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Case Number ABP-314724-22

13 March 2024

This response submission is addressed and directed to An Bord Pleanála and its Inspector.

Copies will be furnished to TII for reference by them and their professional advisers at the Oral Hearing. It shall not be used, copied or published by any other parties without the written permission of the copyright holder O'Malley Associates.

Re: Transport Infrastructure Ireland (TII) application to An Bord Pleanála for the Railway (MetroLink-Estuary to Charlemont via Dublin Airport) Order {2022}.

Our Client (an affected owner /person whose lands may be acquired under the draft Railway Order): Shandon Mill Owners' Management Company CLG (the OMC)

**Property: development known as Shandon Mill, Phibsborough, Dublin 7**

Re: proposed "Temporary possession" of parts of Shandon Mill Development.

**RESPONSE by Martin O'Malley of O'Malley Associates**  
**on behalf of Shandon Mill Owners Management Company CLG**  
**to TII's RESPONSES to submissions Jan 2024**

MetroLink RO Statutory Consultation - Response to Submissions Received 27 Sep 2023

TII's RESPONSES to our Submissions Received 27 Sep 2023  
Are set out in a document entitled:

278-MetroLink RO Statutory Consultation 5.2 Pt 2 of 2 - TII Response to Submissions  
141 to 320 FCC.pdf

Submission 278 Shandon Mill Owners Management Company CLG (represented by  
O'Malley Associates)

TII has abstracted 24 items that they described as "Observation statements" made by O'Malley Associates on behalf of Shandon Mill OMC and to which TII have given individual and detailed responses.

TII have also responded in similar fashion to submissions made by other parties including the residents of Coke Oven Cottage, Waterways Ireland, and Bindford Ltd (the developer of an adjacent residential site). Some of those responses are also of relevance to the issues concerning Shandon Mill.



**RESPONSE by Martin O'Malley of O'Malley Associates**  
**on behalf of Shandon Mill Owners Management Company CLG is as follows:**

*Some abbreviations used:*

*ABP means: An Bord Pleanála.*

*RO means: Railway Order*

*SM means: Shandon Mill /Shandon Mill Owners Management Company CLG.*

*TII means: Transport Infrastructure Ireland.*

**Introduction:**

Good afternoon Inspector, my name is Martin O'Malley,

I am a chartered project manager and quantity surveyor with in excess of 30 years experience of construction and civil engineering projects in urban areas and on difficult and challenging sites. My project experience includes health and safety, temporary works solutions, cantilevered temporary works, enabling works, demolition, piling; civil works comprising roads, bridges, wharfs, pipelines, deep excavations working in Dublin Port, Dublin Airport, congested city centre sites including protected structures and Carrying out, works on an adjacent to encroaching onto and over sailing occupied apartment and residential developments.

I am here instructed by Shandon Mill Owners Management Company a Company Limited by Guarantee. Its purpose is the ownership and management of the common areas and reserved parts of the Shandon Mill duplex apartment development. It has 51 unit owners who are all members of the company. It is effectively a non-profit making cooperative entity. There are approximately 150 residents living at the Shandon Mill development.

I will be referring the Inspector to some of the following documents:

- a. Our original submission dated 21st of November 2022. This is the only submission made to date by us.  
*In particular the photographs and Alternative Route maps may be of assistance today.*
- b. The application by Dublin City Council: Amending Part 8 application to approved Part 8 (Ref: 2870-15) Royal Canal Greenway Phase 4. Between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15. Bord Pleanála Case reference: JD29N.318309.
  - i. In particular the "Royal Canal Greenway Cycle and Pedestrian Route Phase 4, Part VIII Report planning amendment 2023" by ROD-AECOM. In particular the sections that deal with the stretch of the Royal Canal West of the 6th Lock.
- c. "Sequence of Glasnevin construction slides" (ref: Oral Hearing Day 5 - Monday 26th February 2024



- d. Updated MetroLink Planning Report – updated February 2024.
- e. Outline Legal Submissions On Behalf Of Transport Infrastructure Ireland
- f. TII's: Airborne Rail Noise Effects at Glasnevin during Metrolink Project.pdf  
Page 5: Figure 2: Cross Section Through New Surface Platform at Glasnevin.
- g. The drawings and maps submitted by the Applicant.

I have presumed that the above are within the possession or procurement of the Inspector /ABP and TII.

Today I wish to address the Inspector /ABP in relation to the issues (differences) arising in from the Applicant TII's responses.

The matters (issues /differences) arising have been grouped together by me and are summarised as follows:

***ISSUES / Differences /outline of content:***

- 1 The need for a detour route.***
- 2 The route sought by TII through Shandon Mill.***
- 3 Alternative Routes.***
- 4 Decision to REFUSE or to GRANT the route through SM***
  - a. If refused, then nothing further arises, other than costs of representation.***
  - b. If granted, then conditions /restrictions are required;***
    - i. To mitigate the impact on the SM residents.***
    - ii. To be exclusive to the 4 Coke Oven Cottages.***
    - iii. "Standards" to be specified for the Works at SM.***
    - iv. Various other matters.***
  - c. Costs of representation.***

**Contents:**

- Summary - page 4.
- Section A: Detailed discussion consideration and reasoning in relation to the issues identified in the TII Responses - page 7.
- Section B: Detailed RESPONSE to each individual item of TII's Responses - page 15.
- Section C: Further Suggested CONDITIONS - page 31.

I propose to follow a structured discourse, dealing with common theme items grouped together, although they may appear in sequences different to the original submission, and the more detailed responses to responses.



Our clients will hold, TII, responsible for the any consequences arising from the escape of any persons or things that are brought from the canal area due to TII's temporary use SM's property.

**Summary:**

TII is seeking to "Temporarily" acquire and for 4 years or more use part of our Client's lands (approx 141 M2) comprising 3 car parking spaces, a Bin Store and the Entrance forecourt (Main entrance to the car park, a circulation area for all incoming and outgoing unsegregated vehicular and pedestrian traffic) - see photographs pages 23, 24 and 25 of our November 2022 submission.

TII intend to make shared use of the proposed detour route through SM to and from the 4 Coke Oven Cottages plus facilitating all users of the canal tow paths e.g. hundreds of pedestrians, runners, cyclists (including motorcycles, scooters etc) to enter /pass through the congested confined private space at the SM Entrance forecourt. The consequential volume and frequency of this traffic is significant rather than insignificant as suggested by TII who have not produced any traffic surveys to support their assertion. TII have disregarded its probable effects on the 150 Shandon Mill residents.

The temporary land take has the potential to negatively impact on the wellbeing of the Shandon Mill residents. The EIAR was inadequate in respect to the Detour Route and its effects on Shandon Mill.

Our Client's submission /argument is that the TII Detour route through the constrained /confined entrance forecourt is not suitable. It is also disproportionate as there are adequate existing and alternative routes for the various types of traffic that do not need to be detoured through Shandon Mill as sought by TII.

There is scope for alternative detour /access routes to the Coke Oven Cottages for vehicles.

We acknowledge that if the Coke Oven Cottages are to remain occupied during the works then there is an access issue for those residents and the maintenance of services to those 4 cottages. It may be possible to eliminate this necessity by minor re-design of elements of the station and the temporary works. However the needs of the residents must be considered separate to the use /access of non-residents.

