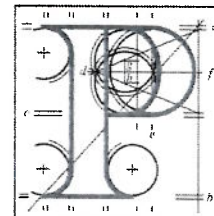


**Our Case Number:** ABP-314724-22

**Your Reference:** Charlemont & Dartmouth Community Group  
(CDCG)



**An  
Bord  
Pleanála**

**(3-11 Cambridge Terrace)**

MacCabe Durney Barnes  
C/O Jerry Barnes  
20 Fitzwilliam Place  
Dublin 2  
D02 YV58

**Date:** 14 October 2024

**Re:** Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]  
Metrolink. Estuary through Swords, Dublin Airport, Ballymun, Glasnevin and City Centre to  
Charlemont, Co. Dublin

Dear Sir / Madam,

An Bord Pleanála has received your recent letter in relation to the above mentioned case. The contents of your letter have been noted.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in relation to the matter please contact the undersigned officer of the Board at [laps@pleanala.ie](mailto:laps@pleanala.ie)

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

  
Kevin McGettigan  
Executive Officer  
Direct Line: 01-8737263

RA03

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

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# MACCABE DURNEY BARNES

PLANNING | ENVIRONMENT | ECONOMICS

Our Ref: 2093 Cambridge Terrace

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	075412 - 24
ABP-	
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Time:	17:06
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8<sup>th</sup> October 2024

**Re: Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order 2022**

Dear Secretary

We refer to the above Railway Order application and the further information submitted to the Oral Hearing held between the 19<sup>th</sup> February and the 28<sup>th</sup> March 2024. The public notice of the 8<sup>th</sup> August 2024 allows for submissions to be made in respect of this further information. We wish to make a submission for our client Charlemont & Dartmouth Community Group (CDCG) on behalf the Cambridge Terrace residents of properties nos. 3-11, Cambridge Terrace, Ranelagh, Dublin 6. The residents are listed in the table appended to this letter. While CDCG has previously made 3 submissions on behalf of specific residents, it had not specifically made a submission on behalf of the Cambridge Terrace residents. Accordingly, we herewith enclose the prescribed fee of €50 to accompany this submission. We request acknowledgement of receipt.

## Scope of Submission

Our submission specifically relates to the further information presented to the Board at the Oral Hearing in so far as it relates to the residents of Cambridge Terrace. The residents of Cambridge Terrace support the CDCG General Area Submission made on the 16<sup>th</sup> January 2023 and the observations and submission made at the Oral Hearing. It is noted that the CDCG representatives highlighted at the Oral Hearing that the amendments to the assessments submitted to the hearing, particularly in relation to noise, affected the residents of Cambridge Terrace in a materially and adversely significant manner. This gave rise to major concerns for the Cambridge Terrace residents. A further detailed analysis of the revised assessments merely confirms that those concerns were justified.

The grounds of our submission relate principally to airborne noise, construction impacts and impact upon amenities and property values. This arises from the information submitted by the Applicant to the Oral Hearing.

### 1. Misleading Description of submitted Documents

We have compared the original Airborne Noise and Vibration assessment as contained in Chapter 13 of the EIAR (and the associated Appendix S13.7) with "Appendix A13.7: Charlemont Station – Erratta". In the first instance we take issue with the use of the word "Erratta". This suggests a minor error in printing or text after proof reading has been undertaken. This downplays the nature of this

revision to suggest that there is only a minor error. The original Appendix A3.17 refers to property reference nos. 34, 35, 36, 37 and 38 as being 11,10,7,5 and 3 Cambridge Square. While this may arguably be a typographical error as the properties should have referred to Cambridge Terrace, it is not an insignificant error.

However, more importantly, there are significant variations in the assessment of airborne noise and vibrations in so far as they relate to the properties on Cambridge Terrace. The document submitted is not an Erratta within the meaning of that word. It provides an assessment of the development with mitigating measures in place. This is effectively a new additional assessment. It is only by carefully examining the documentation that this becomes apparent. The document is one of c200 submitted to the oral hearing. This approach has been adopted across the project whereby new assessments are classified as "Erratta" documents. This is wholly misleading and contrary to the transparency that would be expected for an EIA process.

