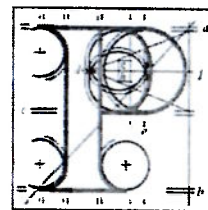


PF

Our Case Number: ABP-314724-22

Your Reference: LIDL Ireland GmbH



**An
Bord
Pleanála**

Tony Bamford Planning
Sky Business Centre
Clonsaugh Business & Technology Park
Clonsaugh
Dublin 17
D17 FY82

Date: 10 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.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at 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

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	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Lauren Griffin

From: Lauren Griffin
Sent: Thursday 10 October 2024 09:16
To: tony
Subject: RE: Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022. Oral Hearing Documents for Second Round of Public Consultation. Submitted for Lidl Ireland GmbH.

A Chara,

The Board acknowledges receipt of your email, official correspondence will issue in due course.

Kind regards,

Lauren

From: tony <tony@tonybamfordplanning.ie>
Sent: Tuesday 8 October 2024 12:58
To: LAPS <laps@pleanala.ie>
Cc: tony <tony@tonybamfordplanning.ie>
Subject: Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022. Oral Hearing Documents for Second Round of Public Consultation. Submitted for Lidl Ireland GmbH.

Please find attached submission in respect of the second round of public consultation made on behalf of Lidl Ireland GmbH.

LIDL previously made a submission to the Railway Order and attended the Oral Hearing in March 2024 so we were informed that this submission could be made via the LAPS email address.

Can you please confirm receipt of this email.

Job Number: 23078
Letter Reference: 081024
Date: 8 October 2024

An Bord Pleanála
Metrolink Oral Hearing
Reference: ABP-314724-22
Submission Number: 169
Client: Lidl Ireland GmbH
Lands: Northwood Station.



Sky Business Centres, Clonsaugh *Business*
& *Technology Park*, Clonsaugh, *Dublin 17*
T: 087 2903208
E: tony@tonybamfordplanning.ie

Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022. Oral Hearing Documents for Second Round of Public Consultation.

Introduction

This submission is made by Lidl Ireland GmbH (Head Office, Main Road, Tallaght, Dublin 24) in respect of lands at Northwood located to the east of the R108, on a subject site earmarked for the Northwood Metrolink Station and next to permitted Northwood stop of the Ballymun/Finglas Core Bus Corridor Scheme¹.

This submission supplements Lidl Ireland's contribution to the Oral Hearing in March 2024 as well its earlier submission in November 2022, and addresses additional information lodged by TII at the hearing. In particular, it refers to the updated Developer Guidelines.

The submission is accompanied by an additional report by Punch Consulting (Appendix 4) and a further Legal Submission by Mr Eamon Galligan SC (Appendix 5).

Subject Site

The subject site, which has a stated area of circa 0.8ha, is located south of the M50 and east of the R108. The subject site is currently vacant and is approximately rectangular in shape. The site is bounded by the R108 to the west and the old Ballymun Road along its eastern boundary. The south of the site is bounded by Northwood Avenue which leads east to Gulliver's Retail Park. Immediately to the north of the subject site is a further vacant site.

¹ Granted by An Bord Pleanála on 12 March 2024.

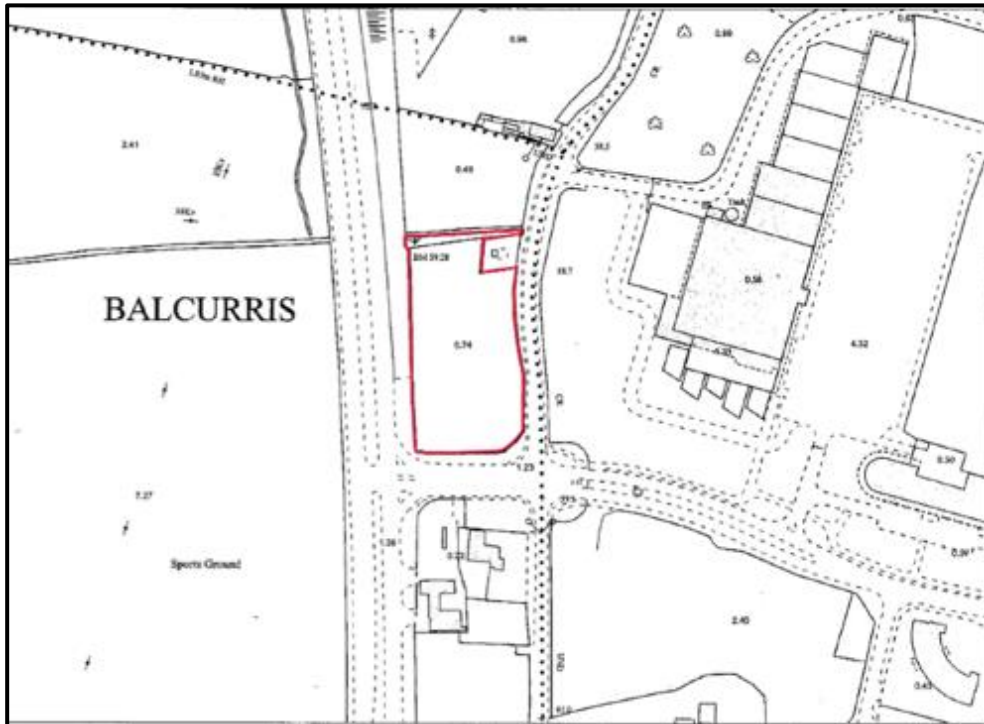


Figure 1.0: The Subject Site

The subject site in Northwood has been identified as a key location for the MetroLink project and in the permanent case will contain part of the proposed Northwood station, as well as connecting sections of tunnel. During the construction stage of the project, the site is proposed to be used as a key launch site for MetroLink tunnelling and associated construction activities. Hence, the site is of fundamental importance to the successful delivery of the MetroLink project.

At the same time, the subject site is a strategically important development site for high density development by reference to its status as a location inside the designated "Dublin City and Suburbs" area and importantly its location at an interchange between the permitted BusConnects Ballymun (Santry) to City Centre route and proposed Northwood Metrolink station.

The submission seeks to balance the two objectives: (1) realising the Northwood Station and (2) *making the best use of* the subject site as required by the Fingal County Development Plan 2023-2029. We contend that these objectives are not mutually exclusive but are bound together in the context of proper planning and sustainable development. All parties understand the need to ensure the most efficient use is achieved on the "Metro and Rail Economic Corridor" zoned land as this will be of direct benefit to the future viability of Metrolink and BusConnects at this public transport interchange. These objectives are further supported by the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' published by the Department of Housing, Local Government and Heritage in January 2024.

Facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor. (FCC Development Plan MRE Objective).

To get a wider overview of the Planning Merits of the application site including the Board's own position the site as "*strategically important*" please refer to TBP's submission of 11 March 2024, contained here at **Appendix 1**.

This submission will also highlight that the Developer Guidelines (as defined below) issued for the first time as part of the additional information provided to the hearing, render the *maximisation* of development on the subject site impossible, due to an unacceptably low loading limit which effectively prohibits high-density development. Indeed, as it stands the loading limits would allow for over-station development equivalent to a single house, rather than a high density, mixed use, employment and residential development which is an inefficient use of land located at a transport interchange.

This submission will also demonstrate that TII should have included provision for greater loadings in the Developer Guidelines for key hubs along the Metrolink system when they were discussing the future development of the subject site with Lidl Ireland as it was inevitable they would be required even for development adjacent to the station. Indeed, provision is made in the Jacobs IDOM Planning Report at page 121 (Section 4.5.1.6) for over station development of high-density lands zoned Metro Economic Corridor:

The section of the alignment passes under lands zoned as Metro Economic Corridor within the functional area of FCC in the current FDP 2017-2023 and draft FDP 2023-2029.

Under this zoning objective, 'Rail Infrastructure' does not come within either 'Permitted in Principle' or 'Not Permitted' uses. The FDP notes that 'Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.'

*In principle, once constructed the tunnel **will not affect the ability to develop on the land directly above the alignment and allows for oversite development in line with the land use zoning objectives**. The tunnel alignment is, therefore, consistent with the zoning objectives for the lands overhead.*

And finally, we will demonstrate that the inclusion of appropriate loadings to cater for high density development, 'in line' with the land use zoning objectives of the 2023 – 2029 Development Plan can be achieved without a substantial redesign of the station and tunnels.

The “Adjacent Station Development” (ASD) Proposal

Lidl Ireland GmbH met with TII on a number of occasions (11 in total) to discuss, amongst other items the future development of the subject site. What was discussed at those meetings was the Adjacent Station Development or “ASD”, which was a high density, 15 storey residential led development with net a density of 294 units / hectare.



Figure 2.0: ASD Development (Placeholder Image)

The ASD consisted of two blocks of high density development located to the east of the site as illustrated on Figures 2.0 and 3.0. The taller of the two blocks is located to the south east of the site rising to 15 storeys. The proposed Northwood station is located to the west of the site.



Figure 3.0: ASD Development

“Over Station Development” (OSD) Proposal

In preparation for the hearing in March 2024 and following its submission to ABP in late 2022, MCA Architects prepared an “Emerging proposal” for the subject site. This consisted of a

mixed employment and residential led project more cognisant of the specific, zoning objective requirements of the Fingal County Development Plan. Specifically, a project that included a substantial, employment, component, to align with the objective of the MRE zoning:

Facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor. (Fingal County Development Plan 2023-2029, page 492)



Figure 4.0: OSD Proposal

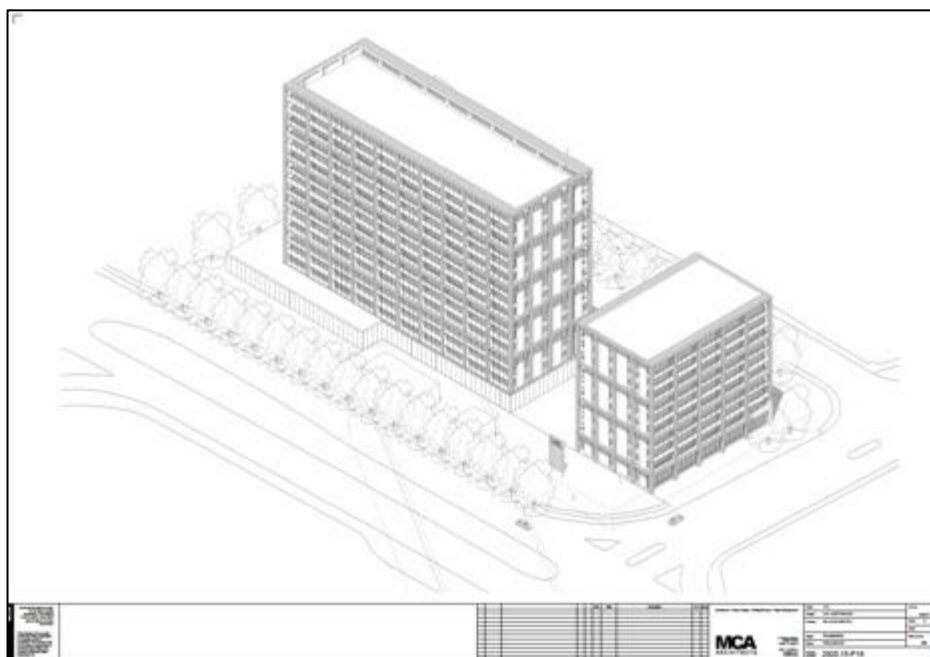


Figure 5.0: OSD proposal

The concept of an OSD project was discussed with TII in later meetings, in advance of the oral hearing and was presented at the hearing, seemingly, to the surprise of TII.

The Developer Guidelines

The Developer's Guidelines as we will refer to them, were first presented to the Oral Hearing as Additional Information on 21 February 2024. The document was titled: "Draft Guidance note for Developers – May 2023".

Although dated May 2023, the document had not been presented to Lidl Ireland in any of the preceding meetings even though their content has a profound impact on both the ASD and OSD development proposals. Lidl had no sight of this draft document or any previous draft thereof until it was made available at the oral hearing.

After the completion of Lidl's submission to the Hearing on 11 March 2024, TII released an updated set of Guidelines to the Hearing on 27 March 2024 titled: "Outline Guidance Note for Developers – March 2024 Rev 01".

A comparative review of the two documents reveals no substantive changes from the May 2023 draft.

The fundamental issue with the Guidelines is summarised in Punch Consulting's submission to the Hearing on 11 March 2024 as follows **(Appendix 2)**:

The constraints set out in this document in relation to the development of the Lidl Ballymun site are extreme on two primary fronts. First, it sets out major limitations on vertical loading that can be imposed on the MetroLink Northwood station and connecting tunnels on the Lidl site. Second, the combined effect of development exclusion and protection zones appear to effectively render major parts of the Lidl site undevelopable. (Page 8).

Although these comments were made in respect of the Draft May 2023 document, they remain relevant to the later March 2024 Outline publication, which in turn, remains, subject to unilateral and unfettered change by TII, as it alone sees fit.

Notably the vertical loading imposed on the Northwood Station is 20kn/m2 which, as noted above, would only support a development equivalent to a single house, not a high density, mixed use, employment and residential development or similar high-density development as required by the relevant National Planning Framework; Recent Ministerial Guidelines for "Sustainable Residential Development and Compact Settlements"; EMRA's regional policy objectives; and, the objectives of the Fingal County Development Plan 2023-2029.

The National Planning Framework² points to the shared goals across all communities (Section 1.3):

Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide

² The emphasis on continued compact growth within Dublin City and Suburbs is repeated and reinforced by the recent Draft Revised National Planning Framework (July 2024).

housing, jobs, amenities and services, **but which need a streamlined and co-ordinated approach to their development**, with investment in enabling infrastructure and supporting amenities, to realise their potential. **Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.**

NPO 5a: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints¹⁸.

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

In seeking to address urban sprawl in favour of compact growth Page 93 points to the need to build inward and upward rather than outward.

NPO 35 seeks to: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) provides for highest density at planned, high capacity, urban, public transport interchanges (such as Northwood):

Table 3.8 defines high-capacity public transport nodes as:

Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or **MetroLink** services; or locations within 500 metres walking distance of an existing or planned BusConnects "Core bus Corridor" stop.

Highest densities should be applied at the node or interchange and decrease with distance.

EMRA (2019-2031) Regional Planning Objective (RPO) 5.3 seeks to:

Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and **ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.**

These national and regional objectives are focused on the subject site, the interchange of Metrolink and BusConnects in an area designated for high density development. The Fingal County Development Plan 2023-2029 MRE objective is abundantly clear:

Objective: Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.

Vision: Provide for an area of compact, **high intensity/density, employment generating activity with associated commercial and residential development which focuses on the MetroLink**, or rail or light rail stations within settings of exemplary urban design, public realm streets and places, which are permeable, secure and within a high-quality green landscape. **Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit.** The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure.

In our opinion, the thrust of national, regional and local policy objectives, obligate high-density development on the subject site, to its fullest extent. However, as we see below the Developer Guidelines prevent that approach. This is inexplicable in today's planning climate where the entire thrust of planning policy demands the best and most efficient use of urban sites with the highest densities at public transport interchanges.

