will adjoin our buildings for that period.

TII have advised that in order to construct Glasnevin Station and provide an emergency exit therefrom, it will be necessary for them to acquire our existing open space and main car parking area. Enjoyment of and access to these areas will be unavailable to us for a minimum period of 6/7 years while the Station is being constructed.

As stated earlier ,a large construction site will adjoin our apartment building and part of that site will include what is currently our open space and main car parking area, which provides 32 car parking spaces.

The creation of the building site will also involve the temporary removal of the perimeter railings to Prospect Road and their replacement with a 4 metre high hoarding. It will also involve the temporary removal of 8 ornate external lighting columns from the grounds.

Eight very large trees fronting the existing boundary wall to Hedigan's Licensed premises and at least 10 mature trees in the grounds, which are a huge feature of our development, will also be removed. The very large trees act as a sound barrier and high wind protector for our development.

The perimeter railings are a protected structure and appear on Dublin City Council's Record of Protected Structures under reference 8698 while the lighting columns, whose fixtures were recently upgraded to LED standard, are an extremely attractive feature of our development.

The 4 metre high hoarding will also be erected 1.5 metres from the front of Blocks 1-18 and 19-36 of the Court, along the line of the existing footpath fronting those blocks.

As proposed, the erection of the hoarding fronting these blocks will deprive all ground floor apartments facing the hoarding of natural light.

GLASNEVIN STATION - POTENTIAL SAFETY ISSUES RELATING TO LAND ACQUISITION

The erection of the hoarding so close to 2 adjoining structures may also pose a fire safety risk in the event of an emergency evacuation involving potentially upwards of 40 people, from two apartment blocks, all going in a converging direction simultaneously.

On a related issue, it is generally recommended that fire assembly points should be located a minimum of 50 feet from the subject building.

The removal of the main car parking area at The Court will mean that the fire assembly points currently available to residents in the event of an emergency evacuation, will no longer be available to them.

TII do not appear to have addressed in their documentation, the issues of emergency evacuation and the provision of an alternative fire assembly point, following the erection of a hoarding,

Overall, the proposed erection of a 4 metre high hoarding, 1.5 metres from our two apartment blocks, constitutes a massive and, indeed, an inhuman intrusion on our living and amenity spaces and is a cause of huge concern to residents of The Court. Many of the residents in these blocks have genuine fears for their physical and, especially, mental health due to the proposed hoarding and the duration of its placement.

To fully capture the potential impacts, we request that, as a matter of urgency, TII provide residents of the Court and indeed An Bord Pleanála with a visualisation drawing showing the relationship between the silos on site, the hoarding and the apartments along the northern site boundary and also a drawing showing the relationship between the silos on site, the hoarding and the south elevation of the apartment blocks.

We also must demand that the location of the hoarding so close to the apartments in Block 1-18 and 19-36 be seriously reconsidered by TII, with a view to its placement at a greater

distance than 1.5 metres from our front doors to take physical/mental health and fire safety concerns into account. In addition, we must insist on large viewing panels being inserted along the entire stretch of the relocated hoarding, together with the use of noise resistant material in it.

GLASNEVIN STATION - LOSS OF CAR PARKING AS A RESULT OF LAND ACQUISITION

As mentioned above, we will be at the loss of 32 car parking spaces which are currently used by the residents of Blocks 1-18 and 19-36, for the duration of the construction period, as a result of the land acquisition.

As far back as 2019, TII indicated that they were in discussions with Dublin City Council with a view to extending to our residents, the pay and display parking scheme, which operates on public roads in the main adjoining housing estate of Dalcassian Downs,

No consultation took place between us and TII in relation to this proposal.

The Court Management Company Board conducted surveys over 5 consecutive working days, in October 2022, of parking availability in the adjoining estate. This survey revealed that at 5pm and 7.30pm each day, there were insufficient on-street parking spaces available that could cater for displaced residents from The Court.

It is also the case that on days when major sporting events and concerts will take place in Croke Park and the soon to be redeveloped Dalymount Park, there will be even less spaces available in the main adjoining estate, as a result of visitor parking.

In addition, we believe that imposing parking for displaced residents of the Court on the adjoining estate, would cause resentment among those residents, in circumstances where currently the relationship between both sets of residents is extremely friendly.

For all these reasons, TII were advised by the Management Company Board subsequently, that their proposals were not acceptable to us.

All of the above observations in relation to car parking were included by us in our submission of the 22nd November 2022 to An Bord Pleanála.