Any detour of pedestrians and cyclists from the Royal Canal Way must avoid permitting access to /through Shandon Mill. It should be along either of the canal tow paths or closed / restricted to LOCAL ACCESS ONLY.





To grant the request sought by TII would in the present case be a “disproportionate ... impairment on the rights of property owners” and lawful residents of Shandon Mill and is not “necessary to attain the legitimate object sought to be pursued.”

It fails to meet the criteria required as set out in the TII legal submission.

We suggest a preliminary issue for determination by the Inspector is:

does he accept that a Detour route is actually required?

And if so then, is it to be through Shandon Mill?

and if so, how is it to be permitted?

We argue that a detour route, if required, is in fact not required /necessary to be through Shandon Mill as there are alternative routes available that would not affect Shandon Mill and would achieve the purpose of accommodating the 4 Coke Oven Cottages.

The potential effect of the proposed Detour and temporary works have created uncertainty, stress and anxiety for the 150 residents and owners of dwellings in SM and those of the Coke Oven Cottages.

If the detour is put in place without any restrictions or conditions, then until removed it will increase the risk of accidents, personal injuries, unauthorised access and anti-social behaviour, damage to private property; all being directed in to Shandon Mill.

Uncertainty (perhaps impossibility) in respect of any open market sales or lettings of the 51 dwellings within Shandon Mill and those of the Coke Oven Cottages until the Metrolink works are completed.

**Accordingly, we are arguing that the Inspector should not accept TII’s request and should remove the Shandon Mill Lands from the RO.** However, in the event that the Inspector decides that he is reluctant, or unable to do so in whole or in part at this stage then we request that he insert a precondition requiring TII to investigate every possible alternative to avoid any Detour of vehicular traffic through the Shandon Mill lands and in the event that there is no alternative then there shall be a condition that the duration of the detour through SM shall be limited to six months and that it be restricted to use by the vehicular traffic associated with the four Coke Oven Cottages and that all other traffic /use shall be excluded.



Further robust conditions/ restrictions would then be required to ensure the protection of the 150 Residents of SM and their and visitors. And to attempt to minimise /mitigate the effect /impact of the disproportionate interference with their amenities, interests and rights.

We suggest that by way of condition ABP compel TII to seriously consider alternative routes for detour and or to eliminate the need for any access through the Shandon Mill forecourt for the residents of the Coke Oven Cottages and that TII temporarily restrict or eliminate all other traffic /users from this section of the Royal Canal during the closure period or if diversions for pedestrians and cyclists are required then they should be accommodated along the existing tow paths currently open to the public.

A need by way of condition for the definition of the applicable minimum standards in respect of the design construction and reinstatement of any works.

In addition to considering our original submission and this response, I suggest that the Inspector should visit and carefully walk this area to best understand the full spatial context and the potential consequences for the 150 Residents of Shandon Mill and those residents of the quite narrow streets leading thereto.

Representation costs:

And finally, I ask the Inspector to note that our client is of limited financial means, being an Owners Management Company CLG under the Multi-units Development Act (i.e. an owners cooperative holding the ownership and management of the common areas of the development on a without profit basis). They Request an order to include for the reimbursement of their representation costs for the submission and attendance at this Oral Hearing.

**Section A: Detailed discussion consideration and reasoning in relation to the issues identified in the TII Responses**

- 1 *The need for a detour route.*
- 2 *The route sought by TII through Shandon Mill.*

In preparing and submitting this application for such a vast and complex project the TII Team have made perhaps hundreds or thousands of decisions and assumptions on this project, the majority will probably turn out to be correct, but not all.

I submit that the seeking of a Detour Route through Shandon Mill is one of those exceptions as is the probable impact of the various works /temporary works over a prolonged period on the Coke Oven Cottage residents has been under estimated.

We note that the decisions by TII /Jacobs are dependent on the brief that is given, the interpretations, the criteria, the weightings that are applied. Much can be very subjective. Reference the evidence given last Thursday afternoon on behalf of the Applicant, in relation to the reasons that the proposed 2022 alignment differs from the 2008 alignment, and how the decision processes included both prescriptive and subjective variables.

The Inspector in the interests of the greater good and in the realm of “proportionality”, is not restricted in the same way. He can with reasons make decisions that might modify or over rule some of the assumptions /decisions made by TII /Jacobs;

I have been engaged to focus on the issues that impact on my Clients at Shandon Mill. To apply my relevant knowledge and experience to the consideration and understanding of the issues and to identify alternatives to eliminate and or mitigate the aspects that are harmful to my clients and not in their best interests, that will probably have disproportionate and adverse impacts on them. To suggest potential solutions.

I have had to step outside of the Shandon Mill silo to attempt to examine /consider the situation from the other affected parties and that of a developer /contractors, project manager and claims surveyor.

Any project in /below the ground adjacent to water adjacent to a railway or a motorway, and a piece of transport infrastructure, anything being constructed in a congested area close to adjoining buildings, inhabited or uninhabited always gives rise to uncertainties and potential claims. Early identification of such potential issues assists in mitigating or managing these.



I have a duty to assist the Inspector in understanding the position of my client SM OMC and explaining the negative effects they will have on my clients, to date disregarded /discounted by TII. But I also have a duty to the tribunal /inspector not to mislead and to assist them in understanding this and other aspects. And sharing my findings that support my clients position but also ones that may support other solutions or identify other difficulties that are interlinked.

I have regularly assisted with complex problems or situations and seeking solutions /ways forward over 30 years of construction and civil engineering projects.

The basics - what is causing the requirement for a detour in this case.

It brings us back to the layout of the station and the positioning of the platforms, and to a perceived requirement to have a platform either side of the mainline rail.

The key questions probably are

Is there a necessity for a detour?

If so, what is the cause of this? examine if “the cause” can it be eliminated /modified to avoid the need for the detour?

What is the “pinch point” driving all of this?

TII’s current station platform arrangement /position is giving rise to structural works that encroach out on to part of the existing access route, reducing the width available for a vehicle to safely pass.

One needs to consider the practicality of eliminating what is causing this pinch point, if that can be done, then the pitch point will disappear and the need for a detour route will also disappear.

On a project at this stage those issues are probably better investigated and resolved at the next stage of the project when more detailed design alternatives can be explored with contractor involvement in the process. Accordingly, it is important that the Railway Order is drafted by the Inspector /ABP in such a manner that does that preclude the identification of and implementation of better solutions that may assist in the elimination of the cause of the problems

Likewise the RO should not preclude any of the alternative detour routes, nor should it create any preference, at this stage other than to have the Shandon Mill part avoided. Subsequently if it is determined that there is no alternative, then

limit it for the shortest period of time that SM;



restrict it for use by the 4 Cottages only (by conditions to protect SM) and that all other traffic is either totally diverted at Broombridge Road /Phibsborough Road, or that a separate detour route is provided that does not pass through the Shandon Mill development.

Will definitely impact disproportionately on the residents of Shandon Mill.

I ask what are the “causes” or “needs” that gives rise to the requirement, if any, for a detour route?

The causes are consequences of the brief /assumptions in relation to the following:

- (a) A station to provide access to and egress from the North/South Metro line in Glasnevin, at the chosen location.
- (b) To work around the existing GSWR east west twin track rail line through the centre of the proposed Station Site.
- (c) To work around the existing MGWR rail line through the south edge of the proposed Station Site close to the Canal.