As Punch Consulting reported in March 2024 to the hearing, a high density 15-storey structure (as proposed in both the ASD and OSD developments) equates to 210kn/m², plus other additional point and line loads. In their most recent submission (here at **Appendix 4**) Punch observes of the newer Outline Guidelines that:

The proposals set out by TII in their "Draft Guidance Note for Developers" dated May 2023, but issued on 20/02/2024, and the subsequent updated "Outline Guidance Note for Developers" issued in March 2024, effectively rules out the possibility of future development over the structures and severely restricts development adjacent to the station/tunnel (Exclusion and Protection Zones).

Their concern arises from Section 2.1.1 of the Outline Guidelines:

Exclusion Zone is the volume of subsoil along the bored tunnel, cut and cover tunnel and retained cut alignment in which no future works or developments are allowed to encroach. Future surface works or developments are allowed above a subsurface Exclusion Zone, provided the foundation of the proposed development does not intrude into the Exclusion Zone and the MetroLink structures are not adversely affected.

This states that no future foundations are allowed in an Exclusion Zone, but surface works are allowed provided Metrolink structures are not adversely affected. Regarding the line "...developments are allowed above a subsurface exclusion zone, provided the foundations of the proposed development does not intrude into the Exclusion Zone....", Punch Consulting interprets this to mean, buildings are allowed for example, to cantilever over the Exclusion Zone provided their foundations are located in the Protection Zone (or beyond). Foundations in the protection zone would be subject to the relevant restrictions as included above.

The impact of the Draft Developer Guidance on the Development of the Subject Site.

Whilst much of the focus of the Lidl's submission to the Oral Hearing on 11 March 2014 was on the emerging OSD proposal, the impact of the Guidelines is significant to both OSD and ASD proposals.

Lidl had entered into discussions with TII over an extended time, on the basis of the ASD development presented above but it became clear when the Developer Guidelines were issued, first in February 2024 to the hearing, that the ASD proposal would also require a degree of "over station development". We will return to this point later.

TII noted at the hearing that the OSD proposal was a surprise to them. This was an unfair comment, for three reasons:

- (1) LIDL had as early as November 2022 made a written submission to An Bord Pleanála setting out the case for Over Station Development. **(See TBP Submission at Appendix 3)**. This submission made the express case for over station development pointing in particular at page 7 to the approach expressed by TII for over station development on MTO1 lands within the jurisdiction of Dublin City Council. Irrespective of the actual design, height or density of development, the principle of OSD was clearly and unambiguously flagged by Lidl in its November 2022 submission which TII must be presumed to have read and considered well in advance of the oral hearing.
- (2) In its response to the above submission by Lidl Ireland, on 27 September 2023³, the TII noted as follows:

TII thank you for your letter, noting your support for MetroLink. We provide our responses to the matters raised by your representatives below.

MetroLink will be a catalyst for and provide opportunity for future development and regeneration. While the MetroLink Railway Order does not include for future neighbouring or overhead development, the tunnels and stations are designed to support appropriate future imposed loads.

TII will be required to make submissions in relation to planning applications for proposed future developments on or adjacent to MetroLink and there will necessarily be some engineering constraints (such as permissible loadings) required. However MetroLink is committed to engaging with known development proposals and new development proposals as they emerge with the intent of facilitating such developments as they emerge to the maximum extent consistent with the safe operation of the proposed Project.

Again in common with other existing rail and tunnel projects, following grant of the Railway Order and development of detailed design, TII will produce "Guidance Note for Developers" that will be the subject of bye-laws following the grant of Railway Order and which is designed to facilitate future adjacent or over-site development while protecting the integrity and safety of the MetroLink works and operations.

Therefore at this stage TII is dealing with known development proposals on a case by case basis. TII will work with parties in the future to assist with the wider development of sites over and above stations and tunnels. In this context TII has successfully engaged with a number of developers over the last two years to accommodate development over and in proximity to the alignment and there have been no material restrictions on development subject to the implementation of agreed design and mitigation measures and it is not anticipated that MetroLink will have a material impact on the development potential of sites above and in proximity to the alignment in future.

Figure 6.0: Extract from TII response to Submission 169.

- (3) at a meeting between TII and Lidl in August 2023 the concept and merit of OSD was discussed between the parties.

However, given the restrictions imposed by the Developer Guidelines, it is incidental whether we refer to the Adjacent or Over station development at Northwood. The Draft/Outline Guidelines impact significantly and adversely on the development potential of the subject site.

The central point we wish to make to the Board is that the Developer Guidelines apply equally to both the OSD and ASD developments set out above. Whilst the two proposals differ, **both**

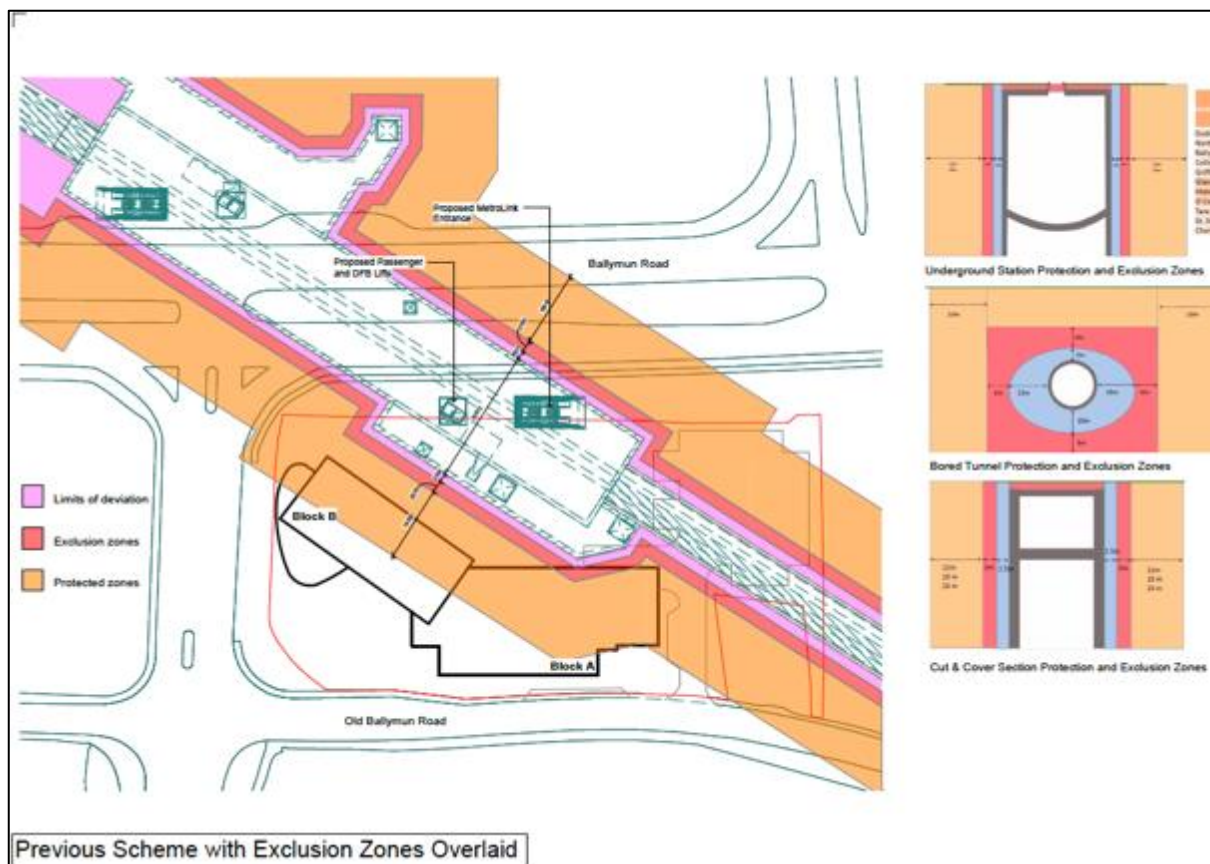
³ "Response to Submissions Received", Part 2 of 2, Submission 169.

require appropriate loading tolerances to allow for high density development, significantly above those provided for in the Developer Guidelines.

For the purposes of this submission we focus on the ASD proposal which Mr Aiden Foley of TII referred to at the Oral Hearing as follows:

TII had tried to work with Lidl to allow appropriate development on the Lidl lands. He said that the consultation and discussion led to the proposal of an appropriate development and noted that these plans were incorporated into the railway order plans. Mr Foley said that it was a surprise that that development is not what Lidl intend to pursue. He said that the drawings and draft railway order which TII had submitted were the result of discussions with Lidl over the years⁴.

The "appropriate development" to which Mr. Foley refers is intended to mean the ASD development illustrated at Figure 7.0.



As the above figure demonstrates Block A (the 15 storey component) over sails the Exclusion Zone where no development is allowed. Over 50% of the wider, development, footprint is within the Protection Zone. As noted by Punch Consulting in their evidence (at p. 10 of their submission) to the Hearing

⁴ Notes of Oral Hearing on 11 March 2024 prepared by Byrne Wallace LLP for Lidl Ireland GmbH

In this zone, work is permitted, but significant restrictions are in place on loading (20kN/m2) and constraints on foundation location, type etc. Considering the extent of this zone at the Lidl site (2m deviation + 3m exclusion + 18m protection on both sides at Northwood station), the negative impact on the development potential of the Lidl site is extreme.

The cumulative potential for restriction of development on the subject site is further compounded by the conditions of the Railway order which allows for deviations to the east or west of Tunnels (as per the Draft Railway Order).

The MCA plan at Figure 8.0 was generated with the assistance of Punch Consulting to illustrate the impact of deviations in the context of the ASD development.

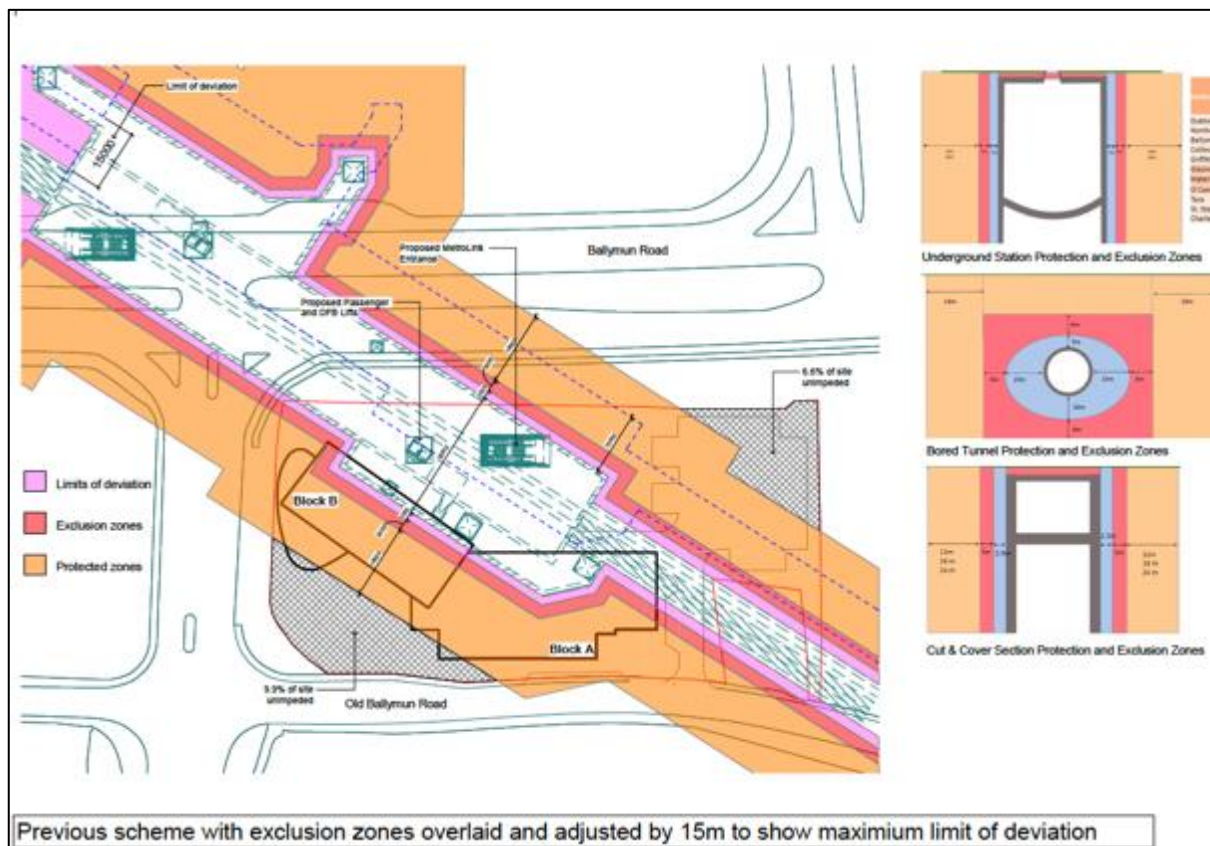


Figure 8.0: MCA Plan as advised by Punch Consulting. ASD overlaid on Metrolink maximum limit of deviation.

Figure 7.0 and 8.0 illustrate the need for appropriate loadings to allow for high density mixed use development. Whether one refers to Over or Adjacent Station Development an appropriate, high density, mixed use development on the subject site, in line with the provisions of the Development Plan and national and regional policy would inevitably overlap with the station and tunnel structures, their imposed controlling zones and deviations.

Would the Station and Tunnel structures require a significant redesign to allow for loadings imposed by High Density Development?

At the Hearing TII made the point that to accommodate Over Station Development would require substantial redesign of the station.

The attached Report at **Appendix 4** by Punch Consulting Engineers advises that no substantial changes are required to the design of the station or the tunnels. Punch notes at page 5:

The proposals set out by TII in their "Draft Guidance Note for Developers" dated May 2023, but issued on 20/02/2024, and the subsequent updated "Outline Guidance Note for Developers" issued in March 2024, effectively rules out the possibility of future development over the structures and severely restricts development adjacent to the station/tunnel (Exclusion and Protection Zones). Others on the Lidl team will comment on how these development restrictions conflict with the aspirations of the Fingal development plan, from a planning and zoning perspective. But from a Structural Engineering perspective, to limit future surface loading to 20kN/m², and deny this opportunity is akin to investing in building a long section of basement structure, but not making the further practical investment to do the structural design of that basement so that it can be built upon in the future i.e. it is like investing in building foundations, without constructing a building upon them. This would be a lost opportunity as it does not take account of the inherent additional vertical load carrying capacity of a robust station structure + tunnels and the ease with which the structural elements within these structures can be enhanced in size to take further additional load to support the scale of buildings set out in the Fingal County Council development plan.

Future proofing the design of the Metrolink structures as proposed above, is also imminently sensible from a sustainability perspective, as the same structure required to build the station and tunnel is then simply used for an additional purpose of supporting future buildings above. It is considered this is the essence of sustainable design/construction in maximizing the use of the station and tunnel structures for an additional vertical load carrying purpose i.e. support the loads of future developments on the station/tunnel. Considering the demand for housing and the opportunity to locate such housing within the developments along the route of a key new infrastructural asset in Metrolink, it seems imminently sensible that such provision is made in the design of the Metrolink structures, where zoning permits, as it does on the Lidl site.

In summary, to comply with national, regional and development plan policy is one more, evolution of the Metrolink project is to ensure the future load bearing capacity of the station and tunnel infrastructure.