## **2. Method of Assessment**

*Appendix A13.7: Charlemont Station – Erratta* is just a table which just illustrates 'unmitigated' and 'mitigated' impacts. There is no explanation of what mitigation measures are included in the assessment, or the assumptions underpinning the assessment. Noise mitigation measures during the construction phase are proposed in section 13.6.1 of the EIAR. There are general measures as contained in the Construction Environmental Management Plan (CEMP), and a number of key principals are adopted in relation to mitigation:

- Noise control at Source: Selection of quiet plant, site layout, attenuation at source, operational control (hours and periods);
- Noise Control along Pathway: Localised screening to plant items on site, enclosures, site buildings, site hoarding and noise barriers; and
- Noise Control at Receiver: Noise Insulation and Temporary Rehousing.

It is wholly unclear as to what elements are included in the mitigated assessment. We contend that the only the first two can be classed as mitigating measures, as they are within the control of the applicant. The last one relating to noise insulation and temporary housing are outside the control of the applicant and therefore cannot be classed as mitigation measures within the meaning of the Directive.

It is our understanding that the assessment relating of mitigation measures includes a noise modelling of the 4m barrier along the east, west and southern boundaries of the compound as detailed in Table 13.85 of the EIAR. However, this is only an interpretation, having regard to points made at the Oral Hearing.

## **3. Properties Assessed**

There are 11 properties on Cambridge Terrace, nos. 1 to 11. No. 11 is the closest to the Charlemont Station. However, only nos. 3,5,7,10 and 11 were assessed. See figure below. While the EIAR indicates that these are representative, given that there are variations in the impact from nos.3 to 11, it is imperative that all properties be assessed so that all property owners can consider the impact upon their individual house.



**Figure 1: Cambridge Terrace Properties Assessed (red dot)**

Those in close proximity have not been assessed (i.e. nos.4,6,8 and 9). Furthermore, the majority of those properties selected as being representative (nos.3,5, and 7) are likely to be slightly less impacted than nos.4,6 and 8 which do not benefit from the shielding effects of a rear return. We therefore request that all properties on Cambridge Terrace be properly and fully assessed.

#### 4. Review of Impacts

Notwithstanding the above deficiencies, it is clear that, even with mitigation taken into account, there will be significant to very significant effects upon these properties. Significant effects are an important threshold in the EIA process, as under the Directive, these are effects that must be assessed, and mitigation proposed. The EIAR Guidelines (EPA, 2023), defines *Significant* and *Very Significant Effects* as follows:

- **Significant Effects** An effect which, by its character, magnitude, duration or intensity, alters a sensitive aspect of the environment.
- **Very Significant** An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment.

For ease of reference, we have extracted the relevant information of the assessment after mitigation and presented it in the table below in relation to those properties which were actually assessed. It can be seen that there are *significant* to *very significant* impacts upon no.11 Cambridge Terrace in all phases of construction and for nos.7 and 10 during piling works, ground level south excavation works (including batching), and for no. 10 during underground excavation works.