*If the need for a station at the chosen location is removed, then there is no need for any detour route.*

- (d) To provide an inter-link with the GSWR rail line via construction of passenger platforms.
- (e) To provide an inter-link with the MGWR rail line via construction of passenger platforms.

If the *need* for an inter-link with the MGWR is removed, then there is probably no need for any detour route.

If the positional *location* for the inter-link platform is moved far enough West, then there is probably no need for any detour route.

It should be technically possible to construct and operate a Metro north /south without any of the above components. Obviously the size and extent of the station has been driven by accommodating all of the above “needs”. Consequentially if one or more of the above “needs” were to be omitted (modified or re-positioned) then the size (or shape) of the station can be revised and some of the “issues” eliminated.



What is essential and what is not essential for the brief?

We would ask the Inspector to separately consider the “proportionality” of each of the five above in relation to the harm that may be caused in achieving each; and to consider the deletion or modification of one or more.

There is also the option for the Inspector /ABP to refuse permission for the Irish Rail Inter-change Station, and for the Glasnevin be designated solely as a Metro station. This would reduce the foot print of the station significantly and probably avoid the any temporary closing the North Canal towpath and eliminate the rail line works at the rear of the Cottages. It might also reduce the need to acquire and demolish some of the other properties.

There are other less extreme and perhaps more practical options for the Inspector /ABP /TII to consider:

Relocate the MGWR platform position, 100 to 150 metres more towards the west where there is greater separation between the railway line and the canal bank.

Modify the Station design adjacent the Canal to avoid /reduce encroachment towards Canal at pinch point.

Relocate /move the “Metro access stairs from Irish Rail Platform”.

I certainly never envisaged or intended having to get in to this depth or level of detail, however a careful analysis and consideration of TII’s responses necessitated me in ascertaining and understanding the issues /problems that may be driving the undesirable proposals put forward by TII that will give rise to extreme and disproportionate interference with the SM residents’ access to /egress from and the peaceful enjoyment of their homes.

Perhaps TII should have scheduled

more of the Binford Site (for an Alternative Route on the south side of the Site),  
The 4 Coke Oven Cottages,  
Part of the Canal and public land opposite Shandon Gardens (for Alternative Route AR1).



Coke Oven Cottages-should they be acquired?

I also noted at the oral hearing on Thursday afternoon 7/3/2024 (Re-the Boland family business and home) in response to a question raised by the Inspector as to the reason for TII scheduling temporary acquisition, in relation to 2 particular semi-detached cottages some distance from any “works”; TII stated the reason for this was that temporary traffic would be using /passing along the road adjacent to the front doorstep of the cottages and that it was considered that it would not be safe for these to remain inhabited.

Strange that similar reasoning has not been also applied to the 4 Coke Oven Cottages? Considering the serious impact various aspects of both the rail line works and station works will have on the daily lives of the residents of the Cottages. Together with the “blight” effect on the sale or letting of these properties prior to the completion of the Metro.

It is also relevant to note that TII’s proposed traffic detour will pass in close proximity to the front door step of one of the apartments in Shandon Mill.

Existing Route for Persons, walking and cycling between Cross Guns Bridge and Shannon Gardens.

TII do not appear to have taken any account of this route and pedestrian traffic that I witnessed along the South bank. The proposed detour route will cross this route. Will it be left as is or will TII also seek to detour this in to Shandon Mill? However for reasons enunciated elsewhere we would request the Inspector to prohibit any detour or interference with this existing route.

SM Route not feasible, better alternatives:

Standing in the Entrance forecourt of Shandon Mill it is like a postage stamp. The adjacent public roads (Shandon Park, Shandon Road, Leinster Street) are extremely narrow with cars parked along one side there is only room for one car to carefully drive through. How will they get the construction plant in and out in order to construct the new access road /drive, car parking bays, bin store and the bridge?

There are a number of more practical alternatives that will be less disruptive and safer and probably less costly. They would also be less disruptive to the dozen residents of Coke Oven Cottages and the 150 residents at Shandon Mill.

### 3 *Alternative Routes*

In our submission we proposed 4 Alternative Routes for detours that avoided going through Shandon Mill (AR1 to AR 4).

All were dismissed by TII with reasons. We disagree with and dispute the reasons in detail in the next section.

Having considered TII's responses, new information that has come to light (including to the submissions of the Coke Oven Cottages and Waterways Ireland), together with The Royal Canal Greenway Part VIII amended application (DCC ROD) we are suggesting a further Alternative Detour Route (AR5). This route would be parallel to the existing north bank route - it would also probably be preferred by the Coke Oven Cottages' residents. It would utilise a wider cantilever and a widened coffer dam infill of the Canal section between sixth and fifth locks exiting at Cross Gun Bridge. This would permit motor vehicles to utilise a route parallel to the existing (and permanent) access route along the North side of the Canal, alongside the TII construction route but segregation of construction traffic.

Some of TII's reasons were that the planning authority and or Waterways Ireland were unlikely to agree or consent.

We note from the legal submission the dis-application of the 2000 Planning Act, is relevant and in particular with regard to the existing canal structures, any protected protection provided as an impediment under that act.

While it is ideally preferable to have consultation and consensus amongst the interested parties as aspired to in the documentation with regard to DCC and Waterways Ireland. However such cannot be allowed to override the necessities of the Railway Order which must take priority.

It is obvious from the extensive documentation that due care and consideration has been and will be given to conservation principles where appropriate and practicable. These are secondary to the essential needs of the Railway Works. Where anything is retained or anywhere necessary





interventions are required it is possible for those to be done to a good acceptable conservation standard.

We also note from the amended Greenway application that the Waterways Ireland position differs significantly from the position attributed to Waterways Ireland in the TII responses. What is stated not to be permissible would most probably be permissible.

We ask the inspector to consider, making it conditional that prior to the Applicant commencing construction of certain aspects of the station, that a permanent route (or a series of temporary routes) be established and constructed along the north bank of the canal sufficiently wide enough to accommodate both the construction activities, and the passage of vehicles to, and from Coke Oven Cottages. Some predetermined milestone.

If AR5 is subsequently eliminated in whole or in part then a AR1 merits more serious consideration.

Alternative Route AR 1: Cross the Royal Canal (nearer to the Cottages) with a temporary bridge and temporary road exiting directly on to Shandon Gardens /Shandon Park (public roads).

This (and also AR3) have been largely dismissed by TTI on the vague grounds that:

“This would be unacceptable to Waterways Ireland”  
“canal is unlikely to be consented by Waterways Ireland” and the like.

I would refer the Inspector to the

“Royal Canal Greenway Cycle and Pedestrian Route Phase 4, Part VIII Report planning amendment 2023”; and

Dublin City Council: Amending Part 8 application to approved Part 8 (Ref: 2870-15)  
Royal Canal Greenway Phase 4. Between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15. Bord Pleanála Case reference: JD29N.318309

The proposed works for the section of the Greenway running from Phibsborough to Ashtown for which Section VIII planning application /consents were made in 2015 and has been subject to a further application to amend Phase 4 to provide for the realignment of sections of the canal (over 1000 M) with the consent of Waterways Ireland. The realignment would start at the 6th Lock running West where the canal channel will be dredged and the North bank realigned reducing the width of the canal channel from 14 M to 12M so as to enable the tow path to be increased by up to 2M. This is positive for AR1, AR3 and AR5.