To ignore the planning implications of a failure to provide for OSD and ASD flies in the face of common sense. The option of leaving this to be sorted out in the implementation of the project by TII adopting a "co-operative" approach with developers is not satisfactory as, in this scenario, the Board would be relinquishing its control over the ultimate design of the Metrolink project, which it has in the context of its determination of the application. In inviting the Board to leave it within the remit of TII to determine the final structural design of the Northwood station and whether important planning objectives are capable of being achieved in terms of efficient use of land resources proximate to public transport hubs, TII are in effect asking the Board to relinquish their functions in relation to proper planning and sustainable development and to transfer them to TII instead. Statutory authorities must be subject to the requirements of the Development plan and development management and control by the Board to the same extent as private developers.


Concluding Comments

We submit the following concluding comments:

- The Development Guidelines exist at present in a flexible format subject to unilateral and unfettered change by TII.
- Under the Terms of the Draft Railway order station and tunnels can deviate in various directions by set amounts.
- As a result of the above, developing a high density employment / residential development on this important strategic site is immensely challenging if the only manner in which that can be achieved, is in the form of an Adjacent Station Development, free from loading restrictions.
- Whilst ASD may be acceptable in more peripheral locations, where access to public transport is poor, the same cannot be said of the subject site which is located at an interchange of Metrolink and BusConnects. At these locations, under the current site zoning objective, development must be high density in nature and the best use must be made of the site. Indeed, the Board has historically refused projects in this location due to their lack of density.
- Maximal or best use of the site cannot be achieved through adjacent station development but can only be achieved by Over Station Development.
- As this submission notes, even with the best efforts of the Metrolink design team, there remains conflict between an ASD type project and the Metrolink station and tunnels. If the station moves even 2 metres to the east the impacts on developability of the mixed use project are amplified.
- As Punch Consulting have concluded, some degree of "Over Station" development will be required to facilitate any meaningful development of the Subject Site.
- To that end, Punch Consulting have assessed the design of the station and tunnels and no substantial changes are needed of the Metrolink design to accommodate OSD.
- Overall, there is little doubt that TII accepts the principle of Over Station Development as means of complying with the Fingal Development Plan. That is plainly stated their Planning Report.
- However, if provision for Over Station Development is not made at this strategically important site, which can deliver both substantial jobs and housing (as required by the Fingal County Development Plan in compliance with the National Planning Framework), at a public transport interchange, then, in our opinion, the project in this case, would be fundamentally inconsistent with proper planning and unsustainable development.

- Moreover, it could also set an undesirable precedent to greatly limit or prevent over station development potential on strategically important sites where designs are not sufficiently progressed for over station development.

Yours faithfully



Tony Bamford
Tel: 087 2903208

Appendix 1

Tony Bamford Planning Submission to Oral Hearing: 11 March 2024

Job Number: 23020
Letter Reference: 110324
Date: 11 March 2024

An Bord Pleanála
Metrolink Oral Hearing
Reference: ABP-314724-22
Client: Lidl Ireland GmbH
Lands: Northwood Station.
Module 2
Submission No: 169



Tony Bamford

I am the owner of Tony Bamford Planning. I hold a BSc Hons Degree in Town and Regional Planning from the University of Dundee. I have practiced as a Planning Consultant in Ireland since 1999 and am a Corporate Member of both the Irish Planning Institute and the Royal Town Planning Institute.

Introduction

The purpose of this statement is to outline the policy imperatives for the future development of the subject site. It demonstrates the need for high-density, mixed-use, development having regard to national, regional and local policy objectives. In particular it notes the objectives to maximise development on the subject site given its specific location at the proposed Metrolink station and BusConnects stops at Northwood.

This submission, alongside the emerging plans prepared by MCA, and the information provided by Punch Consulting on revised loadings and other associated technical points, illustrate how overstated development can be achieved in accordance with prevailing policy objectives that seek to marry high density development with public transport interchanges and nodes.

National Planning Framework (NPF)

The NPF prioritises compact growth, particularly focusing on Dublin and the surrounding areas. It emphasises renewing existing settlements rather than continuing urban sprawl to mitigate negative impacts on people, the economy, and the environment.

1. **Development Priorities:** There is a focus on activating strategic areas within urban settlements for development, with an emphasis on effective density and consolidation rather than urban sprawl.
2. **Density Guidelines:** The 2024 Sustainable Residential Development and Compact Settlement Guidelines provide density ranges for different urban neighborhoods, **particularly those around high-capacity public transport nodes or interchanges. These**

Guidelines point to the need for the highest density on the subject site given its location at a planned high capacity, urban, public, transport interchange with the BusConnects Ballymun (Finglas) to city centre route, commencing at the entrance to Northwood.

3. **Transport-Oriented Development (TOD)**¹: TOD is emphasised as a means to achieve compact and sustainable growth, maximising development near high-quality transport services such as MetroLink, DART, and BusConnects. The subject site is part of an area identified for high density development based on its proximity to Metrolink and BusConnects.
4. **Regional Strategy**: The Regional Spatial and Economic Strategy (RSES) emphasises compact growth, urban regeneration, and infill development within existing settlements as well as integrated transport and land use, and increased employment density in strategic locations.
5. **Transport Strategy**: The GDA Transport Strategy highlights the importance of transport interchanges and the role they play in facilitating enhanced public transport services and improving the pedestrian environment.

Fingal County Development Plan 2023-2027

The Core Strategy outlined in the Fingal County Development Plan 2023-2027 sets out several policies and objectives aimed at promoting compact and sustainable, urban, growth, within the **Dublin City and Suburbs** area:

1. **Settlement Hierarchy**: Santry, including Ballymun, is situated within the "**Dublin City and Suburbs**" area.
2. **Compact Growth Policy**: Policy CSP19 emphasises promoting compact, sequential, and sustainable urban growth, with targets for the majority of new homes to be built within or contiguous to the existing built-up area of **Dublin city and suburbs**.
3. **Promotion of Higher Densities**: Objective CS021 aims to promote higher densities (50+ units per hectare) at appropriate locations, particularly in urban built-up areas near high-capacity public transport nodes.
4. **Subject Site Zoning**: The subject lands are zoned "MRE" (Metro and Rail Economic Corridor) to facilitate high-density, mixed-use development, including residential, commercial, and employment-generating activities, focusing on MetroLink, rail, or light rail stations.
5. **Connectivity and Movement**: The plan emphasises aligning land-use and transport planning to support sustainable growth, particularly along high-capacity public transport corridors, such as MetroLink, LUAS, and DART+ proposals.
6. **Transit-Oriented Development (TOD)**: There is a focus on Transit-Oriented Development, consolidating development around existing or planned public transport corridors to reduce the need for travel and encourage a shift towards sustainable modes of transport.

¹ In December 2021 the Department of Housing, Local Government and Heritage¹ (DHLGH) and the Department of Transport² (DOT) jointly established a working group to consider opportunities for Transport Orientated Development (TOD) in major urban centres.

The Core Strategy aims to guide development in Fingal towards compact, sustainable, and transit-oriented patterns, with a focus on promoting higher densities in appropriate locations and integrating land use with high-quality public transport infrastructure.

Overall, this submission demonstrates there are national, regional and local planning policy objectives which support and require high density, over-station, development at this location which aligns with objectives to maximise the development of the site.

In considering this application for approval of the proposed Railway Order, the Board is obliged to have regard to the national policy objectives under the NPF and the objectives of the Core Strategy of the FCC Development Plan as well as Section 28 Guidelines issued by the Minister. We have prepared a scheme which gives effect to these objectives to enable the Board to determine how its decision on this Railway Order application can best ensure that the objectives of the NPF and the Development Plan are fulfilled for this strategically important site.

The TII has accepted over station development in item 1 of the Response table but as the MCA and Punch Consulting documents illustrate, the recently published “*Draft Guidance Note for Developers*” (dated May 2023) would prevent high density development on a large portion of our client’s site.

The team’s submission illustrates that over-station development is appropriate, desirable and achievable in this location.

Subject Site

The subject site, which has a stated area of circa 0.8ha, is located south of the M50 and east of the R108. The appeal site is currently vacant and is approximately rectangular in shape. The site is bounded by the R108 to the west and the old Ballymun Road along its eastern boundary. The south of the site is bounded by Northwood Avenue which leads east to Gulliver’s Retail Park. Immediately to the north of the subject site is a vacant site.

The Emerging Development on the Subject Site

MCA Architects have prepared an emerging proposal for the subject site which can be accommodated over the station at Northwood. The MCA plans and the evidence from Punch Consulting will assist the Board’s understanding of the site’s potential for high density development aligned with the Metrolink infrastructure.

In addition, the emerging development has been subject to preliminary review against development management criteria and other important considerations such as the constraints imposed on the development of the site by Dublin Airport.

The emerging development includes two main blocks one being 15 storeys (Block A) and the other 10 storeys (Block B). They include the following main elements:

- **Apartments 200**
- **Retail – 2,260 sqms**
- **Offices – 7,060 sqms**
- **Creche – 195 sqms**

The initial apartment mix is as follows:

- 1 bed = 50 units - 20%
- 2 bed = 140 units - 70%
- 3 bed = 20 units - 10%

Some of the key statistics provided by MCA Architects in relation to the site include:

- Total Site Area: 0.8ha
- Net site area = 0.78ha
- Overall GFA = 31,297sqm
- Residential GFA = 21,460sqm
- No. of residential units = 200
- Residential GFA as a portion of development = $21,460/31,297 = 69\%$
- Reduced site area = $0.78\text{ha} \times 69\% = 0.54\text{ha}$
- NET residential density = $200/0.54 = 370\text{dph}$

This emerging development is considered later in the context of national, regional and local planning policy. We set out the planning history of the subject site in the following section.

Planning History of Subject Site.

F08A/0578 and F08A/0578/E1

This application was for a mixed-use development granted on 7 August 2009. It was subject of an Extension of Duration application which pushed the life of the permission out to 6 August 2018.

A mixed-use residential, office and neighbourhood retail development on lands, located adjacent to Ballymun Road. The development will comprise of a basement car park with 129 car and 24 bicycle parking spaces, plant rooms, bin storage and resident storage areas. Ground floor parking will be provided for 104 cars and 48 bicycles. The retail element of the development will consist of 3 no. retail units, a cafe and a licensed discount food store, accumulating to 1,958.60 sq.m. of gross floor area.

Above the retail units it is planned to construct 48 no. apartments, 4 no. 1-bedroom, 36 no. 2-bedrooms and 8 no. 3-bedrooms with a gross floor area of 4,458.4 sq.m. Amenity space will be provided at 1st and 5th floor level. To the north of the site it is proposed to construct 2 no. office buildings with 3 storeys elevated above ground floor lobbies consisting of 3,303 sq.m. gross floor area. The development will also include an ESB substation, boundary treatments and ancillary site works. The site area is ca. 0.804533 ha or 1.98804 acre and is bounded to the west by Ballymun Road (Ballymun Dual Carriageway), to the east by Old Ballymun Road and to the south by the road linking Ballymun Road and Old Ballymun Road (western entrance to Santry Demesne and Northwood Business Park). Green Field land is adjacent to the property to the north at Ballymun, Dublin 11.

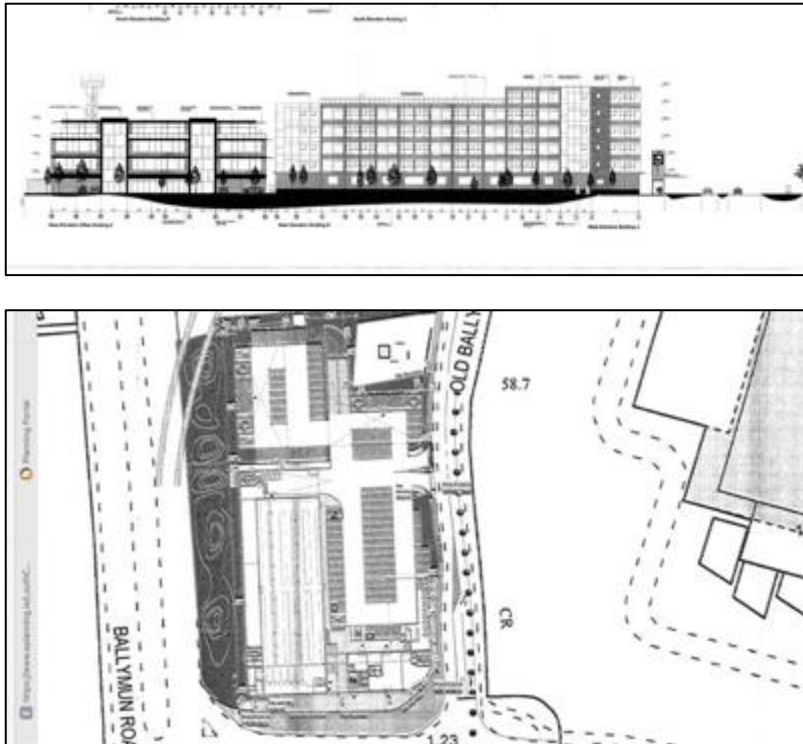


Figure 1.0: Extracts from proposed plans (FCC Website)

The granted development incorporated the full extent of the land. It was subject to a condition 2 directing the reduction of the development to 37 units:

That the proposed layout shall accord with the revised plans and elevations lodged on the 23rd December 2008. In this regard, the permission authorises (inter alia) 37 residential units, consisting of 3 x 1-bed units, 28 x 2-bed units and 6 x 3-bed units, 3 no. retail units, 1 no. cafe 1 no. discount food store and 2 no. office buildings only. REASON: In the interests of clarity.

F11A/0223

This application was for a foodstore which was refused by Fingal County Council on 27 July 2011.

Development of a Licensed Discount Foodstore measuring 1,777 sq.m. gross floor space on this site of 0.81 hectares, on which planning permission was previously granted for a mixed-use development, including a Licensed Discount Foodstore (under Fingal County Council Planning Ref: F08A/0578).

The proposed development comprises: the construction of a single storey, mono-pitched roof Licensed Discount Foodstore measuring 1,777 sq.m. gross floor space with a total net retail sales area of 1,274 sq.m.; the provision of 2 no. building mounted, 1 no. free standing and 1 no. trolley bay internally illuminated signs, and 2 no. wall mounted externally illuminated billboard poster signs; the provision of a surface car park comprising 126 no. car parking spaces and 12 no. cycle parking spaces; the provision of a vehicular and pedestrian access via the Old Ballymun Road and pedestrian/cycle access via the road linking the old and new (R108 dual carriageway) Ballymun Road's and the western entrance to Santry Demesne and Northwood Business Campus, and the provision of boundary treatments, hard and soft landscaping, lighting, connections to drainage and water services and all other ancillary and associated works.

Refusal Reasons

1. Objective EE12 of the Fingal Development Plan seeks to 'Protect the integrity of the Metro Economic Corridors from inappropriate forms of development **and optimise development potential in a sustainable and phased manner**'. It is considered that the proposed development, if permitted, would contravene Objective EE12 and would also be contrary to the vision statement for the area, as set out in the Fingal Development Plan 2011 – 2017, which seeks to '**Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.**'

2. The site is located within the Metro Economic Corridor, an area for which a Local Area Plan shall be prepared under the current Fingal Development Plan. A grant of permission for a discount foodstore at this time would pre-determine the outcome of this Local Area Plan and would prejudice the future development of these lands. **A grant of permission would therefore be considered premature pending the completion of this LAP,** which would be contrary to the proper planning and sustainable development of the area.