TII in their response on this subject state that "it is recognised that locating suitable alternative parking for affected residents is challenging, however we continue to consult with Dublin City Council in identifying possible alternative parking for residents and are optimistic that such alternative parking can be confirmed in advance of the Hearing."

The Board of the Management Company do not share TII's optimism and as proof of this, at a recent meeting with TII, it was confirmed by them that no location for alternative parking has yet been identified.

At that recent meeting with TII, they advocated that we should ask an Bord Pleanala to insert a condition in the Railway Order approval that alternative parking for displaced residents of the Court be provided, prior to any construction commencing.

We concur with that view, but it is our opinion that parking MUST be provided in a cordoned off area within the proposed adjoining large construction site as close as possible to the existing parking area.

If necessary, the cordoned-off parking area can be shifted around within the site as construction work proceeds.

TII also need to explore the potential for utilising a large empty building at 24 Prospect Road, directly across and opposite to Hedigan's Licensed Premises, as site offices.

This building was formerly used as a retail furniture warehouse and would lend itself to adaptation for use as site offices, if terms for rental or purchase could be agreed with the current owner.

Were this scenario to unfold, then this would potentially free up some space in the proposed construction site, to facilitate the creation of a cordoned off area for parking for displaced Court residents, thus resolving the parking issue.

The issue of parking is of real concern to residents. Many are aged 70+ and, for security reasons, they depend on parking close to their apartment. Being obliged to walk an increased distance from a car parked in some removed area will not serve their security or peace of mind and could have unfortunate outcomes.

INTERIM SUMMARY

To summarise the points covered so far, therefore, we request that the following conditions be included by An Bord Pleanala in any Railway Order consent:

(a)that the perimeter railings be refurbished and re-erected along the existing line, post construction.

(b)that the open space at our complex be reinstated to a landscaped standard to be agreed between TII and the Court Management Company Board and at TII's expense, this to include approaches that include the introduction of mature trees to replace the trees that will be cut down as a prelude to construction.

(c)that the ornate lamp standards be refurbished and re-erected in appropriate areas in the restored car park and open space at TII's expense.

(d)that the existing boundary line to the main road and adjoining property be retained with the current boundary heights also retained ,upon completion of the works.

(d)that the existing boundary line to the main road and adjoining property be retained with the current boundary heights also retained ,upon completion of the works.

(e)that the proposed location of the hoarding line in front of the apartment blocks be pushed back further than the 1.5 metres distance proposed by TII.

(f))that TII must provide 32 alternative cordoned-off car parking spaces in the adjoining site with clear, secure and well-lit access to Blocks 1-18 and 19-36 at the Court.

TEMPORARY RELOCATION OF RESIDENTS

In our meetings with TII since the Metrolink Project was announced, reference has been made repeatedly by residents to the need for a temporary relocation scheme to be provided.

In their response to our submission to An Bord Pleanala, TII stated that “information regarding any situations requiring relocation and the process for financial compensation for property impacts directly related to the proposed Project is provided in Chapter 11(Population and Land Use) and Chapter 21 (Land Take) of the EIAR. Please also refer to Airborne Noise and Groundborne Noise Mitigation Policy which will facilitate relocation in certain circumstances.”

What we require is the publication now by TII of a governing set of criteria relating to this issue. This document should include reference to the following:

(1)application process

(2)relocation options available

(3)timelines covering same

(4)guiding principles relating to eligibility, age, baseline health condition, infirmity etc

(5)other criteria appropriate to a subject of this nature.

The matter of the provision of triple glazing, as an additional or alternative option to relocation, also needs to be addressed by TII.

COMPENSATION FOR DISTURBANCE AND DETERIORATION IN QUALITY OF LIFE

For residents, the TII proposal will represent a grave disturbance to the life they have hitherto enjoyed in The Court. Living for 6/7 years a few metres from a huge construction

But the sad reality is that many of the residents will not benefit from the proposed Metrolink and it's construction will in fact place an intolerable burden upon them.

In these circumstances, the Board of Management is calling on An Bord Pleanala to condition TII to instigate a comprehensive compensation package for residents of The Court at the outset of construction to compensate for disturbance and loss of quality of life over an extended period.

OTHER MATTERS - COMMUNITY ENGAGEMENT

We stated in our submission to An Bord Pleanala that in the interests of transparency, Local Liaison Groups need to be established by TII to include representatives of the various residents groups, contractor reps and TII reps. We also stated that the Groups should meet monthly, have an Independent Chair and have terms of reference agreed before commencing activities along the route and that the establishment of the Groups also needs to be a condition of the Railway Order.