Alternative Route AR 3: a Variation of this would be to cross the Royal Canal as proposed with the temporary bridge and temporary road but turn left in to the Bindford Site and exit to Phibsborough Road rather than right through Shandon Mill. This would be a straight safer and more direct route.

#### **“Standards”**

At Item 5 and elsewhere in the TII Response (see next Section). There are several references by TII to “standards”. It is vague, imprecise and is not adequate. The standards for design, construction and reinstatement need to be subject to a condition by ABP to ensure that it is to a predefined unambiguous standard for permanent works as such may be in place for 5 to 10 years. The determination of the “correct standards” should not be left to the discretion of TII or their Contractor as a “temporary work” that is normally provided to a lower standard /lowest possible cost by the contractor so as to save money. All work must be to a recognised and defined standard for “permanent” works, as the works may be in place for several years for use by our Client, the SM residents and any other users directed by TII.

There can be no mistake about a condition attached to the Railway Order. The conditions must be complied (and are enforceable) leaving no discretion or scope for diminution by contractors commercial considerations.

#### Conclusion:

The potential effect of the proposed detour and temporary works have created uncertainty stress and anxiety for the 150 residents and owners of dwellings in SM and those of the Coke Oven Cottages.

If the detour is put in place, then until removed it will increase the risk of accidents, personal injuries, unauthorised access and anti-social behaviour being directed in to SM.

Uncertainty (perhaps impossibility) in respect of any open market sales or lettings of the 51 dwellings within SM and those of the Coke Oven Cottages until the Metrolink works are completed.



**Section B: Detailed RESPONSE**

**to each individual item of TII's Response to the SM Submission dated 21 November 2022**

refer to:

Submission 278 Shandon Mill Owners Management Company CLG (represented by O'Malley Associates)  
278-MetroLink RO Statutory Consultation 5.2 Pt 2 of 2 - TII Response to Submissions 141 to 320 FCC.pdf

Item 1: SM Observation Statement:

"9. Observations:

a. Shandon Mill is only expressly referenced in the Fourth Schedule (for acquisition) and on the relevant maps, plans and drawings. It is not referenced by name in the Order, remainder of the schedules or in the other supporting documents. It is totally disregarded in the ENVIRONMENTAL impact assessment REPORT. Notwithstanding this it is implicit that Shandon Mill is intended to be a temporary alternative access /detour route for the four Coke Oven Cottages and adjacent Royal Canal Way."

Item 1: TII Response:

"... EIAR ... Chapter 13 has identified potential for significant effects on Shandon Mill in terms of Airborne Noise and Vibration arising during the construction phase during certain work phases. (Refer to Table 13.63 and Table 13.88). Furthermore, Appendix A13.7 and A13.8 also identify predicted noise levels at properties along the alignment including at Shandon Mill."

Item 1: OMA Response:

Noted in relation to noise and vibration only.

Admission by TII /acceptance of the observation i.e. have not disputed that no consideration in the EIAR of the probable environmental impacts of the construction and operation of the temporary detour route on the Shandon Mill residents over a period of several years.

Item 2: SM Observation Statement:

9. Observations:

b. The Fourth Schedule identifies three parcels of land at Shandon Mill in the ownership of the OMC as being required for part of the "Temporary Site" associated with the construction of the Glasnevin Station, i.e.

i. ML45-T6, being /comprising:

v. The applicant cannot expect to be given exclusive temporary possession of the above parcels of land at any time as they are the sole means of access /egress for the residents and users of Shandon Mill.



Item 2: TII Response:

"It is not TII's intent to have exclusive use of this area once the bridge is commissioned crossing the Canal. It will facilitate access to Coke Oven Cottages. Access to Shandon Mill Cottages will be maintained."

Item 2: OMA Response:

Admission by TII that "exclusive use of this area" is required prior to the bridge being commissioned. TII have not stated:

- i) The period of time required to carry out the work prior to the bridge being commissioned.
- ii) The arrangements necessary to enable Shandon Mill residents to enter and exit the forecourt /car park, the four adjacent dwellings and the bin store while the temporary works are being constructed. Likewise at the later date when these works are removed and the original reinstated. Both being construction projects.

Item 3: SM Observation Statement:

"c. The above are part of External Common Area at Shandon Mill owned by the OMC. They are in constant use by the Shandon Mill residents as follows:

- i. entrance gateway is the sole entrance /exit from the development
- ii. 3nr private car parking spaces and waste bin store and
- iii. circulation area to provide access to /from unit no's 1 to 4 and the Bin Store.
- iv. access and circulation area required for access /egress to /from the 51 dwellings and car parking spaces.

Item 3: TII Response:

"The bin store and parking spaces will be relocated within land parcels ML45-T4 and ML45-T5 to facilitate the access to Coke Oven Cottages and reinstated upon completion."

Item 3: OMA Response: Admitted by TII / acceptance of the observation statement i.e. have not disputed it.

Item 5: SM Observation Statement:

12. Reasons why the temporary detour route through Shandon Mill is unsuitable

"c. Existing pavements and underground services probably not capable of supporting construction traffic associated with the construction and later removal of the temporary works, nor the temporary traffic to the cottages.



Item 5: TII Response:

"TII will ensure that the temporary works design or pavement alterations are to the correct standards to protect services through this location."

Item 5: OMA Response (in the event that ABP decides to permit the detour route through the Shandon Mill Lands – there is an issue concerning "standards"):

Admission by TII /acceptance of the observation i.e. have not disputed it.

The TII response "to the correct standards" is the first of several references by TII to "standards". It is vague, imprecise and is not adequate. The standards for design, construction and reinstatement need to be subject to a condition by ABP to ensure that it is to a predefined unambiguous standard for permanent works as such may be in place for 5 to 10 years. The determination of the "correct standards" should not be left to the discretion of TII or their Contractor as a "temporary work" that is normally provided to a lower standard /lowest possible cost by the contractor so as to save money. All work must be to a recognised and defined standard for "permanent" works, as the works may be in place for several years for use by our Client, the SM residents and any other users directed by TII.

We request that the the Inspector insert conditions that will require that the design, construction and reinstatement of any temporary works /enabling works at Shandon Mill is to be to the highest standards for permanent works (see separate section dealing with "Conditions") the following condition:

The relevant minimum standards for the design, construction and reinstatement of any temporary works /enabling works is to the highest standards for permanent works at Shandon Mill shall be:

- a) "Design Manual for Urban Roads and Streets (DMURS)", issued by the Department Of Transport, Tourism And Sport And The Department Of The Environment, Community And Local Government in March 2019 as amended.
- b) DCC: "Construction Standards for Road and Street Works in Dublin City Council"
- c) DCC: Directions for the Control and Management of Roadworks in Dublin City.
- d) DCC: Greater Dublin Regional Code of Practice for Drainage Works.
- e) DCC Roads Maintenance Services: "Construction Standards For Roads In New Small Developments".