3. Insufficient information has been submitted regarding the foul sewer, surface water and water supply arrangements for the proposed development. In the absence of same, the proposed development is considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

F12A/0021

This application was refused by Fingal County Council and ultimately refused by An Bord Pleanála on 30 January 2013 (PL06F.240482). The application was for a standalone foodstore.

Permission for development of a Licensed Discount Foodstore measuring 1,777 sq.m. gross floor space on this site of 0.81 hectares, on which planning permission was previously granted for a mixed-use development, including a Licensed Discount Foodstore (under Fingal County Council planning ref. F08A/0578). The proposed development comprises: the construction of a single storey, mono-pitched roof Licensed Discount Foodstore measuring 1,777 sq.m. gross floor space with a total net retail sales area of 1,274 sq.m.; the provision of 2 no. building mounted, 1 no. free standing and 1 no. trolley bay internally illuminated signs, and 2 no. wall mounted externally illuminated billboard poster signs; the provision of a surface car park comprising 126 no. car parking spaces and 12 no. cycle parking spaces; the provision of a vehicular and pedestrian access via the Old Ballymun Road and pedestrian/cycle access via the road linking the Old and New (R108 Dual Carriageway) Ballymun Road's and the western entrance to Santry Demesne and Northwood Business Campus; and, the provision of boundary treatments, hard and soft landscaping, lighting, connections to drainage and water services and all other ancillary and associated works.

Refusal reasons:

1. The site of the proposed development is located within an area zoned 'ME' in the Fingal County Development Plan 2011-2017 where it is a **stated objective of the Development Plan to 'facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor'**.

In addition, Objective 'EE12' of the Development Plan seeks to 'protect the integrity of the Metro Economic Corridors from inappropriate forms of development and optimise development potential in a sustainable and phased manner' and Objective 'EE13' seeks to 'ensure high quality urban design incorporating exemplary public spaces, contemporary architecture and sustainable places within a green landscape setting'. It is considered that **the low density**, standalone nature and generic design of the proposed development, would be contrary to the stated zoning objective for the site and to the provisions of Objectives 'EE12' and 'EE13' of the said Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is an important strategic site located in close proximity to a planned public transport corridor (adjacent to the proposed Northwood Station on the Metro North Scheme). In addition, the site is located within the Metro Economic Corridor and in an area for which it is an objective of the Fingal County Development Plan 2011-2017 that a Local Area Plan shall be prepared. Having regard to this objective and to the strategic nature of the site, it is considered that the proposed development **would prejudice the outcome of this Local Area Plan** and the appropriate future development of these lands. The proposed development would, therefore, be **premature pending the completion of this Local Area Plan** and be contrary to the proper planning and sustainable development of the area.

F13A/0297

This application was granted by Fingal County Council on 7 October 2013 and later refused by An Bord Pleanála on 27 February 2014.

10 year permission for a mixed used development to be constructed over 2 no. phases (1 & 2) and 3 no. blocks (A,B, & C) and totalling 7,398 sq.m gross floor space on this site of 0.81 hectares. The proposed development comprises: Phase 1 - Blocks A & B fronting Northwood Avenue with a proposed new vehicular access off Old Ballymun Road; Block A comprises a 4 storey height building of three floors over a 64 no. space undercroft car park, 1st floor Licensed Discount Foodstore with a net retail sales area of 1,415 sq.m. 2nd and 3rd floor office space of 2000 sq.m, Block A has a gross floor space of 4,259.5sq.m, and Block B comprises a 2 storey drive-thru restaurant of 352 sq.m; Phase 2: Block C fronting Ballymun road will share the proposed vehicular access and provide a pedestrian link to the proposed Northwood Metro stop; Block C comprises a 6 storey height building of five floors over a 13 no. space undercroft car park with offices at upper floors of 502 sq.m per floor and a plant and reception floor area of 160 sq.m and 116.5 sq.m respectively and as totalling 2,786.5 sq.m. The development also comprises surface level car parking of 59 no. spaces and as totalling 136 no. car parking spaces, 46 no. cycle spaces, the erection of associated advertising signage (including 1 no. tripod sign), the provision of new pedestrian/cycle access, enhanced circulation areas and civic space to the Northwood Avenue frontage and the provision of boundary treatments, hard and soft landscaping, lighting, connections to drainage and water services and all other ancillary and associated works.

Refusal Reasons:

Having regard to:

1. (a) The policies set out in the "Retail Planning Guidelines for Planning Authorities" issued by the Department of Environment, Community and Local Government in April 2012,

2. (b) the policies and objectives as set out in the Fingal County Development Plan 2011-2017 including policies regarding retail development and Objectives ME, EE12 and EE13,
3. (c) the planning history of the site,
4. **(d) the low density of the proposed development,**
5. (e) the nature of the uses proposed in which car based foodstore and restaurant/take away uses predominate in Phase one,
6. (f) the design of the proposed development and particularly the elevation of Phase one to the R108,
7. (g) the pattern of development and the established character of the area, which has not developed as planned with the result that the site remains isolated from the main centres of population.
8. (h) the documentation lodged at planning application and appeal stage, and
9. (i) the report of the planning inspector,

it is considered that the proposed development would be contrary to the ME zoning objective for the site and to Objectives EE12 and EE13 of the Plan, would result in substantial car based traffic movements to and from the development, and the Board was not satisfied that adequate justification had been provided by means of a sequential test to show that the site is the optimum location for a convenience foodstore use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The appeal site is an important and strategic site located within the Metro Economic Corridor and in an area for which it is an objective, as set out under Objective UC06 in the Fingal Development Plan 2011- 2017, that a Local Area Plan shall be prepared. Having regard to this objective and the strategic nature of the appeal site, it is considered that the proposed development would prejudice the outcome of this Local Area Plan and the future development of these lands. The proposed development would, therefore, be **premature pending the completion of this Local Area Plan and would be contrary to the proper planning and sustainable development of the area. [Emphasis added]**

Conclusions to be drawn from planning history of subject lands

The 2008 mixed use development allowed for apartments and a discount foodstore at a reasonable density but below the levels that would be achieved in today's planning climate where Compact Growth is a key objective especially at Transport Interchanges and nodes.

Subsequent applications sought permission variously for a discount foodstore and in 2013 an increased density development including a foodstore, driv-thru restaurant and offices. These developments were refused in part due to their low density within the strategic importance of the subject site in Metro Economic Corridor.

The An Bord Pleanala refusals, reference the strategic importance of the site, and the need for high density, mixed use development in relation to the underlying zoning of the site².

² Reference to prematurity pending the LAP relate to the relevant objective for the area at that time. Under the current Development Plan 2023-2029 there is an updated objective for a Framework Plan although as we note later the subject site sits outside the area defined for the Framework Plan.

Policy Review

National Planning Framework 2040

The National Planning Framework (NPF) prioritises compact growth, emphasising the importance of renewing existing settlements rather than continuing urban sprawl. This approach acknowledges the negative impacts of dispersed settlement patterns on various aspects including people, the economy, and the environment.

Section 1.3 notes Shared Goals across all communities:

Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

NPO 11 notes:

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

In seeking to address urban sprawl in favour of compact growth Page 93 points to the need to build inward and upward rather than outward.

NPO 35 seeks

Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

Since our original submission these Guidelines provide more clarity on density of development, particularly at planned public transport interchanges such as Northwood. Table 3.1 at page 22 relates to Dublin and notes:

City - Urban Neighbourhoods

The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. **It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net)** shall generally be applied in urban neighbourhoods of Dublin and Cork.

Table 3.8 defines high capacity public transport nodes as:

Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail11, light rail or **MetroLink** services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' 12 stop.

Highest densities should be applied at the node or interchange and decrease with distance.

'Planned public transport' in these Guidelines refers to transport infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport.

The Metrolink is identified in the Greater Dublin Area Transport Strategy 2022-2024 (NTA). The proposed Preferred Route for the line was published in 2019 and is now subject of the current Railway Order. These **Guidelines point to the need for the highest density on the subject site given its location at a planned high capacity, urban, public, transport interchange** with the BusConnects Ballymun (Finglas) to City Centre Route, commencing at the entrance to Northwood.

There are exceptions to the density above. Section 3.3.6 includes the following:

(a) There is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.

(b) Strategic and sustainable development locations of scale (described in section 4.4.4 of the Development Plans Guidelines for Planning Authorities 2022) will be capable of defining densities or density ranges across different neighbourhoods on a plan led basis, based on considerations such as proximity to centre, level of public

transport service and relationship with surrounding built form. Densities within strategic and sustainable development locations may therefore, exceed the ranges set out in Section 3.3 on a plan-led basis.

The site, we expect, could accommodate higher density development above 300dph (net) Indeed, we expect the Height Strategy and Density Study³, which will be prepared by the Planning Authority within the life of the current Development Plan, to identify this site as a location for densities above 300 dph net, given its specific locational characteristics and the weight of wider national, regional and local planning policy, including the underlying zoning.

In any event, the current Development Plan already zones the subject site for high density development under “MRE”.

Sustainable Urban Housing: Design Standards for New Apartments 2023

This document sets out the general minimum standards for new apartment developments and updated previous iterations.

As part of this submission we have conducted a preliminary review of the apartment standards applicable to the proposed development, enclosed at **Appendix 1**.

Opportunities for Transport Orientated Development (TOD) in Major Urban Areas – Dublin Study May 2023⁴

Transport Orientated Development or TOD is defined at Section 1.1 as:

***“..a form of urban development that seeks to maximise the provision of housing, employment, public services and leisure space in close proximity to frequent, high quality transport services.*”**

Page (i) notes the that “TOD”:

..is important to achieving the National Planning Framework’s (NPF) priorities for compact and sustainable growth, supporting climate targets under the Climate Action Plan 2023 and in meeting housing delivery targets in Housing for All. The National Development Plan 2021-2030 (NDP) commits to investing significantly in public transport that will facilitate TOD in Dublin including the delivery of the MetroLink, DART+ and BusConnects projects.

Northwood including the Subject Site is part of the Ballymun TOD incorporating Ballymun centre north towards the M50.

³ Objective SPQH03, FCC Development Plan 2023-2029, page 115.

⁴ In December 2021 the Department of Housing, Local Government and Heritage1 (DHLGH) and the Department of Transport2 (DOT) jointly established a working group to consider opportunities for Transport Orientated Development (TOD) in major urban centres. This group was established under Action 26.1 of Housing for All. Governments housing plan to 2030. The group comprises membership from the DHLGH and DOT, the National Transport Authority (NTA) and the Land Development Agency (LDA).

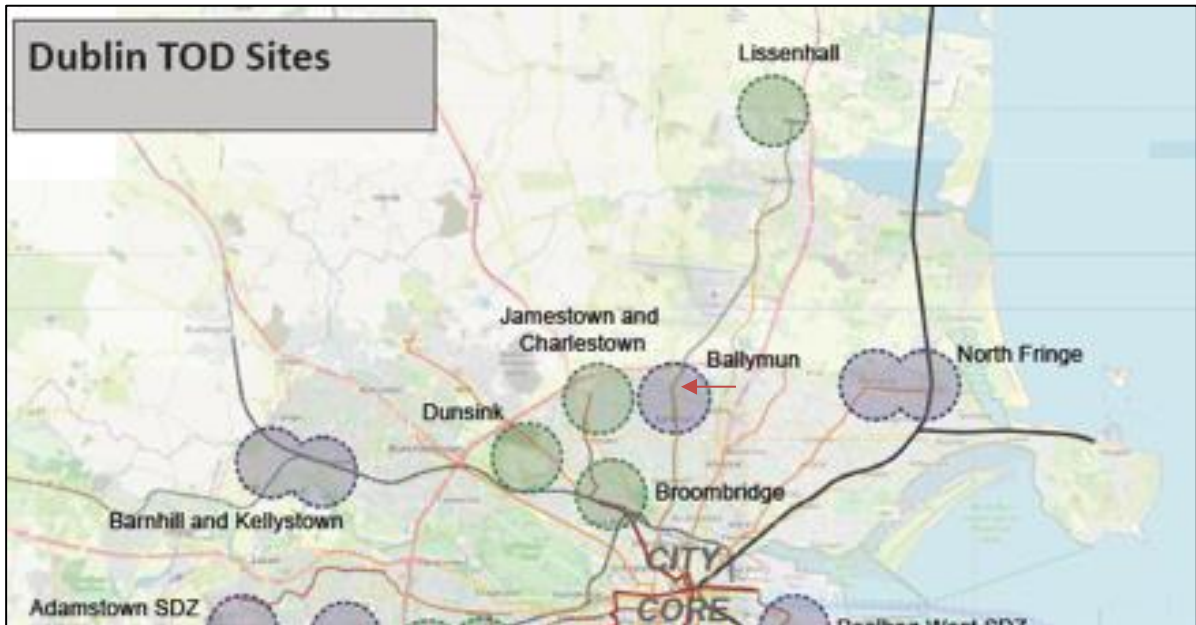


Figure 1.1: Extract from page 18 – Indicates Ballymun as one of 9 short to medium term sites in the Dublin area. It has potential for up to 6,000 residential units.

Table 5.1 addresses the short to medium term opportunities for TOD and notes of the Ballymun Area:

*Ballymun LAP 2017 covers regeneration lands. 35 ha remain undeveloped with potential for c. 2200-2350 dwellings. **There are additional lands between the LAP area and M50 that will benefit from MetroLink with potential for TOD. These lands are zoned as Metro Economic Corridor and will support high density mixed use development in the medium to longer term.** The LDA have identified a capacity for some c. 3640 homes within this area.*

It notes there is remaining capacity for between 5,840 and 8,190 housing units in this area. **The emphasis in this document is maximising development of lands within the TOD areas.**

EMRA Regional Spatial and Economic Strategy 2019-2031 (RSES)

Continuing the compact growth approach advocated in the NPF, the RSES notes at page 38:

A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas. Urban regeneration and infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. This will help to address National Policy Objective 3a, 3b and 3c of the NPF which targets the delivery of new homes within the footprint of existing settlements. Achieving this target will require active land management responses to ensure that land and building resources within existing settlements are used to their full potential.

In respect of "Dublin City and Suburbs", in which the subject site is located, the Settlement Strategy at Page 45 notes:

Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport infrastructure.

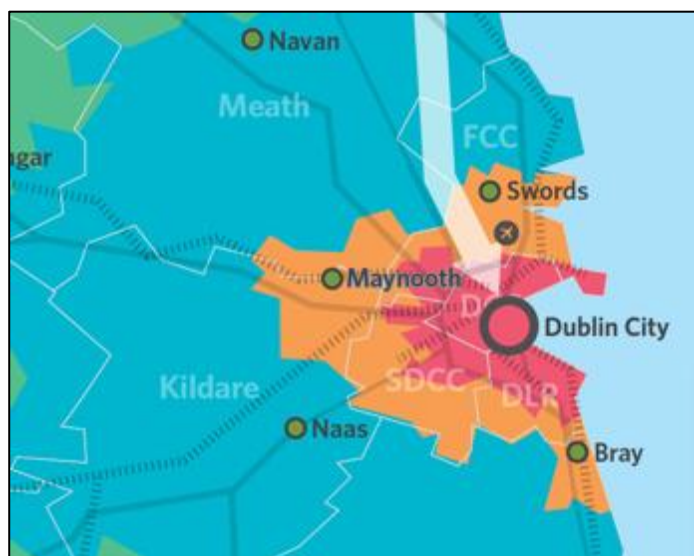


Figure 1.2: Extract from Page 45.