In their response, TII stated that it intends to appoint a minimum of 3 local community liaison offices along the Metrolink route. They went on to say that it is proposed to locate these offices in the City Centre, Glasnevin and Swords areas and that they will be established at least 3 months prior to the commencement of major infrastructural works. They also referenced the EIAR Chapter 5 Sections 5.12.4.5 which sets out TII plans for Community Engagement during the construction phase.

Finally, TII mentioned the proposed appointment of a Public Liaison Officer.

The Court Management Company's Board views on TII's response can be summarised as follows:

- (1) no mention is made by them of the establishment of Local Liaison Groups with terms of reference and independently chaired.
- (2) it is not indicated by TII what the role of the 3 local community liaison officers will be.
- (3) it is not mentioned by TII what the role of the Public Liaison Officer will be and whether the individual will be a professional or a lay person.
- (4) the rationale of TII for appointing 3 local community liaison officers is not explained nor is the rationale for establishing only 3 offices to cover a route of 18.5 kilometres with coterminous working being the norm.

It is our view that TII's proposals for community liaison are wholly inadequate, do not meet the threshold for real community engagement and therefore should be rejected and

replaced by An Bord Pleanála, with a clear and concise condition reflecting the requirements of the Court Management Company CLG and possibly other groups.

OTHER MATTERS - COMMUNITY GAIN

We stated in our submission to An Bord Pleanála that consideration should be given to the establishment of a Community Gain Fund by TII that could benefit local businesses and residents, whose lives will be disrupted for quite a long time, during the construction and indeed the operational phase of the Project. We added that the fund could also be used for Public Realm enhancements in the area (or indeed along the route) post construction.

In their response, TII stated that they will work with all established Community Groups through the local community liaison offices along the route, to identify projects at local level that would involve the Community in the delivery of Metrolink and its legacy. Such projects could include:

A local school learning programme

Enhancement of community amenity within defined limits

Engagement with final landscape and finishing options

The Court Management Company CLG is of the view that TII's proposals are wholly deficient and lack any depth. TII do not define any details regarding a school learning programme and what it would entail. In addition no clarification is given regarding what is meant by "enhancement of community amenity". Finally 'engagement with final landscape and finishing options' is an exercise in pure tokenism.

It is our view that TII should be conditioned as follows in relation to Community Gain:

(1) an ongoing annual contribution should be made by TII to a fund, based on projected passenger numbers for Metrolink.

(2) this fund should cater for community, sport and business initiatives.

(3) a Board, independently chaired and with an agreed grant scheme protocol needs to be established to oversee the exercise.

(4) consideration needs to be given to the creation of Community Bargaining Agreements (CBAs) to formalise agreements between TII and local communities and which would guarantee delivery of one off items for these communities.

In relation to Community Gain, it should be noted that Community Gain funds have been established by Croke Park stadium and the Aviva stadium as part of their commitment to proper community engagement.

Furthermore, in granting permission for the Aviva stadium and the Waste to Energy facility in Ringsend in recent years, An Bord Pleanala made it a condition of the planning consents that community gain funds be established. To date the communities around these 3 locations have availed of grant allocations under strict criteria and will continue to do so going forward.

So to summarise, there is a precedent for this type of fund to be conditioned and created in relation to major projects, none of which had the same impact during construction as the Metrolink construction will have.

Furthermore, it is a fact that, once constructed, Metrolink station operations will have a far greater impact on communities than the occasional operation of Croke Park and the Aviva Stadium and the operation of the Waste to Energy facility will ever have.

TII should have taken cognisance of all of this in framing their community engagement approach but, unfortunately, they did not do so.

TII's proposals in relation to community engagement are very limited in scope and TII do not include anything of consequence in relation to community gain, notwithstanding the fact that Metrolink is a multibillion euro project.

An Bord Pleanala need to remedy these deficiencies by TII, by including an appropriate condition regarding proper community engagement and provision of community gain.

CONCLUDING REMARKS

As I stated in my previous submission, the Metrolink Project is the biggest infrastructural project ever undertaken in Ireland.

Its potential benefits are undeniable but its impacts on communities, during and post construction, will be immense.

I sincerely hope that An Bord Pleanala take on board the contents of our submission and indeed those of other impacted communities, in the Railway Order conditions that they apply.

In conclusion, I would like to again thank the Inspector and his staff for facilitating us with our submission today.

ENDS