Activity	Receptor		Predicted CNL, dB L <sub>Aeq,T</sub>	Baseline Ref	Construction Noise Threshold		Predicted Magnitude of Impact	
	Ref	Description			Weekday (07:00 - 19:00)	Saturday Morning (07:00 - 13:00)	Weekday Day (07:00 - 19:00)	Saturday Morning (07:00 - 13:00)
Advanced Enabling & Utility Works, Preparation Site	34	11 Cambridge Terrace	72	UT52	65	65	Significant to Very Significant	Significant to Very Significant
	35	10 Cambridge Terrace	63	UT52	65	65	Slight to Moderate	Slight to Moderate
	36	7 Cambridge Terrace	61	UT52	65	65	Not Significant	Slight to Moderate
	37	5 Cambridge Terrace	55	UT52	65	65	Not Significant	Not Significant
Station Piling Works South	38	3 Cambridge Terrace	54	UT52	65	65	Not Significant	Not Significant
	34	11 Cambridge Terrace	79	UT52	65	65	Significant to Very Significant	Significant to Very Significant
	35	10 Cambridge Terrace	72	UT52	65	65	Significant to Very Significant	Significant to Very Significant
	36	7 Cambridge Terrace	69	UT52	65	65	Moderate to Significant	Moderate to Significant
South Station Works Excavation - Ground Level (includes batching plant)	37	5 Cambridge Terrace	62	UT52	65	65	Not Significant	Slight to Moderate
	38	3 Cambridge Terrace	60	UT52	65	65	Not Significant	Slight to Moderate
	34	11 Cambridge Terrace	77	UT52	65	65	Significant to Very Significant	Significant to Very Significant
	35	10 Cambridge Terrace	70	UT52	65	65	Moderate to Significant	Moderate to Significant
South Station Works Excavation - Underground	36	7 Cambridge Terrace	68	UT52	65	65	Moderate to Significant	Moderate to Significant
	37	5 Cambridge Terrace	62	UT52	65	65	Not Significant	Slight to Moderate
	38	3 Cambridge Terrace	60	UT52	65	65	Not Significant	Slight to Moderate
	34	11 Cambridge Terrace	76	UT52	65	65	Significant to Very Significant	Significant to Very Significant
Finishing & Fit-Out Works	35	10 Cambridge Terrace	67	UT52	65	65	Moderate to Significant	Moderate to Significant
	36	7 Cambridge Terrace	65	UT52	65	65	Slight to Moderate	Slight to Moderate
	37	5 Cambridge Terrace	59	UT52	65	65	Not Significant	Slight to Moderate
	38	3 Cambridge Terrace	58	UT52	65	65	Not Significant	Not Significant
	34	11 Cambridge Terrace	72	UT52	65	65	Significant to Very Significant	Significant to Very Significant
	35	10 Cambridge Terrace	63	UT52	65	65	Slight to Moderate	Slight to Moderate
	36	7 Cambridge Terrace	62	UT52	65	65	Not Significant	Slight to Moderate
	37	5 Cambridge Terrace	56	UT52	65	65	Not Significant	Not Significant
	38	3 Cambridge Terrace	54	UT52	65	65	Not Significant	Not Significant

**Figure 2: Cambridge Terrace Properties Significantly or Very Significantly Impacted during Construction (Source: Appendix A13.7: Charlemont Station – Erratta)**

The effects detailed above are effectively the residual effects after mitigation. Section 3.9.1 of the EPA Guidelines reviews how the assessment of these residual effects should be considered within the planning process. It states:

*"The residual effects are the final predicted or intended effects which occur after the proposed mitigation measures have been implemented.*

*It will not always be possible or practical to mitigate all adverse effects. The effects that remain after all assessment and mitigation are referred to as 'Residual Effects'. These are the remaining environmental 'costs' of a project that could not be reasonably avoided. **These are a key consideration in deciding whether the project should be permitted or not.***

*For this reason, it is important that residual effects are clearly described in accordance with the standardised terminology set out previously."* [Our bold]

## 5. Duration of Works

Charlemont is designated as a main construction compound. The hours of operation are summarised in Appendix 5.1 and illustrated in the figure below.

Construction Compound	Local Authority	Standard Working 5.5 days	7- days working (Dayshift only)	7- days working (24 hours)
Charlemont Station	Dublin City	√	<ul style="list-style-type: none"> <li>• Station construction</li> <li>• Civils and architectural works</li> <li>• Clear site and reinstate</li> </ul>	<ul style="list-style-type: none"> <li>• TBM traverse through station</li> <li>• SCL Evacuation &amp; Ventilation Tunnels</li> <li>• MEP station works</li> </ul>

It can be seen that there will be significant 24 hour working 7 days a week involving the TBM activities, construction of the evacuation tunnel and associated SCL lining and station works themselves. There will also be weekend working, which is all in addition to the standard 5.5 day working week. This standard working day is Monday to Friday 07:00 hrs to 19:00 hrs (12 hours) and on Saturdays 07:00 hrs to 13:00 hrs (6 hours). It is quite evident that the works undertaken outside of this standard work week is going to be extensive and ongoing given the extent of works required in relation to the station construction, site clearance, tunnel construction and MEP station works. This is effectively going to a 24/7 construction for a significant period of time over the 8.5 years of the project.