As there will be no contractual relationship between the OMC and TII or the Contractor, it would be inequitable and disproportionate to leave the OMC with lesser remedies than those that would be enjoyed by DCC. The OMC should not be left at a disadvantage /worse off. This is an aspect that is not provided for within the CPO compensation process leaving certain ambiguities and



uncertainties in this regard as to the correct “standard”. The Contractor will probably be a foreign contractor in a Joint Venture consortium over which the OMC will have little recourse. It is best to avoid the unintended imposition of such disproportionate uncertainties by dealing with these issues by way of “conditions” in the RO.

Suggested condition: Prior to entry, the applicant shall provide security to the SM OMC in the form of a “cash payment /security deposit” to guarantee satisfactory reinstatement and also a minimum 12 month maintenance period “post reinstatement”; as security for the satisfactory reinstatement and maintenance of the works carried out by the applicant.

The Reason being if it was a public road in the charge of DCC it would have to be constructed and reinstated to their standard and subject to a “road opening licence” and a “cash payment /security deposit” to guarantee satisfactory reinstatement and also a minimum 12 month maintenance period “post reinstatement”; as it is a “private pavement /road” the OMC should not be left with a lower standard and without recourse accordingly a similar payment should be made by the applicant to the OMC.

Suggested condition: The detour /access route through Shandon Mill to the North Canal bank shall be suitably enclosed, controlled, monitored, secured and restricted to only permit the use of the route by vehicles belonging to the residents of the Coke Oven Cottages, their invited visitors, their service providers and emergency service vehicles. No pedestrian or cycle traffic (nor motor cycles, nor scooters) shall be permitted in to or through Shandon Mill; they shall be detoured along the Canal Bank Tow Paths to facilitate a direct connection into the existing pedestrian paths at Phibsborough Road. All other traffic shall be detoured at Broombridge Road /Prospect Road /Phibsborough Road /Cross Gun Bridge.

Item 6: SM Observation Statement:

“d. Inadequate turning space and inadequate line of sight for proposed new traffic route. There is a significant difference between three cars occasionally manoeuvring in and out of 3 nr car spaces versus traffic coming in from the Canal Path at a higher speed.”

Item 6: TII Response:

“TII recognise the constrained nature of this area and the design will be progressed by the Contractor to ensure the safety of this route. The detailed design of the bridge (and routing to and from) will be subject to swept path analysis to confirm that all requisite vehicles can transit through safely. The detailed design will consider visibility, speed restrictions and need for signalisation. Please note that this route will not be heavily trafficked.”

Item 6: OMA Response:

This is an admission that this detour route has not been designed and that there is uncertainty as to whether or not it will be adequate and that it is potentially unsafe if not properly designed.

It is also an admission that it is constrained, not straight forward and therefore it is probably complex /uncertain. TII have strangely dismissed the much less complex and more straight forward Alternative Routes that exist - that would avoid the issues regarding sight lines, turning radius, bends, changes in level.

There will be a significant change in the frequency, time, duration and nature of the traffic volume at the Shandon Mill entrance forecourt.

If not restricted, TII's intended detour route of the vehicular traffic through SM to and from the 4 cottage dwellings will also direct hundreds of cyclists (including motorcycles, scooters etc) and hundreds of pedestrians through the same congested confined space at the SM Entrance forecourt. It will be significant, however the diversion of such traffic through the private space of SM is not necessary and should be prohibited as it would be an unreasonable intensification of traffic. There are adequate existing and alternative routes for the various types of traffic that do not need to be detoured through Shandon Mill.

Item 7: SM Observation Statement:

"e. Removal of a secure boundary wall."

Item 7: TII Response:

'The wall and gate post will be carefully removed, stored for protection and reinstated on completion.

Item 7: OMA Response:

In the event that TII are permitted to acquire the SM Lands as sought then, TII intend to create a temporary (up to 10 year) situation where there is "no secure boundary" left between Shandon Mill and the canal public spaces. TII propose to bring traffic from the north tow path across the canal and into the private space of Shandon Mill. TII do not intend to exclude unauthorised entry from the Canal /adjacent derelict site in to SM? Again evidence that robust conditions are required to ensure the protection of the Residents of SM. And no attempt to mitigate the disproportionate interference with the amenities of the 150 Shandon Mill residents.

Item 8: SM Observation Statement:

"f. Shandon Mill is a private residential development where the proposal would unduly interfere with the residents established quiet use and enjoyment of their homes, whereas most of the alternative routes would not interfere with any existing residential use and amenities.

Item 8: TII Response:

"As referenced in EIAR Appendix A9.5 Scheme Traffic Management Plan, Figure 7-26: Glasnevin Station Diversions - Royal Canal Way closure. The proposed detour only purpose is to maintain access along the Royal Canal for pedestrians and cyclists and access for residents at the Coke Over Cottages without impacting on local residents including those residents at Shandon Mill. This will only involve a limited traffic level increase and impact locally. Please also refer to response item number (19) below.

The proposed diversion will remain in place while the northern canal path along the Royal Canal is closed to allow the completion of the main civil works along the Royal Canal for the MetroLink Station at Glasnevin.

We respond to alternatives proposed on response items numbers (18) to (22) below."

Item 8: OMA Response: This is **a BIG ISSUE**

We totally disagree with TII's representation that this will be

"without impacting on local residents including those residents at Shandon Mill.

This will only involve a limited traffic level increase and impact locally."

It is contradictory. TII have not provided any evidence to support this statement.

We submit that the only means of providing "a detour .. without impacting on local residents including those residents at Shandon Mill." Is to use the Alternative Routes (or combinations thereof) that do not lead in to SM (or any other residential area). Also the 150 "residents at Shandon Mill" are the only local residents directly impacted by TII's selected route.

An essential means of achieving the intent of TII's representation is to actually refuse their request and conditioning TII to provide /construct alternative detour routes along the Canal Tow Paths. This can be achieved by the routes noted in our original submission and also by variations on some of the TII responses in this regard, e.g.:

(a) further extending by cantilever (or other means) over the proposed station platform /existing railway line; and /or

(b) further extending by cantilever over or into the Canal Channel;



(c) or by Cofferdam with further infill into the Canal Channel, "Sequence of Glasnevin construction slides" (ref: Oral Hearing Day 5 - Monday 26th February 2024; and further 2 metres in to canal channel;

or by other means over or. Both are possible as demonstrated by the proposed temporary works that merely need to be extended.

The much more difficult River Dodder was successfully coffer dammed and dewatered and temporarily infilled in several places in recent years to facilitate the construction of substantial flood defences and realignment of the riverbank from Ringsend to Rathfarnham.

(d) minor tweaking of the station layout to move the Irish Rail platforms further west and perhaps the use of a covered culvert over part of the rail line.

(e) to close the tow path East of the 4 Coke Oven Cottages and to detour all traffic (except local access) at Broombridge Road on to other public roads (Ballyboggan Road to Prospect Road? And Fassaugh Avenue to Connaught Street to Phibsborough Road).

(f) TII compulsory purchase of the 4 Coke Oven Cottages.

"This will only involve a limited traffic level increase ..."

TII have provided no evidence to support this statement. Whilst it may be possible to realistically model the probable "traffic increase" that might arise from a detour limited and restricted to the residents of the 4 Coke Oven Cottages" any other modelling of the other traffic that TII propose to detour would be extremely unreliable due to subjective manipulation of variable data in relation to cyclists, pedestrians, runners, days, time of year, weather conditions, hours of day light.