The Guiding Principles for Growth in the GDA are set out at page 101 and include:

- *Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes **within or contiguous to the built-up area of Dublin City and suburbs**, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.*
- *Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of 'BusConnects', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.*
- *Increased employment density in the right places – To plan for increased employment densities within **Dublin City and suburbs** and at other sustainable locations near high quality public transport nodes, near third level institutes and existing employment hubs, and to relocate less intensive employment uses outside the M50 ring and existing built-up areas. (emphasis added)*

At page 107, RPO5.3 seeks to:

Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle

Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.

GDA Transport Strategy 2022-2042

The introduction to the Strategy notes that major projects provided for in the strategy include both the “Metrolink” and “Investment in bus priority and bus services improvements - BusConnects Dublin”.

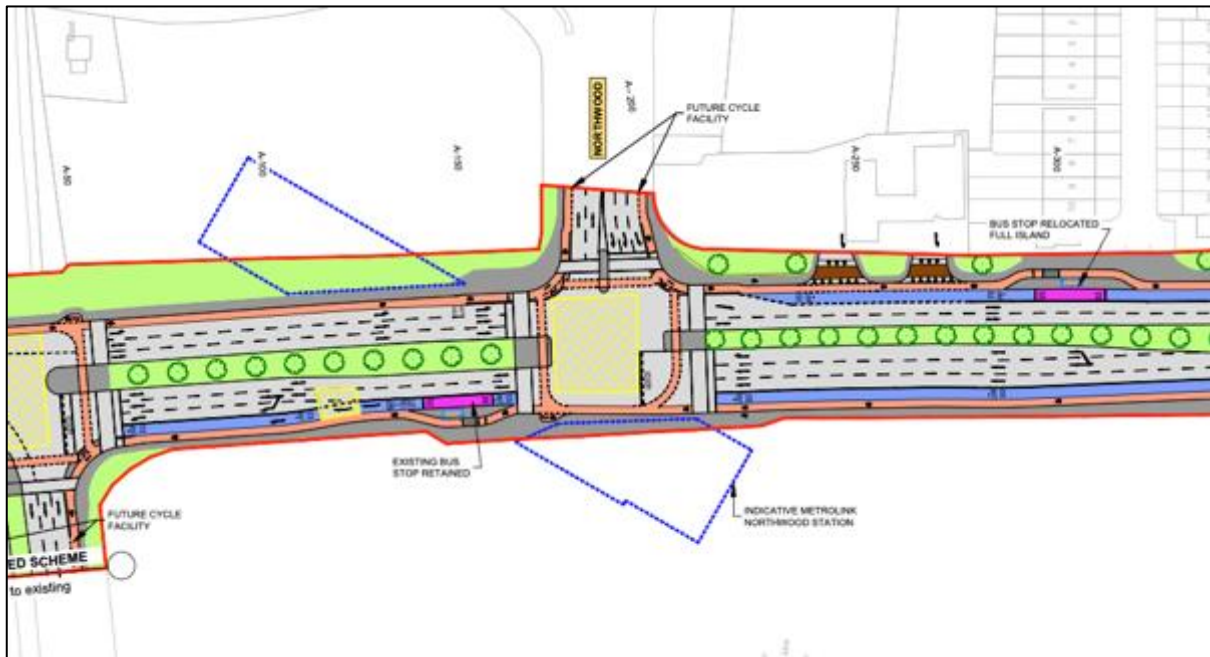


Figure 1.3: Plan for Bus Connects at Northwood.

It points to the importance of locations such as interchanges where services intersect. Section 9.5.3 notes:

In addition to the major interchanges and Mobility Hubs linked to high-capacity services, any point on the transport system where services intersect is considered an interchange and aspects of Measure INT4 will also apply to all of these locations. With the introduction of significantly enhanced orbital bus services as part of BusConnects Dublin, it is anticipated that the role of interchange will increase. The pedestrian environment, in particular how convenient and safe it is for passengers to cross roads between stops, becomes critical in these locations as improvements to services occur and as passenger numbers increase. The quality of the information and signage for passengers changing services is also a key factor in making the interchange as easy as possible.

Fingal County Development Plan 2023-2029

Core Strategy

The Core Strategy sets out the Fingal Settlement Hierarchy at Table 2.20. **Santry (including Ballymun) is located in the “Dublin City and Suburbs”,** which the Plan describes as the majority of Fingal's urban footprint (Page 76).



Figure 1.4: Extract from Fingal County Development Plan Core Strategy Page

Policy and objectives for “Dublin and Suburbs” include:

Policy CSP19 Compact, Sequential and Sustainable Urban Growth. Promote compact, sequential and sustainable urban growth to realise targets of at least 50% of all new homes to be built, within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other metropolitan settlements, with a focus on healthy placemaking and improved quality of life.

Objective CS021 – Promotion of Higher Densities: Promote higher densities (50+ units per hectare) at appropriate locations in urban built up areas subject to meeting qualitative standards at appropriate locations with particular reference to urban centres and/or in proximity to high-capacity public transport nodes while demonstrating compliance with all relevant Section 28 Ministerial Guidelines.

Subject Site's Zoning

The subject lands are zoned “MRE” Metro And Rail Economic Corridor.

Objective: Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.

Vision: Provide for an area of compact, high intensity/density, employment generating

activity with associated commercial and residential development which focuses on the MetroLink, or rail or light rail stations within settings of exemplary urban design, public realm streets and places, which are permeable, secure and within a high-quality green landscape. Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit. The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure.



Figure 1.5: Extract from South Fingal Development Plan Map.

Uses permitted in Principle		
Aparthotel	Betting Office	Childcare Facilities
Community Facility	Conference Centre	Cultural Facility
Dancehall/Nightclub	Education	Exhibition Centre
Funeral Home/Mortuary	Guest House	Health Centre
Health Practitioner	Home-Based Economic Activity	Hospital
Hostel	Hotel	Office Ancillary to Permitted Use
Office ≤ 100 sqm	Office > 100 sqm and < 1,000 sqm	Office ≥ 1,000 sqm
Open Space	Place of Worship	Public House
Public Transport Station	Research and Development	Residential
Residential Care Home/ Retirement Home	Residential Institution	Restaurant/Café
Retail – Local < 150 sqm nfa	Retail – Convenience ≤ 500 sqm nfa	Retail – Comparison ≤ 500 sqm nfa
Retail – Supermarket ≤ 2,500 sqm nfa	Sheltered Accommodation	Sustainable Energy Installation ³⁵
Taxi Office	Telecommunications Structures	Training Centre
Traveller Accommodation	Utility Installations	Veterinary Clinic

The proposed development includes a retail supermarket, offices and residential which are acceptable in principle on the subject site.

Proposed Framework Plan - Northwood

The above yellow dashed line around Northwood (Figure 1.5), but excluding the subject site, (and other zoned “MRE” areas) indicates the Planning Authority’s intention to prepare a

Framework Plan. The PA has not commenced its preparation to date but intend doing so within the life of the current plan.

As the subject site is located outside the Framework Plan area it is not a material consideration moving forward.

Proposed Fingal County Council - Height Strategy and Density Study

It is an objective of the Development Plan to prepare a Building Height Strategy and Density Study.

Objective SPQHO3 – Building Height Strategy and Density Study: Prepare a Building Height Strategy and Density Study for the larger urban centres of the County.

Fingal County Council confirmed to my office that this Strategy has not been commenced to date.

Connectivity and Movement

In the chapter on Connectivity and Movement page 230 notes:

To ensure that the population and employment growth projected for Fingal occurs in a sustainable manner, it is essential that land-use and transport planning continues to be closely aligned. Integrating new housing, employment and services with high-capacity public transport corridors in conjunction with attractive walking and cycling networks and permeable links to rail and bus stations can reduce the need to travel and support the functioning of a connected and sustainable transport system. This also has the benefit of extending the catchment of sustainable modes to more people and places to support investment in public transport infrastructure. This will enable the implementation of Transit Oriented Development whereby development is consolidated around existing or planned public corridors at a scale or density that supports the viability of high-capacity public transport infrastructure.

Adopting this approach facilitates compact growth, a recurring theme in this Plan and maximises the opportunities presented by MetroLink, LUAS and DART+ proposals, as well as the existing and planned bus improvements under BusConnects. Land-use policy within Fingal supports development along its identified high-capacity public transport corridors.

This Plan supports high-density, mixed-use development and trip intensive uses integrated with high-quality walking and cycling infrastructure around high-capacity public transport corridors and nodes, through plan frameworks, in order to generate and reinforce sustainable patterns of growth and development in the County. This policy focus is intended to, not only reflect the policy supported in the NPF and RSES but critically, as a measure, has the potential to reduce the climate impact of transport by encouraging a shift from the private car to public transport, walking and cycling

Provide for an integrated approach to land-use and transportation aimed at minimising the demand for travel and prioritising sustainable modes of transport including walking, cycling and public transport.

Arising from this Objective CMO3:

Support and facilitate high-density, mixed-use development and trip intensive uses along public transport corridors and to ensure the integration of high-quality permeability links and public realm in conjunction with the delivery of public transport services through plan frameworks to generate and reinforce sustainable patterns of compact growth and development in the County. [Emphasis added]

Objective EE015 (page 272) seeks to make the most effective use of lands in the Metro and Rail Economic Corridor:

Protect the integrity of the Metro and Rail Economic Corridor from inappropriate forms of development and optimise development potential⁵ in a sustainable and phased manner.

Development Management – Section 14 of the Development Plan.

We include a preliminary review the standards for Apartments at **Appendix 1** referencing the Sustainable Urban Housing Design Standards for New Apartments 2023, in accordance with objective DMS024, page 541 Fingal County Development Plan 2023-2029. It states:

All applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and general contents of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at the time of lodgement of the planning application). (Underlining added)

The following section considers wider criteria in the Section 14 of the County Development Plan.

Height and Density

At Section 14.5.3 of the Development Plan, it references the guidance document “Urban Development and Building Heights – Guidelines for Planning Authorities” 2018 and the relevant SPPR’s therein including SPPR 1 supports:

...increased building height and density in locations with good public transport accessibility, particularly town/ city cores. Increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

Regarding density generally, the Development Plan observes at 14.5.2:

⁵ I interpret this to mean: “make best use of...” or “make something as good as possible...”

The Plan promotes compact growth and consolidation of Fingal's large urban areas, towns and villages and will support appropriate densities as expressed in national and regional policies NPF, RSES and the Section 28 Guidelines. In complying with national guidance, development proposals must also be cognisant of and respect the character, context and architectural qualities of the surrounding area and seek to ensure in all instances a high-quality architectural response to site development.

In respect of residential density in particular, the Development Plan states at 14.6.3:

In general, the density and number of dwellings to be provided within residential schemes should be determined with reference to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Development should also be consistent with the policies and objectives set out in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation.

The 2009 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas have been replaced by the 2024 Sustainable and Compact Settlements – Guidelines for Planning Authorities. Section 2.1.2 of the 2024 Guidelines direct that:

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

Objective CS021 of the Development Plan's Core Strategy (noted above), refers to all relevant Ministerial Guidelines in the promotion of higher densities so the 2024 Guidelines are applicable.

[Residential Unit Mix \(section 14.6.2\)](#)

The preliminary mix of units in the residential component includes:

- 1 bed = 50 units - 20%
- 2 bed = 140 units - 70%
- 3 bed = 20 units - 10%

I refer to a recent permission granted by An Bord Pleanála in Northwood (in 2022), on lands between Swift Square offices and the Sports Surgery Clinic, 600 metres east of the Subject Site.



Figure 1.6: Location of AO6F.313317

ABP (Ref: AO6F.313317) granted the following mix based on a detailed housing assessment:

- 1 bed = 11 (4%)
- 2 bed = 229 (90%)
- 3 bed = 15 (6%)

That project also has a residential density of 198 dph (net) and the tallest block rises to 9 storeys.

The proposed development broadly accords with this recent planning permission but again is preliminary and subject at the time of an application to a housing needs assessment.

Public Open Space (POS) Section 14.13.2

The County Development Plan's 12% minimum public open space accords with the 10-15% range specified at section 5.3.3 of the 2024 Sustainable Residential Development guidelines.

Given the proximity of wider public open space in the immediate Northwood area (extensive parklands to the east) and the need to maximise development on the subject site, achieving the minimum range of 10-15% is acceptable.

Moreover, the emerging development has circa (10% of 810sqms of Public Open Space) located to the west of the proposed blocks. Given this area would also tie into the public space associated with the remaining over station lands immediately west, a much larger public space is created.

Car Parking (Table 14.19)

Car parking standards for retail, offices and residential are set out below and all maximum standards. The preliminary allocation of spaces is set out below in Table 1.0.

Table 1.0 Land use	Standard County Development Plan	Fingal Council Development Plan	Total Allowed based on relevant GFA	Maximum based on	Provided
-----------------------	--	---------------------------------------	--	---------------------	----------

Foodstore (incl discount foodstore)	1 per 20sqm	90	60
Offices	1 per 80sqms	88	0
Residential 1-2 bedroom	0.5 in Zone 1 (i.e. close to Public Transport)	95	19
Residential 3-3+ bedroom	1	10	5
Creche	0.5 per classroom	1	1
	Totals	(284 Max)	85

The proposed parking above accords with the parking standards in the Fingal County Development Plan and has regard to the site's location as proposed public transport interchange.

Community and Social Infrastructure (14.14)

The most recent assessment of Community and Social Facilities in this area was conducted for the SHD development next to the Sports Surgery Clinic (ABP Ref: AO6F.313317) and was accepted by An Bord Pleanála in 2022. That assessment was based on a development of 255 units.

In relation to schools, the submitted study pointed to the average class sizes in the area being smaller than the national average and to future reduction in enrolment numbers. As average household size reduces, so too will the numbers of pupils enrolling each year.

We have not conducted a detailed School Capacity assessment as part of this report as this would form part of any future planning application.

Childcare Facilities (14.14.2)

The emerging development includes provision of a creche of 195sqms with outdoor space.

Other considerations

Dublin Airport Restrictions

The height of the development has regard to the restrictions imposed by Dublin Airport. In preparing the proposed scheme the MCA Architects consulted with O'Dwyer Jones Aviation Consultants who confirmed the site could accommodate the height of building illustrated, having regard to the Inner Horizontal Surface at 112m OD.

The site outside the Noise Contours and also the Public Safety Zones of Dublin Airport.

A copy of Preliminary report by O'Dwyer Jones Aviation Consultants is included at **Appendix 2**.

Concluding Comments

The purpose of this statement is to outline the policy imperatives for the future development of the subject site. It demonstrates the need for high-density, mixed-use, development on the subject site, having regard to national, regional and local policy objectives. In particular it notes the objectives to maximise development on the subject site, having regard to its specific location at the proposed Metrolink station and proposed BusConnects stops at Northwood.