While the duration of each activity (advanced enabling works, station piling, south station excavation works, finishing and fit out) is not clearly set out in the documentation, we are assuming that there are noise impacts ongoing throughout all of these phases which extend over a 102 month period, or 8.5 years of the project.

## 6. Impact upon Human Health and Amenities

The impact upon human health resulting from the construction impacts at Charlemont Station is not adequately addressed in the EIAR. Late working hours and the duration and extent of the noise impacts will impact upon residents and occupiers sleeping, particularly this has been a relatively quiet neighbourhood, particularly at the rear of properties. In addition, the noise and disturbance will have a detrimental and significant effect upon the amenity value of rear gardens, which have experienced a certain tranquillity to date with limited noise from the Luas and traffic on the surrounding road network. This will be altered for a significant length of time, further eroding the amenities of the area.

## 7. Impact and Property Values

The applicant in its submission Response 42 – Item 70 acknowledge that the

*“..impact of the proposed railway on amenity and devaluation of properties is a relevant consideration in ABP's consideration of the Railway Order application, but as outlined elsewhere, TII do not agree that the proposed railway works will cause anything other than a temporary loss of amenity and will not cause the devaluation of properties.”*

Evidence submitted to the hearing by affected parties, including valuer's reports, has illustrated that there will be a dramatic impact upon property values in the area, particularly during the extensive 8.5 year long construction period. This has the potential to leave property owners with significant levels of negative equity, unable to move owing to the project related devaluation in the value of

their properties, yet having to endure the significant adverse effects of the development. The Applicant on the other hand have submitted no valuers reports to support its contention that there will be no impact upon values. They merely say that there will be increase in value as a result of the project.

Furthermore, the applicant suggests that the impacts upon amenity are only *temporary*. The EIAR Guidelines, however, define temporary effects as those lasting less than a year. Effects lasting between seven and fifteen years, as is the case, are defined as *medium term effects* in the Guidelines.

The Applicant has acknowledged that there would be likely significant to very significant effects upon the environmental amenities, particularly in relation to noise. Effectively the applicant has sought to transfer the costs of the significant environmental effects resulting from the development onto the residents of Cambridge Terrace and other residents in the area.

Planning decisions should not adversely affect third party amenities with any associated devaluation of property and Article 43 of the Constitution protects property rights. This development if permitted would infringe those rights.

## **8. Conclusions**

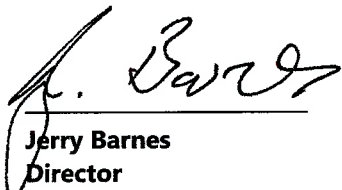
In the first instance we request that a proper and full assessment of all properties impact on Cambridge Terrace be assessed in relation to airborne noise.

Notwithstanding this, and on the basis of the evidence submitted, the following conclusions can be made.

1. The duration of the significant to very significant effects will have a detrimental and adverse effect upon the human health of the residents.
2. The development will have a very significant adverse effect upon residential amenities of Cambridge Terrace residents and will devalue property.

The applicant has failed to present appropriate and enforceable mitigating measures which remediate these impacts. We therefore urge the Board to omit the southern section of the railway order.

Yours sincerely



**Jerry Barnes**  
**Director**

**MACCABE DURNEY BARNES**

## Appendix 1-List of Residents

House Number	Owner
3	Vincent and Paula Smyth
4	Ferdia and Laura Bolster
5	Padhraig and Caroline Fleming
6	Edward and Joyce Kelly
7	Jason McDermott and Rita Marie Harvey
8	Petria McDonnell
9	John and Emer Loughrey
10	Mary Duffy
11	Kathleen White and John Neary