However based on a few widely known facts and simple observations a significant and disproportionate increase is most probable and more so at particular times, i.e.

When there are greater hours of daylight, the traffic volumes of non-residents seeking to travel along the Canal Routes increases quite substantially; also on dry days there is a greater volume than on wet days; On warm /hot days extremely large volumes of non-residents are drawn to congregating at the Canal, sun bathing, picnicking, swimming, drinking and engaging in anti-social behaviour there and along the routes that they use to access the canal.

The canal bank /tow path adjacent to the 6th Lock is approximately 130 metres each side having the capacity to accommodate in the order of 150 bathers /picnickers x say 2 turnovers. If these use TII's proposed "detour" created along a new route to the south through Shandon Mill on to Shandon Road and then along equally narrow roads -versus- directly to/from Phibsborough Road at Cross Guns Bridge, it would have a significant impact on Shandon Mill. The distance from the 6<sup>th</sup> Lock to the Coke Oven Cottages is a further 500 metres.

On an overcast Saturday 9<sup>th</sup> of March between 11:55 and 12:25 pm I counted along the North bank 5 pedestrian walkers, 3 runners, 3 Canal group clean up volunteers, 2 scooters, 4 cyclists and 1 car plus on the Southbank 3 pedestrian walkers; counting the clean-up volunteers at 2 equals 16 x2 =32 non-motor vehicle movements per one hour. Over 10-12 hours this could equate to 20 motor vehicles per day 90 walkers, 30 runners, 20 scooters, 40 cyclists = 200 movements. On a summer day these could be 100-200% greater. None of these were able to enter Shandon Mill, however TII are seeking to detour all of them in through Shandon Mill and have suggested that the detour route will not be heavily trafficked.

The foregoing indicates that TII in both their application and responses have under estimated, or chosen to disregard these relevant readily ascertained facts. This is a very significant misrepresentation and totally unreasonable basis upon which to grant TII's request for the temporary uses sought over the Shandon Mill Lands. To grant the request sought by TII would in the present case be a "disproportionate ... impairment on the rights of property owners" and lawful residents of Shandon Mill and is not "necessary to attain the legitimate object sought to be pursued."

*"133. Arising from the foregoing, it can be said that prior to the confirmation of the compulsory purchase order, it is necessary for the Board to be satisfied*

*"(iv) That the impairment on the rights of property owners from the acquisition of the property is not disproportionate in that it does not exceed that which is necessary to attain the legitimate object sought to be pursued." – ref "legal-submissions-metrolink-19-february-2024.pdf"*

And also refer to:

*"Proportionality*

*140. The Board is required to apply a test of proportionality and to be satisfied that the impairment of the property owner's rights from the acquisition of the property is not disproportionate. As McKechnie J explained in Reid, the exercise of the power of compulsory acquisition "must be granted and carried out in such a way that the*

*impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued".* – ref “legal-submissions-metrolink-19-february-2024.pdf”

As there are a number of alternatives identified that would not give rise to any “disproportionate” impairment”.

And TII expect the Inspector /ABP to accept their conclusion:

“This will only involve a limited traffic level increase and impact locally.”

Currently there is no direct access route from /to the Canal from Shandon Road; yet TII are seeking permission to create an unrestricted detour through private property directing and allowing hordes of pedestrians, cyclists and vehicles in to and through the confined private Entrance Forecourt of Shandon Mill.

The entire “impact” would be put upon SM Residents. We submit that such would be totally disproportionate and extremely un-just interference with the rights and entitlements of the SM Residents.

It is also clear from the Coke Oven Cottages submissions that they are going to be seriously impacted over a very long period of time by TII’s proposed detour route. Their expressed preference appears to be to continue to use the existing route along the North bank tow path or a close variation of that. If not always feasible then a more direct temporary bridge crossing over the canal at Shandon Gardens would probably be less disruptive for them. It is also a location where waterways Ireland have agreed to allow Dublin City Council to carry out extensive works to the canal bank and the canal channel.

I suggest that the Inspector should visit and carefully walk this area and consider that potential consequences for the 150 Residents of Shandon Mill and those residents of the quite streets leading thereto.

TII will say the alternatives are not possible, they were considered and ruled out?

Project managers, engineers and contractors are capable problem solvers. They over come obstacles and the like in 99% of cases. When their Client is the Irish State and they have the additional statutory powers of a CPO /Railway Order behind them, they can and disregard the “impact” of all of this on the residents of Shandon Mill unless restricted by the terms and conditions imposed by ABP in the granting of the Order.



Item 9: SM Observation Statement:

"g. The parcels of land sought are the sole means of access /egress for the residents and users of Shandon Mill. If the order is granted then it will not be possible for the applicant to have sole possession, access /control; it would be a joint possession, access /control. Such an arrangement could be totally unmanageable and inherently hazardous /dangerous.

Item 9: TII Response:

Please refer to response items number (2) and (6) above. The route will be designed to the relevant standards to ensure the safety of the route, cyclists and the residents of Shandon Mill.

Item 10: SM Observation Statement:

"i. Refuse lorries, oil /other delivery trucks ready-mix concrete lorries emergency service vehicles would be unable to safely drive manoeuvre along the intended route."

Item 10: TII Response:

"The route will be designed to the relevant standards for access for all vehicles necessary."

Item 11, 12, 13, 14, 15: SM Observation Statement:

"j. Frequent pedestrian access by residents across this area is necessary to gain access to the entrance gateway, forecourt, Bin Store, apartment no 1 and to the 3nr car spaces."

Item 11: TII Response:

"Access will be maintained. Please note there are 4 Coke Oven Cottages and hence the use of this route is very limited compared to the 51 cottages in Shandon Mill. Pedestrian access across the route is less onerous than across exiting accesses in Shandon Mill. That said, the detailed design will consider the safety of all users.

Item 12, 13, 14, 15: SM Observation Statement:

"k. Road safety, pedestrian safety, resident safety. Increasing the risk of personal injuries that would be otherwise avoidable.

l. All pedestrians (including cyclists) would have to exit /enter crossing the temporary vehicular traffic route

m. Insufficient space to provide segregation of vehicles from cyclists and pedestrians.

n. All pedestrians accessing the entrance gateway /bin store require a safe means of access however it would not be possible to provide it. Too much congestion. Inadequate turning space/ turning area. Inadequate observation /line of sight distances."

Item 12, 13, 14, 15: TII Response:

"Please refer to response item number (9) above."

OMA Response (to Items: 9, 10, 11, 12, 13, 14, 15 ISSUE "standards" and "design" and "reinstated")

TII 5: "TII will ensure that the temporary works design or pavement alterations are to the correct standards to protect services through this location.

TII 3: "The bin store and parking spaces will be relocated within land parcels ML45-T4 and ML45-T5 to facilitate the access to Coke Oven Cottages and reinstated upon completion."



TII 6: "TII recognise the constrained nature of this area and the design will be progressed by the Contractor to ensure the safety of this route. The detailed design of the bridge (and routing to and from) will be subject to swept path analysis to confirm that all requisite vehicles can transit through safely. The detailed design will consider visibility, speed restrictions and need for signalisation. Please note that this route will not be heavily trafficked."