This submission, alongside the emerging plans prepared by MCA, and the information provided by Punch Consulting, on revised loadings and other associated technical points, illustrate how overstation development can be achieved in accordance with prevailing policy objectives that seek to marry high density development at public transport interchanges and nodes.

The National Planning Framework promotes compact growth over urban sprawl to mitigate negative impacts on various aspects such as people, the economy, and the environment. Development priorities emphasise activating strategic areas within urban settlements for development, focusing on effective density and consolidation.

The new 2024 Sustainable Residential Density Guidelines promote enhanced density particularly at and around high-capacity, public, transport nodes or interchanges.

Transport-Oriented Development (TOD) is highlighted as a means to achieve compact and sustainable growth, maximising development near high-quality transport services.

The RSES stresses the importance of compact growth, urban regeneration, and integration of transport and land use for sustainable development.

The GDA Transport Strategy underscores the significance of transport interchanges and improving pedestrian environments to facilitate enhanced public transport services.

The Fingal County Development Plan 2023-2029 outlines policies and objectives aimed at promoting compact, sequential, and sustainable urban growth within the Dublin City and Suburbs area. This includes promoting higher densities and maximising development potential. By aligning land use and transport planning, emphasising transit-oriented development, and promoting higher densities in appropriate locations, it aims to achieve compact and sustainable development while maximising development opportunities around high-quality public transport services. This is specifically achieved through the "plan-led" zoning of the subject site, within the Metro and Rail Economic Corridor ("MRE") which expressly facilitates high density, mixed-use development.

The accumulation of the above evidence points to a site that is important as a location for high density, mixed use development.

I respectfully submit to An Board Pleanála that a substantial, high density development can be delivered on the subject site in accordance with national, regional and recent Ministerial Guidance which seeks the highest density at this location. The emerging development is also in accordance with the Fingal County Development Plan 2023-2029. Overstation development can also be delivered on the site, thus maximising its potential. The technical evidence from Punch Consulting will consider that in more detail.

Recommended Action

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PLANNING APPLICATIONS SECTION 5 APPLICATIONS EXEMPT DEVELOPMENT ENFORCEMENT
EXPERT WITNESS LOCAL AREA PLANS APPEALS PORTFOLIO MANAGEMENT COMMUNITY
CONSULTATION ENVIRONMENTAL IMPACT RETAIL IMPACT

I note the recently published agreement between TII and DAA (dated 23 February 2024) wherein condition 2 states:

Future potential development: The Metrolink structures shall be constructed so as to accommodate future development above the station and tunnels.

The emphasis of this condition clearly suggests that tolerances of the Metrolink structures will be adjusted to allow for “*future potential development*” within Dublin Airport.

Punch Consulting will explain the tolerances required and other technical matters in order to accommodate future overstation development, on the subject site, to ensure it can be developed in accordance with policy objectives that obligate the maximisation of mixed use development on the subject site.

Yours faithfully



Tony Bamford
Tel: 087 2903208

Appendix 1

Quality Assessment – New Apartments

Appendix 2

Preliminary Report by O'Dwyer Jones Aviation Consultants

Appendix 2

Punch Consulting submission to Oral Hearing: 11 March 2024

Lidl Ballymun MetroLink Site

ABP-314724

**Attachment 4: PUNCH Civil/Structural
Engineering Report - Module 2**

242119-PUNCH-XX-XX-RP-S-0001A

March 2024

Document Control

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S3	P01	Draft Issue	16/02/2024	T. Murnane	MC. Daly	T. Murnane
S3	P01	Issue	11/03/2024	T. Murnane	MC. Daly	T. Murnane

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Appendix A - PUNCH Commentary on TII “Draft Guidance Note for Developers” issued on 20/02/2024, following the commencement of the ABP Oral Hearing

Appendix B - TII “Draft Guidance Note for Developers”

Appendix C - MCA Architects Site Plan Showing Impact of Exclusion and Protection Zones on Lidl Site

1 Report Authors

This report has been jointly authored by Tim Murnane *BEng CEng FIEI FICE FConsEI* and Marie-Claire Daly *BEng PGDipCL MEng CEng MIEI*.

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Marie-Claire Daly is a Technical Director with PUNCH Consulting Engineers with over 10 years' experience in Civil Consulting Engineering. She is a Chartered Engineer and Member of Engineers Ireland (CEng MIEI). Since receiving her Honours Bachelor of Civil & Environmental Engineering Degree at University College Cork (2013) she has attained a Higher Diploma in Science in Data Analytics with the National College of Ireland (2017), a Post Graduate Diploma in Construction Law and Contract Administration with Trinity College Dublin (2021) and a Master of Engineering in Energy Infrastructure with Technological University of the Shannon (2022).

2 Introduction

This report has been prepared as part of a submission by Lidl Ireland GmbH for the An Bord Pleanála Oral hearing relating to the Dublin MetroLink project - Ref ABP-314724-22 Submission Number 169. The report covers Civil and Structural Engineering matters specific to the site.

Lidl's site in Ballymun has been identified as a key site for the MetroLink project and in the permanent case will contain part of the proposed Northwood station, as well as connecting sections of tunnel. During the construction stage of the project, the site is proposed to be used as a key launch site for MetroLink tunnelling and associated construction activities. Hence, the site is of fundamental importance to the successful delivery of the MetroLink project.

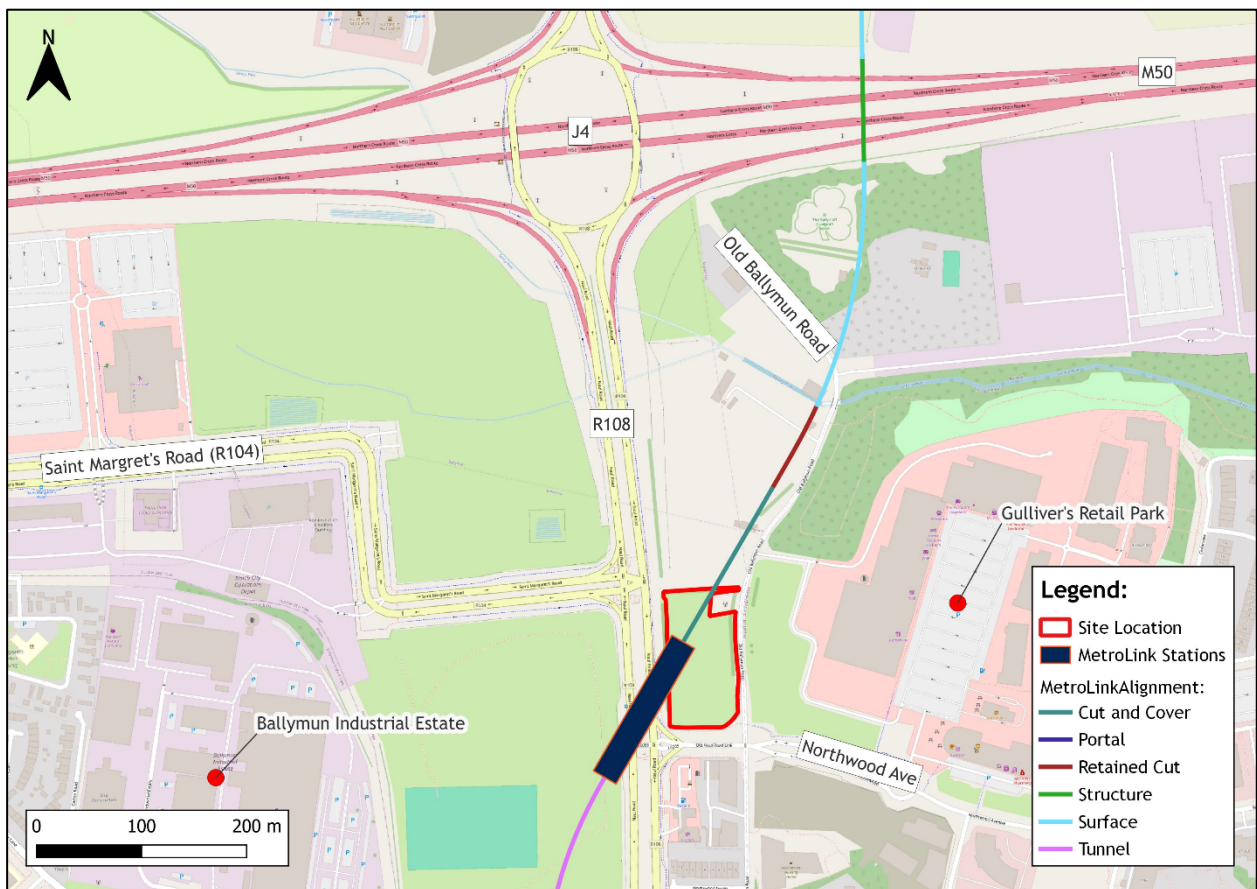


Figure 1: Site Location Map, with MetroLink Infrastructure included. The proposed Northwood Station encroaches on the Lidl site in Ballymun.

3 Site Development - Structural Engineering

It is Lidl's intention to develop this key site based on a planning application, which will optimise the sites' potential, within the parameters of the development zoning outlined in the applicable Fingal County Council Development Plan. It is essential therefore, that the presence of the Northwood Station and connecting tunnels do not negatively impact on the development potential of the site and hence these structures should be designed by TII to accommodate this future development.

From a Structural Engineering perspective this can simply be achieved by designing these MetroLink structures to cater for both over station/structure development and adjacent station/structure development. In effect, these MetroLink structures should be considered as foundations/substructures for the future Lidl development.

On the Lidl Ballymun site, from a planning perspective residential development up to 15 stories is permissible. It is the intention of Lidl to develop a scheme of this height, which is expected to include a basement, a Lidl retail store at ground floor level and residential units overhead. Therefore, from a Structural Engineering perspective the station building and tunnels, on the Lidl Ballymun site, must be designed to support the loads from such development, both on top of and adjacent to the station and tunnel. The implications of these requirements for the terms and conditions of any Board approval of the proposed railway works will be addressed further on behalf of Lidl at the hearing in Module 2. The final loads to be supported will be in accordance with Eurocode 1 "Actions on Structures" and "Building Regulations" current at the time of the station/tunnel design. On a preliminary basis, these unfactored loads have been calculated to be as follows:

- A. Uniformly distributed unfactored vertical load on the station/tunnels of:
 - (i) 165 kN/m² Dead Load
 - (ii) 45 kN/m² Live Load
- B. Lateral loads at ground level associated with the above vertical loads (surcharge) plus additional lateral wind loads which will be determined based on Eurocode 1 and the final building geometric design.
- C. Additional concentrated point loads of:
 - (i) 7,950 kN Dead Load
 - (ii) 2,200 kN Live LoadBased on an 8m x 6m column grid.
- D. Additional concentrated line loads of:
 - (iii) 1,320 kN/m Dead Load
 - (iv) 360 kN/m Live LoadBased on apartments walls at 8m centres.

Additionally, the station and tunnels will need to be designed to take full account of the following:

1. Deflections/settlements/differential settlements in line with current Eurocodes for building design and informed by appropriate site investigations.

2. Operational MetroLink Noise and Vibration limits to comply with Eurocodes and all relevant environmental standards, so as not to limit or prohibit any future use of the buildings on the site.

4 Site Development - Civil Engineering

From a Civil Engineering perspective, following any grant of approval by the Board, which should make adequate provision for overstation development to meet the criteria outlined above, it is essential that detailed consultation takes place between Transport Infrastructure Ireland and Lidl throughout all stages of the station and tunnel design process, to ensure that the railway works do not constrain the future development potential and value of the Lidl site.

We set out some specific issues to be addressed by the Board in its decision, as follows:

4.1 The presence of the Northwood Station and connecting tunnels will represent a major constraint to the normal development of the site from a Civil Engineering perspective. The vertical and horizontal alignment of these structures therefore will significantly influence services crossing the site. It is important therefore that the design of the station/tunnel provides for crossing services, to ensure full services connectivity can be achieved throughout the Lidl site now and in the future.

4.2 An example of the importance of this relates to the design of Sustainable Urban Drainage Systems (SUDS) such as permeable paving and the location plus design of attenuation tanks or bio retention arrangements if applicable. It is crucial such on-site infrastructure can be optimally located on the site and all parts of the site can connect to such facilities without the station and tunnels acting as services connectivity barriers/blockers.

4.3 Given the extent of the works taking place at the site, and the potential duration for which the site will be used (which currently has not been clearly set out by TII), of up to or in excess of 10 years, it is clear that it is not possible for the land to be handed back *“in the same condition in which it was received”*. This is of particular concern given the potential for soil contamination due to construction activities at the site. Historical mapping indicates the site has not been developed on, and therefore, the risk of pre-existing contamination on the existing site is low. The long-term impact of the construction activities that will be carried out on site will change the existing use of the site from greenfield to non-greenfield. As set out in the EPA’s “Guidance on waste acceptance criteria at authorised soil recovery facilities” there are significantly higher requirements for soil testing and classification in the removal of non-greenfield soil and stone waste than there is for removal of greenfield soil and stone. This has a direct financial implication on the site owner for future development. This issue was addressed in further detail in the Lidl/PUNCH submission in Module 1 and in this regard Lidl welcomes the confirmation by Transport Infrastructure Ireland to the Inspector at the hearing on 21 February 2024 that TII will implement the soil and groundwater testing and monitoring regime as requested in the PUNCH Consulting Report submitted at the hearing on the same day in respect of the Lidl lands.

4.4 TII should ensure that any proposed storm or foul drainage serving the proposed station should be coordinated with future development proposals for the Lidl site. For example, a proposed storm water sewer to serve station/tunnel should be installed to accommodate flows from the entire site. Additionally, any station/tunnel storm water attenuation requirements or similar should be placed within the station/tunnel footprint and not on the Lidl part of the yet to be developed site.

4.5 TII should ensure that any services running to/from the proposed station or require diversion due to the MetroLink works, should not be routed through the Lidl site so as not to impact on future development

or require the developer to divert any services in the future. Services running to/from the proposed station should not sterilise any portion of the Lidl Ballymun site.

4.6 Finished site levels for the proposed station at ground level should be coordinated with proposals for the development of the Lidl site, particularly in the context of basement car parking and ground floor retail uses planned.

5 Conclusions/Recommendations

We make the following conclusions/recommendations for the Board to take account of in its decision:

5.1 It is essential the Board's decision ensures that the Northwood MetroLink station and connecting tunnels at the Lidl Ballymun site are designed to take full account of future development of the Lidl site and not restrict it in any way. This should include both over station and adjacent station development.

5.2 Structural loading quantum from the proposed Lidl development has been provided in Section 2 of this report. The implications of these requirements for the terms and conditions of any Board approval of the proposed railway works will be addressed further on behalf of Lidl at the hearing in Module 2.

5.3 Following the grant of any approval by the Board, it is essential that the MetroLink Structural Engineers engage fully with Lidl as part of the station/tunnel design process to ensure Lidl's future development plans for the site are taken into account and these plans are not negatively impacted by the presence of the Northwood station and connecting tunnels. In effect the station and tunnels need to be considered as the foundations for the future Lidl development and so a similar level of design coordination will be required as normally happens on all projects where the foundations are designed to support the scheme superstructure in all aspects.