TII 9: "The route will be designed to the relevant standards to ensure the safety of the route, cyclists and the residents of Shandon Mill."

TII 10: "The route will be designed to the relevant standards for access for all vehicles necessary."

TII 11: "That said, the detailed design will consider the safety of all users."

TII 12-15: "the detailed design will consider the safety of all users"

TII 16: "TII will consider the security aspects noted in the detailed design."

TII 24: "TII are satisfied that the current design and route is appropriate."

OMA Response: Refer to our response at Item 5 above.

Item 16: SM Observation Statement:

"o. Adverse security /crime issues /problems if existing pedestrian, scooter and cycling users of Canal tow paths are given access into this private development.

Item 16: TII Response:

"The private development is not currently gated at the entrance / exit and hence is currently accessible via the public road network. TII will consider the security aspects noted in the detailed design."

Item 16: OMA Response:

The point is that the reason SM is not currently "gated" is that there are no current "security /crime" issues as it is not on a thoroughfare, it is not easily accessed by the public, however the TII proposed detour route will change all of that by making it easily accessed by the public from the Canal.

It is an unreasonable imposition on and disproportionate impairment for the SM residents when there are alternative routes that will avoid such.

Item 17: SM Observation Statement:

13. Reasons to refuse the temporary acquisition of the parcel for the intended purpose of providing temporary access to /from Coke Oven Cottages:

"d. The proposed indirect route through Shandon Mill is not suitable. A more direct route would be better for emergency services, deliveries etc."

Item 17: TII Response:

"The proposed route is the most feasible available access route as maintenance of a 24 hr direct route through the construction site is not reasonably practicable."



Item 17: OMA Response:

This has not been demonstrated and is rejected. Not accepted.

Yes it is a large construction site and there are sufficient /more suitable spaces immediately adjoining the construction site to “accommodate a 24 hour direct route” if additional space is required it is available by oversailing the railway, the canal and or extending the proposed coffer dam infilled area by a mere 2 metres to accommodate the vehicles associated with Coke Oven Cottages – avoiding any “impairment” of the Shandon Mill Owners and residents that will not require any temporary use of the Shandon Mill Lands.

Item 18: SM Observation Statement:

“e. Safer routes can be constructed along the south bank of the canal if necessary partly cantilevered over the canal to provide direct access for motor vehicles, cyclists and pedestrians.”

Item 18: TII Response:

“This is not feasible / preferred because:-

1. extensive foundations would be required alongside the canal to facilitate a cantilevered access road for all proposed traffic. This would be unacceptable to Waterways Ireland and the installation would impact on both the heritage items and the community.
2. the canal basin between locks 5 and 6 is to be narrowed on the north side to allow the construction of the railway retaining walls and the southern part of the new MetroLink Station. Narrowing on both sides of the canal is unlikely to be consented by Waterways Ireland. The EIAR proposed route is safe and has a reduced environmental impact.”

Item 18: OMA Response:

“not feasible” = not able to be done or achieved. Impracticable.

and “preferred” = liked better or best : used or wanted in preference to others. Meaning that it is possible but not wanted.

The reasons given are not accepted and are not valid. The Canal is an obsolete piece of infrastructure from another era, its importance cannot be permitted to trump that of constructing the Metro. Waterways Ireland are not residents and are not entitled to “preferential” consideration over that of other more affected land owners /local residents.

It is feasible to narrow the channel and that has been /will be permitted elsewhere in the Greenway Works. TII plan to carry out extensive works /removal /reconstruction of the Canal Wall North

Bank Canal Wall; they intend infilling on a temporary basis part of the Canal so as to provide a wider working space parallel to the station and the North Wall of the Canal, an increase in the width of this by one or two metres is all that is required to also accommodate a simple single lane access route for the Coke Oven Cottage vehicles.

Waterways Ireland are not residential occupiers, their amenities will not be interfered with nor will they be kept awake at night. They are land owners, managers and operators of the canal as an agency of the Office of Public Works to whom the canals were transferred under the Canals Act, 1986. The “navigational authority responsible for the management, maintenance, development and promotion of over 1000 km of inland navigable waterways, principally for recreational purposes”.

Today The Royal Canal and its Tow paths” are an “amenity” in need of serious maintenance and improvement. It is not a piece of critical transport infrastructure. Its amenity value will not be diminished in any way by carrying out works required to accommodate the construction and operation of Metro-link as provided for in a RO. Whilst TII need to consult with WWI they do not have any rights greater than any other property owner under a RO.

“And has a reduced environmental impact” cannot substantiate this or did not. In 2023 WWI have consented to the emptying and dredging and narrowing this section of Canal. The proposal is involved and will have a greater carbon footprint. Building materials (with significant embedded carbon) will be used and then after several years demolished taken away and disposed of as waste.

The interventions /modifications will not impact on its character or importance of the Canal. In fact such interventions /works give the opportunity to prolong the life, improve and consolidate the condition and durability of the canal walls /banks.

The interventions are proportionate and necessary to accommodate the Metro rail link the Metro/rail link interchange station.

Item 19: SM Observation Statement:

“f. There is no provision in the ENVIRONMENTAL IMPACT ASSESSMENT REPORT for such works and accordingly they should be refused and the Applicant restricted to using the southern canal tow path as per the ENVIRONMENTAL IMPACT ASSESSMENT REPORT page 100.”



Item 19: TII Response:

"Please note that the re-routing of the small number of vehicle movements required to facilitate access and egress to Coke Oven Cottages is addressed in Chapter 9 of the EIAR (Refer to page 152-153 and Diagram 9.44). However due to the limited number of vehicle movements predicted, this is not considered as a significant impact in terms of traffic, impact on the local population, noise, or air quality in the relevant chapters"

Item 19: OMA Response:

No assessment of the impact has been provided.

No surveys or calculations have been provided to establish / predict the vehicle movements.

There will be a large amount of "noise".

There will be "heavy traffic by pedestrians and cyclists, motorbikes and scooters.

Item 20, 21: SM Observation Statement:

"As the alternative routes largely appear to be over public land then no private residential land should be required or affected by this."

14. More suitable alternative routes to provide temporary access to /from Coke Oven Cottages:

"a. AR I: Cross the Royal Canal (nearer to the Cottages) with a temporary bridge and temporary road exiting directly on to Shandon Gardens /Shandon Park (public roads)."

Item 20, 21: TII Response:

"Please see specific response to item number (21) below."

"This route is not preferred as it would require foundations and piers to be constructed on both sides of the canal. This would impact adversely on the canal structure, biodiversity in the area and to residents along this stretch due to the noise and vibration associated with these works. Please note that the proposed option utilizes existing piers and foundations eliminating these disruptive works. Furthermore, this route effectively puts the vehicles on to a similar network of streets but using Shandon Park increasing the diversion route and impacting more residents in the area."

Item 20, 21: OMA Response:

Waterways Ireland do not appear to have any issues or reservations in permitting Dublin City Council to reduce the width of the canal by realigning the canal bank including dewatering this section of the canal for the purposes of constructing the Greenway cycle route along this section of the Royal Canal. Hence there should be no issues concerning a temporary Bailey type bridge which is designed to have temporary foundations that are not as invasive as suggested. They could be accommodated as part of the Greenway works or at a similar time as the Greenway works.