5.4 From a Civil Engineering perspective it is essential the station and tunnels do not form a services barrier across the Lidl site. Hence, full services connectivity must be provided for across the station and tunnels.

5.5 It is essential the Lidl site is handed back free of soil contamination with appropriate evidence/verification in the form of EPA certification is provided prior to "hand back" to confirm this. Appropriate conditions should be attached to the Board's decision to ensure this as discussed in Module 1.

5.6 The design of the station/tunnels must be self-contained from a Civil Engineering perspective and all design requirements must be catered for within the footprint of the station/tunnel.

5.7 Finished site levels for the proposed station at ground level should be coordinated with proposals for development of the Lidl site, particularly in the context of basement car parking and ground floor retail uses planned.

5.8 The implications of all the above requirements for the terms and conditions of any Board approval of the proposed railway works will be addressed further on behalf of Lidl at the hearing in Module 2.

6 Conditions of Engagement

This survey and report was undertaken under the conditions of engagement Agreement RA9101 for the Appointment of Consulting Engineers for Report and Advisory Work Published in agreement with The Association of Consulting Engineers of Ireland.

Appendix A Commentary on TII “Draft Guidance Note for Developers” issued on 20/02/2024, following the commencement of the ABP Oral Hearing

Following the completion of this PUNCH report and the commencement of the An Bord Pleanála Oral Hearing on 19/02/2024, TII have issued various additional documents. One such document titled “Draft Guidance Note for Developers” was issued on 20/02/2024 and its content is very significant to the development potential of the Lidl Ballymun site. Hence, we have prepared this addendum to our original Report addressing some of the key issues.

PUNCH Report Addendum 1

The TII “Draft Guidance Note for Developers” is a 13 page draft document which sets out an approach to asset protection for MetroLink infrastructure. The purpose of the document is stated as:

“This guidance note forms an asset protection approach developed by TII to ensure the integrity of the structures of MetroLink are safeguarded throughout their life in the context of adjacent development which may arise from time to time”.

The document defines exclusion zones, protection zones, loading conditions and or/processes to help ensure that the MetroLink subsurface assets are protected from the impact of third party development activities.

Refer Appendix B of this Report Addendum for the content of the document.

Our comments on the TII document are as follows:

- a. The issued Draft Guidance Note for Developers is an important document from TII’s perspective as it sets out measures to protect the MetroLink substructure assets.
- b. The constraints set out in this document in relation to the development of the Lidl Ballymun site are extreme on two primary fronts. First, it sets out major limitations on vertical loading that can be imposed on the MetroLink Northwood station and connecting tunnels on the Lidl site. Second, the combined effect of development exclusion and protection zones appear to effectively render major parts of the Lidl site undevelopable.
- c. In relation to Loading Constraints, Figure 2 of the TII document is reproduced herein and shows an allowable surcharge load of 20kN/m².

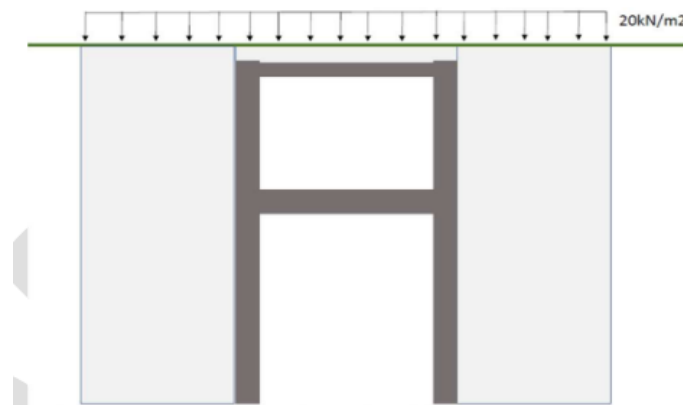


Figure 2: Imposed vertical loadings on cut & cover structures

Considering the uniformly distributed load calculated from the proposed Lidl 15 storey structure on the site equates to 210kN/m^2 ($165\text{kN/m}^2 + 45\text{kN/m}^2$) plus additional point and line loads - Refer Section 3A-D of this report - it is clear the proposed Lidl development cannot proceed if the loading conditions in this TII document are applied to the Lidl site.

- d. In relation to zones of exclusion/protection relative to the TII station and tunnel assets, a number of diagrams are provided on scenarios where these would apply. For the purpose of this document, we reproduce Figure 7 of the TII document herein.

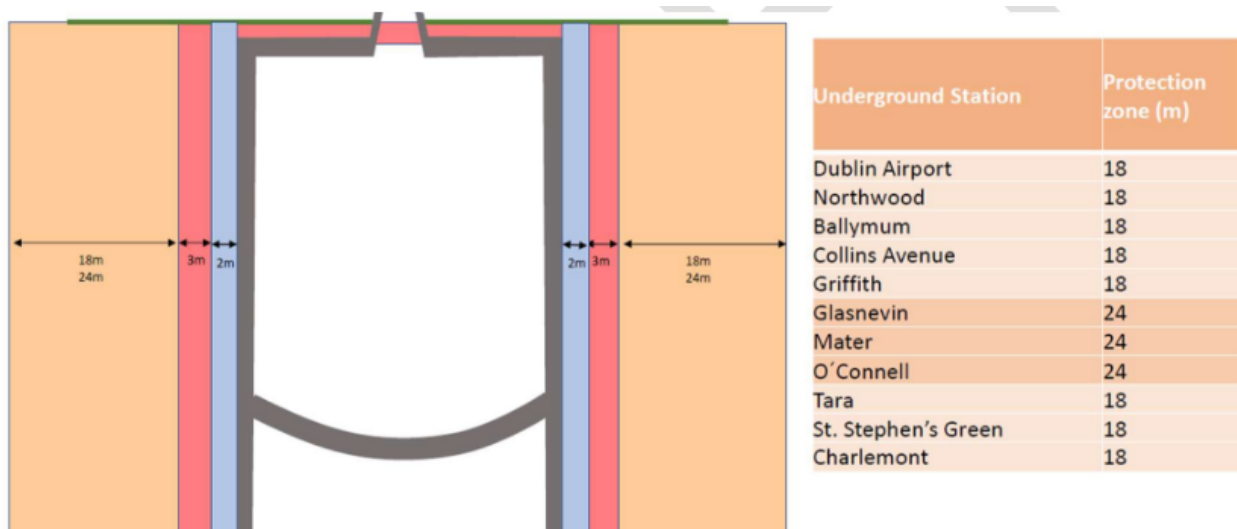


Figure 7: Underground Station Protection and Exclusion Zones

By way of clarification the colours shown indicate the following:

- Blue "Line of Deviation": this colour immediately adjacent to the structure represents the "line of deviation" of the structure i.e. the Railway Order provides for some tolerance on the horizontal alignment of MetroLink.
- Red "Exclusion Zone": this colour represents the "exclusion zone". The definition provided by TII for exclusion zone is as follows:

Exclusion Zone is the volume of subsoil along the bored tunnel, cut and cover tunnel and retained cut alignment in which no future works or developments are allowed to encroach. Future surface works or developments are allowed above a subsurface Exclusion Zone, provided the foundation does not intrude into the Exclusion Zone and the MetroLink structures are not adversely affected

In effect for the station plus cut and cover tunnels on the Lidl site, no development can take place in this zone.

- Orange “Protection Zone”: This colour represents the “protection zone”. The definition provided by TII for protection zone is as follows:

Protection Zone is the volume of subsoil and the area on the ground surface along the bored tunnel, cut-and-cover tunnel and retained cut alignment in which future works or developments could impact the MetroLink structures. Future works or developments are allowed in the Protection Zone with any depth of foundation, provided it does not adversely affect the MetroLink structures and is subject to written agreement with TII.

In this zone, work is permitted, but significant restrictions are in place on loading (20kN/m²) and constraints on foundation location, type etc.

Considering the extent of this zone at the Lidl site (2m deviation + 3m exclusion + 18m protection on both sides at Northwood station), the negative impact on the development potential of the Lidl site is extreme - Refer to Appendix C of this report for an illustrative layout prepared by MCA Architects.

- e. The document appears to be largely silent on how future sub-terranean services on the Lidl site will be treated i.e. constraints on how services such as watermain, gas main, electrical/IT services, foul drainage, storm drainage etc will or will not be permitted to cross over the MetroLink assets. If such services were not to be permitted to traverse the site, or constrained in doing so, it would have a further major negative impact on the development potential of the site and effectively sever it from a services connectivity perspective.
- f. This document, if adopted, would appear to deny the potential for overstation development, which we understood from responses from TII to previous submissions by LIDL Ireland GmbH (Submission 169) in “TII Response to Submissions No.s 141-320, plus Fingal County Council Submission (Section 5.2, Part 2 and 2)”. While others representing Lidl will comment further on this from a site planning and zoning perspective, from a structural and civil engineering perspective, overstation development at this key site is relatively straightforward from a technical Engineering perspective and should be permitted in our view i.e. the TII station and tunnel infrastructure on this key Lidl site, should be designed by TII as simply the foundations for the Lidl development scheme. Adequate provision needs to be made for this in the Board’s decision.

Appendix B - TII “Draft Guidance Note for Developers”

METROLINK

Integrated Transport. Integrated Life.



DRAFT GUIDANCE NOTE FOR DEVELOPERS

May 2023

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DRAFT

1. Introduction

MetroLink includes *inter alia*: construction of a railway approximately 18.8 kilometres in length which is mostly underground comprising *inter alia* 9.4 kilometres section of single bore tunnel running beneath Dublin City Centre from Charlemont to Northwood Station, 2.3 kilometres section of single bore tunnel running beneath Dublin Airport; north of Dublin Airport the railway will emerge from tunnel and will run at surface level and in cut and cover structures to Estuary Station; surface running sections and cut and cover sections will include earthworks, the use of retained cut and cover structures, elevated sections; a new 99m long bridge will be constructed over the M50 and a 261m long multi-span Viaduct over the Broadmeadow and Ward River; the construction of 16 stations, including 11 underground stations at Dublin Airport, Northwood, Ballymun, Collins Avenue, Griffith Park, Glasnevin, Mater, O'Connell Street, Tara, St. Stephen's Green and Charlemont; 4 retained cut stations at Seatown, Swords Central, Fosterstown and Dardistown and 1 at grade station at Estuary; a multi-storey 3000 space park and ride close to the M1 Motorway will be provided at Estuary Station, a maintenance depot is located near Dardistown Station.

Details of the proposed scheme are available in the MetroLink Railway Order application and the horizontal and vertical alignment of the route is provided therein.

TII must ensure the MetroLink structures:

- a) retain structural integrity,
- b) emergency management capability is not compromised,
- c) safety and free flow of users of the facility is maintained,
- d) can be safely and adequately maintained at all times, and
- e) are not put at risk by developer activities; TII as asset owner must be indemnified against any damage or disruption by any developer activity bearing potential threat to the infrastructure or its operation.

This Guidance Note forms an asset protection approach developed by TII to ensure the integrity of the structures of MetroLink are safeguarded throughout their life in the context of adjacent development which may arise from time to time.

This Guidance Note defines exclusion and protection zones, loading conditions and or/processes to help assure that the MetroLink subsurface assets are protected from the impact of third-party development activities.

At the time of preparation of this Guidance Note, MetroLink has not yet been constructed, and so this note is made publicly available by TII in order to communicate its requirements in anticipation of the new structures being in place. This Guidance Note shall be developed further as may be necessary at a later time to reflect TII requirements during construction and later post construction and during operation.

Developers will be required to examine the interface and potential interaction between any proposed development and the future construction of MetroLink and TII require that any new development proposal will be appropriately designed not to affect future construction and operation of MetroLink.

The purpose of this Guidance Note is to assist developers in understanding TII requirements for protection of MetroLink, and to provide guidance to developers on future land use development which may be undertaken without unduly affecting the structures.

Developers of any development in the vicinity of the MetroLink Protection Zones are advised to consult with TII prior to making an application to the planning authority for planning approval.

The Guidance Note details the design considerations for MetroLink. Nothing in this Guidance Note anticipates or permits a specific configuration of loading from a developer.

If there is any doubt as to whether a developer needs to undertake technical engagement with TII on development proposals, there should be a presumption for contact being necessary.

TII expect to enter into specific legal agreement with any developers hoping to undertake construction over or adjacent to MetroLink. The agreements will specify the particular requirements of TII in response to the nature of the development proposed.

TII reserves the right to modify the requirements of their asset protection approach, (and this Guidance Note) from time to time as may be necessary

The limits of deviation referred to in this Guidance Note are those sought by the Railway Order Application. Once constructed, all relevant offsets quoted will be those from the as-constructed physical limits of the tunnel and other associated infrastructure, record copies of which will be provided by TII upon request.

2. Safeguarding Requirements

2.1. Structural Protection

2.1.1 For the purposes of structural protection of MetroLink from future works or development, TII requires that boundaries of Exclusion and Protection are enforced to safeguard the structures. Any proposed works or developments encroaching either of these zones would be subject to a legal agreement with approved asset protection arrangements in place, which fully includes methods of construction and potential construction and other temporary surcharges effects. These are defined below:

- Exclusion Zone is the volume of subsoil along the bored tunnel, cut and cover tunnel and retained cut alignment in which no future works or developments are allowed to encroach. Future surface works or developments are allowed above a subsurface Exclusion Zone, provided the foundation does not intrude into the Exclusion Zone and the MetroLink structures are not adversely affected
- Protection Zone is the volume of subsoil and the area on the ground surface along the bored tunnel, cut-and-cover tunnel and retained cut alignment in which future works or developments could impact the MetroLink structures. Future works or developments are allowed in the Protection Zone with any depth of foundation, provided it does not adversely affect the MetroLink structures and is subject to written agreement with TII.

2.1.2 Exclusion and Protection Zones are set out in the following for

- a) U Section profile, retained cut profile, cut and cover profile, retained cut stations, underground stations, portals and shafts.
- b) Tunnels,
- c) Temporary Site Areas, and
- d) Wayleave / Right of Way

- 2.1.3 U Section profile, retained cut profile, cut and cover profile, retained cut stations, underground stations, portals and shafts have been designed with an imposed vertical loading of 20kN/m^2 . This imposed vertical loading for these structures is shown diagrammatically in Figures 1 and 2.