Item 22: SM Observation Statement:

"b. AR 2: Construct a temporary route from the existing Royal Canal Way comprising temporary bridges over the existing Irish Rail track lines 6 (GSRW and MGWR) and temporary roadways around the northern periphery of the Station Site passing through the car parks and exiting on to Prospect Road and or Dalcassian Downs to the Finglas Road."

Item 22: TII Response:

"This route is not available as it is through the proposed MetroLink construction site, which is already highly constrained with operational rail lines and local residents. Any routing through this area would be extremely complex to provide and invariably would extend the construction period assessed. This route would impact more residents."

Item 22: OMA Response:

What part(s) of the construction site?

How would it affect "operational railway lines"?

What are the complexities?

How many residents?

Item 23: SM Observation Statement:

"c. AR 3: Cross the Royal Canal with a temporary bridge as proposed but to then turn East and proceed along the existing Southern bank of the Royal Canal exiting on to the Phibsborough Road. Where the existing tow path width may be insufficient it can be widened on the canal side by constructing a temporary cantilevered platform and/or widened on the Cross Guns SHD Site (1 13 Phibsborough Road) side by the temporary removal of the existing boundary wall /fencing and extending into the adjacent apron /former railway siding that is parallel to the Canal."

Item 23: TII Response:

"Please see specific response to item number (18) above."

Item 23: OMA Response:

We disagree.

Item 24: SM Observation Statement:

"d. AR 4: Cross Royal Canal with a temporary bridge as proposed in to the SHD Site but exit south of the Shandon Mill Bin Store through the adjacent very large side garden of 43 Shandon Road' on to the laneway south of the Entrance to Shandon Mill leading to Shandon Park."

Item 24: TII Response:

"TII are satisfied that the current design and route is appropriate."



Item 24: OMA Response:

We disagree.

Item 25: SM Observation Statement:

"17. We would respectfully request An Bord Pleanála to refuse /modify the order sought for this part of the application, i.e.

The Applicant shall not take temporary possession of, or the use of any part of Shandon Mill.....

Reason: The temporary use of parts of the Shandon Mill residential development would not be appropriate and should not be necessary as there are other more appropriate routes that will not interfere with the existing residential use. There are more appropriate alternative routes available that do not pass through Shandon Mill and will not require the acquisition of any part of the Shandon Mill development."

Item 25: TII Response:

"TII would not recommend such modifications are made."

Item 25: OMA Response:

We disagree.

Item 26: SM Observation Statement:

"18. Alternatively, in the event that An Bord Pleanála when granting the Railway Order, decide to grant the Order permitting the proposed temporary acquisition /use of Shandon Mill, then as a contingency without prejudice to the foregoing submission, we request that restrictions/conditions are imposed on the applicant so as to minimize /mitigate the effect /impact of the important issues identified in this submission. And importantly to reflect the fact that such temporary acquisition /use must be non-exclusive as the OMC must continue to use those lands for access egress and the day-to-day operation of the development. Suggested restrictions /conditions are listed in Appendix B to this report."

"In the event that the applicant, any other party, make submissions in response to this submission then I would request that same be furnished to us and that we /our client is given an opportunity to consider and respond to same prior to a final decision by An Bord Pleanála."

Item 26: TII Response:

"TII do not agree to any of the proposed conditions at this point in time."

Item 26: OMA Response:

We disagree.

**Section C:****Further Suggested CONDITIONS**

In addition to the 17 Suggested Conditions set out in 'Appendix B: Suggested Conditions' of the Submission dated 21 November 2022, the following further suggested conditions now arise in response to the TII Responses:

Suggested restrictions /conditions to minimise /mitigate the effect /impact of the important issues identified in this submission on the residents of Shandon Mill.

18. Prior to the Applicant commencing construction of certain aspects of the station, that a permanent route (or a series of temporary routes) be established and constructed along the north bank of the canal sufficiently wide enough to accommodate both the construction activities, and the passage of vehicles to, and from Coke Oven Cottages.
19. Any detour of pedestrians and cyclists from the Royal Canal Way shall not permit access to /through SM. It should be along either of the canal tow paths or closed / restricted to LOCAL ACCESS ONLY.
20. Prior to entry, the applicant shall provide security to the SM OMC in the form of a "cash payment /security deposit" to guarantee satisfactory reinstatement and also a minimum 12 month maintenance period "post reinstatement"; as security for the satisfactory reinstatement and maintenance of the works carried out by the applicant.
21. Any works having a life duration in excess of one month, including the design, construction and reinstatement of any temporary works /enabling works at Shandon Mill shall be to the highest standards for permanent works and shall comply with the following minimum standards:
  - a) "Design Manual for Urban Roads and Streets (DMURS)", issued by the Department Of Transport, Tourism And Sport And The Department Of The Environment, Community And Local Government – most recent update.
  - b) DCC: Construction Standards for Road and Street Works in Dublin City Council.
  - c) DCC: Directions for the Control and Management of Roadworks in Dublin City.
  - d) DCC: Greater Dublin Regional Code of Practice for Drainage Works.
  - e) DCC Roads Maintenance Services: Construction Standards For Roads In New Small Developments.
22. All temporary work shall be removed and all surfaces, walls and like property reinstated to the satisfaction of the OMC prior to or within six months of the permanent route re-opening and prior to the opening of the Glasnevin Station to the public.
23. The detour /access route through Shandon Mill to the North Canal bank shall be suitably enclosed, controlled, monitored, secured and restricted to only permit the use of the route by vehicles belonging to the residents of the Coke Oven Cottages, their invited visitors, their service providers and emergency service vehicles. No pedestrian or cycle traffic (nor motor cycles, nor scooters) shall be permitted in to or through Shandon Mill; they shall be detoured along the Canal Bank Tow Paths to facilitate a direct connection into the existing pedestrian

paths at Phibsborough Road. All other traffic shall be detoured at Broombridge Road /Prospect Road /Phibsborough Road /Cross Gun Bridge.

24. Proposals to be agreed prior to commencement of development shall include:
- a. Arrangements in relation to roads, access, cycling, infrastructure, waste removal and emergency vehicles, and parking.
  - b. Surface water drainage. To ensure that surface water run-off is controlled, such that excess of silt or other pollutants do not enter the drainage system or water courses
  - c. Measures to prevent the relocated waste and bicycle parking facilities, being used by anyone other than the residents of Shandon Mill.
  - d. Measures to prevent spillage or deposits of clay, rubble, or other debris on the road and paved surfaces of the Shandon Mill Development together with all cleaning to pavements and buildings, forming part of Shannon Mill.
  - e. Alternative arrangements to provide access and egress for residents and authorised visitors to Shandon Mill by vehicle, pedestrian or cycles in the event of any closure or part closure of the existing during the temporary works.
  - f. Appropriate mitigation measures for noise and dust and the measuring of same levels.
25. Shandon Mill shall not be used by the contractor for construction access other than for the works to construct the temporary detour route.
26. Record of daily checks that works are being undertaken in accordance with the construction environmental management plan shall be kept for inspection by the planning authority and the owners management company of Shandon Mill.
27. The applicant shall pay all reasonable professional costs incurred by the owners management company in considering and advising in relation to all temporary works and the reinstatement works proposed by the applicant. Together with the management and oversight of the works and also during the course of the operation of the temporary works.