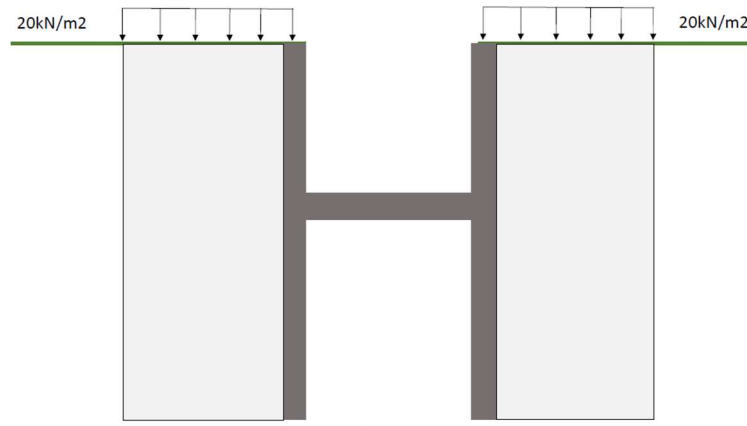


Figure 1: Imposed vertical loadings on open cut structures

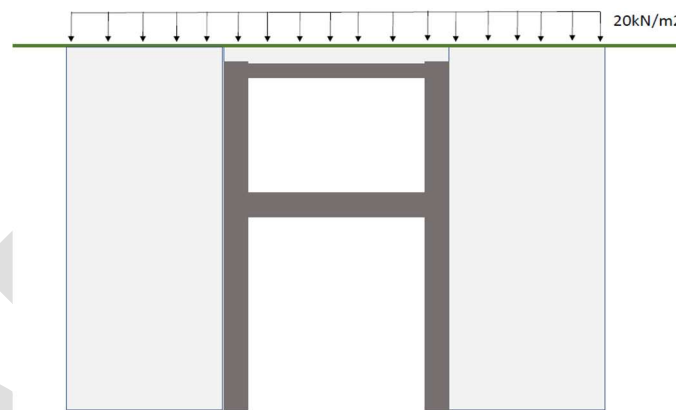


Figure 2: Imposed vertical loadings on cut & cover structures

Prior to construction no works other than works associated with the MetroLink RO may be undertaken within the proposed acquisition of land as set out in Schedule 2 of the Railway Order (which land includes for the limits of deviation).

In the case of any construction by others adjacent to and outside of the extent of the limits of deviation that could affect future designs of the MetroLink permanent works, developers are required to submit designs of proposed development works within this area.

Exclusion and Protection Zones are shown on the following drawings (exclusion zones indicated in red, protection zones are indicated in orange. The limits of deviation associated with each type of structure is indicated in blue. The extent of protection zones for Retained Cut and Cut & Cover structures varies by location. Appendix 1 describes the extent of protection zone required at the various locations along the scheme.



Figure 3: U Section Protection and Exclusion Zones

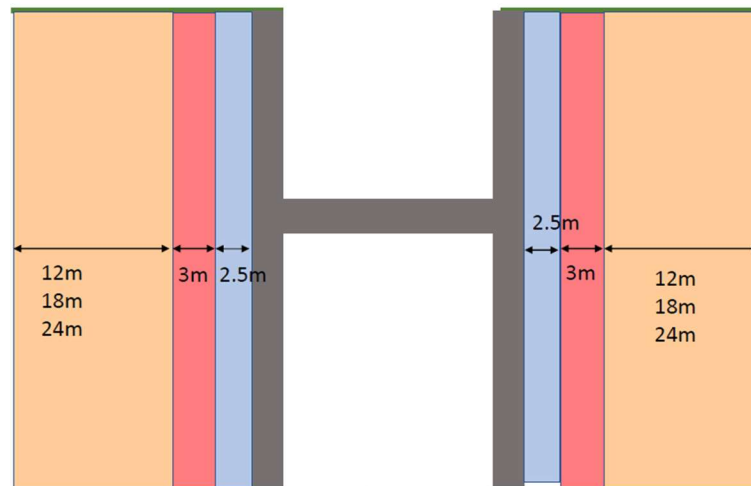


Figure 4: Retained Cut Section Protection and Exclusion Zones

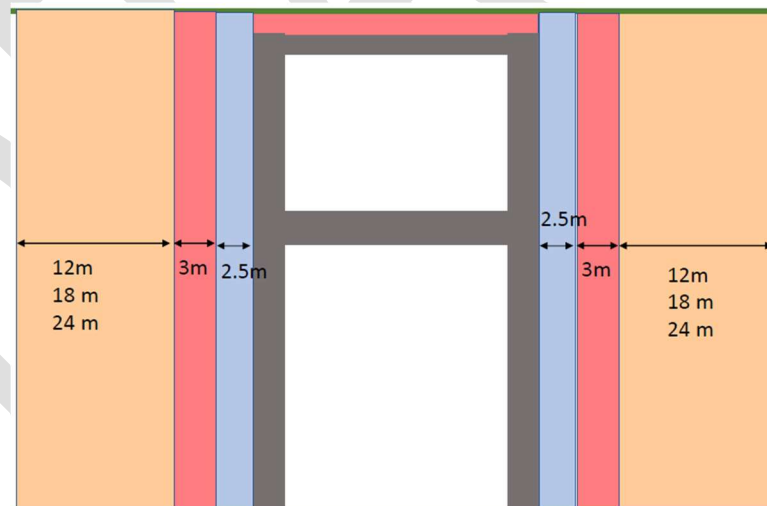


Figure 5: Cut & Cover Section Protection and Exclusion Zones

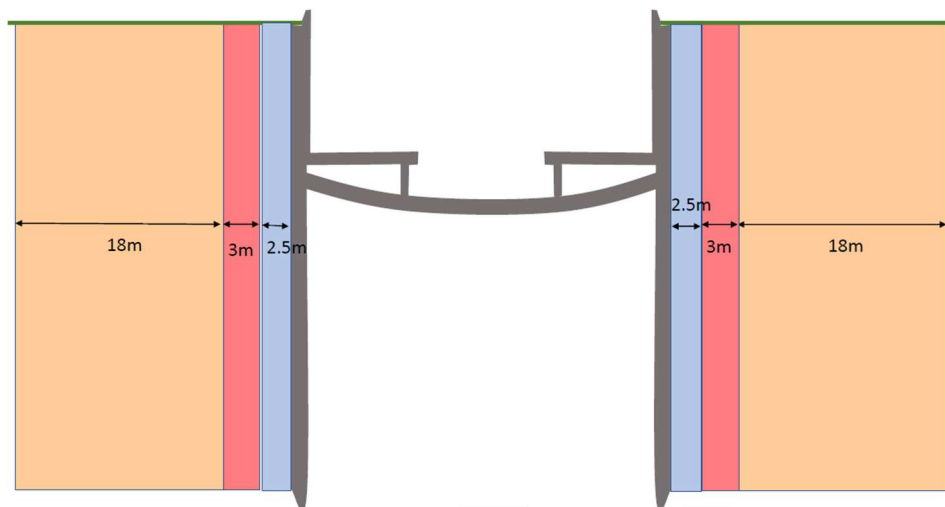
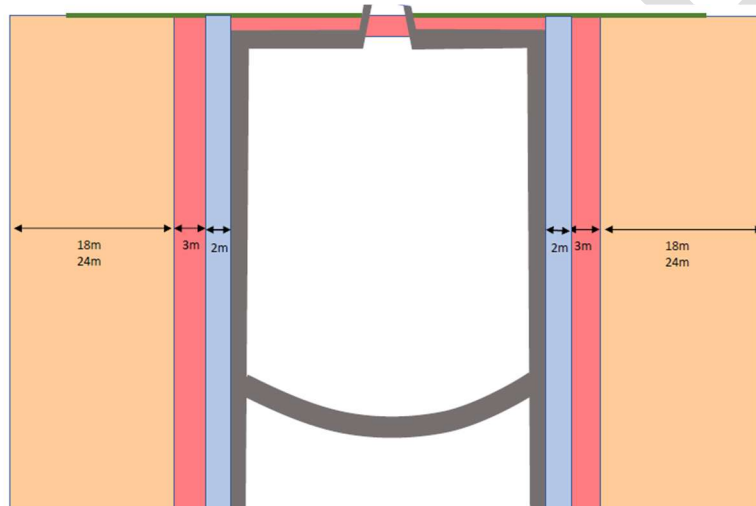


Figure 6: Retained-Cut Section Protection and Exclusion Zones



Underground Station	Protection zone (m)
Dublin Airport	18
Northwood	18
Ballymum	18
Collins Avenue	18
Griffith	18
Glasnevin	24
Mater	24
O'Connell	24
Tara	18
St. Stephen's Green	18
Charlemont	18

Figure 7: Underground Station Protection and Exclusion Zones

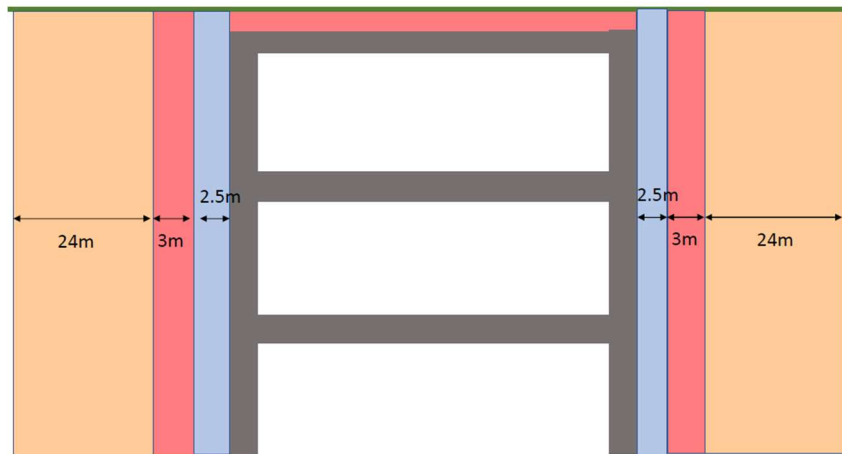


Figure 8: Portals Protection and Exclusion Zones

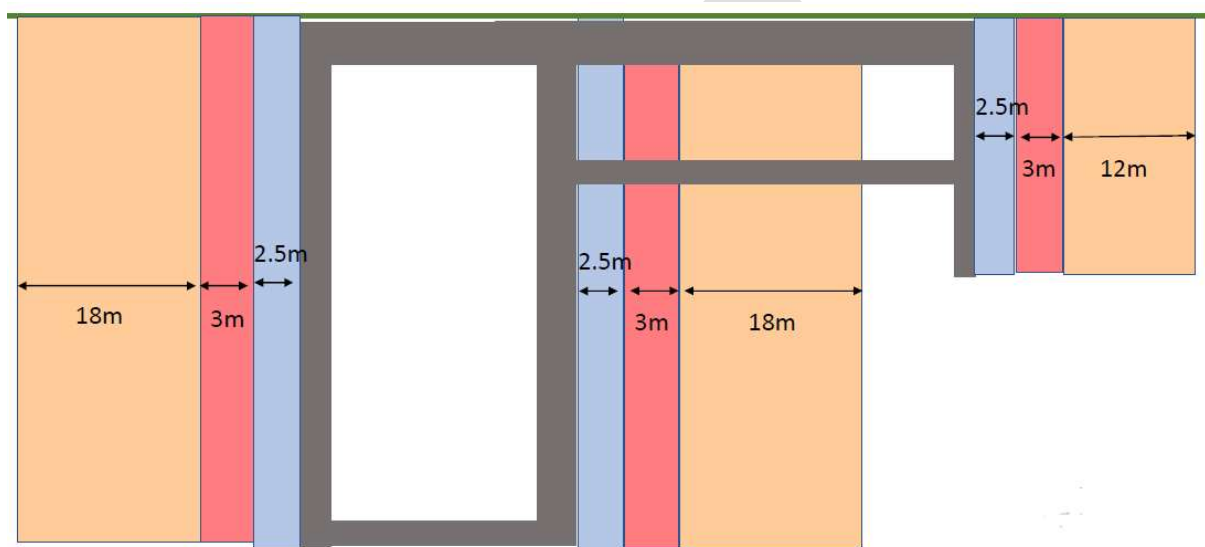


Figure 9: Shaft Protection and Exclusion Zones

2.1.4 Tunnels

The tunnel lining design has been prepared on the basis that the bored tunnels are able to carry an over site load of 75kN/m^2 . The imposed vertical loading for the tunnels is shown diagrammatically in the following.

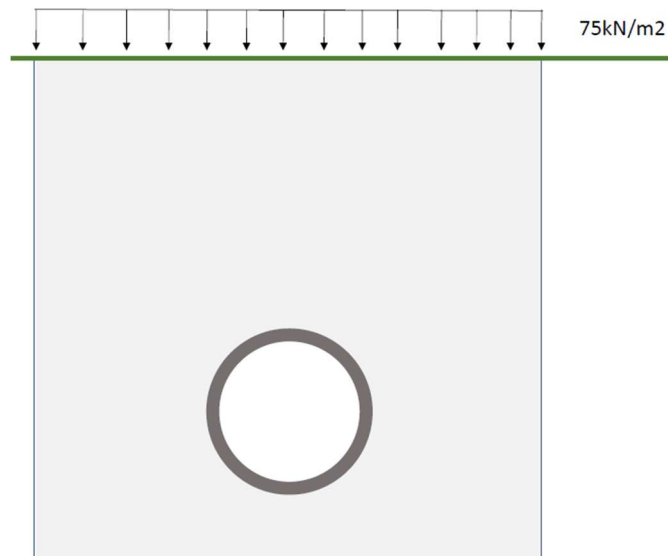


Figure 10: Imposed vertical Loadings - Bored Tunnel

At this time the bored tunnel detailed design is not finalised. Similarly, the horizontal and vertical alignment of the route has not been finalised and in areas the tunnel wall could lie at the extreme extent of the limits of deviation. Exclusion and Protection zones for the bored tunnels are shown on the following drawings.

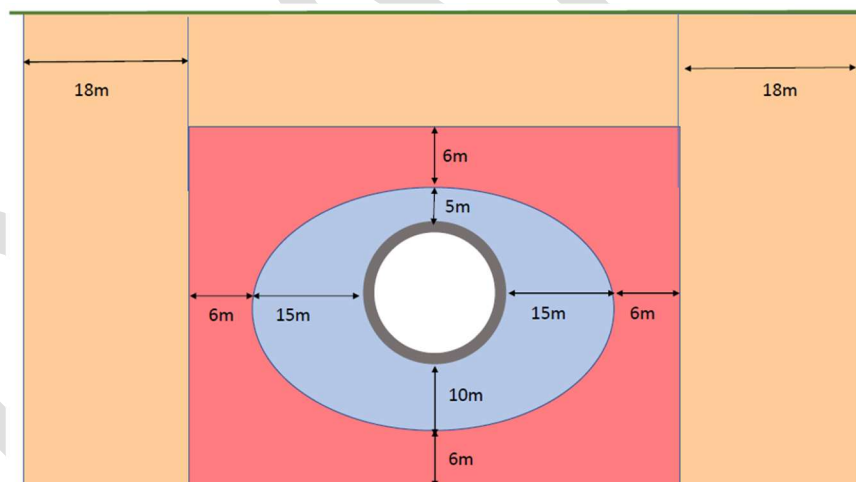


Figure 11: Bored Tunnel Protection and Exclusion Zones

2.1.5 Temporary Site Areas (Areas shown on Schedule 4 of the Railway Order)

Prior to construction no works other than works associated with the MetroLink RO may be undertaken within the Proposed Temporary Site areas.

From immediately outside of these lands, development may proceed without reference to TII

2.1.6 Wayleave / Right of Way (Areas shown on Schedule 5 of the Railway Order)

Prior to construction no works other than works associated with the MetroLink RO may be undertaken within the Wayleave / Right of Way

From immediately outside of these lands, development may proceed without reference to TII

2.2.Detailed Assessments by Developers

2.2.1 Developer Assessment Requirements, Prior to Construction of MetroLink.

Any Developer seeking permission to work in the vicinity of the proposed MetroLink infrastructure prior to construction of MetroLink will need to demonstrate that the foundations of their proposals do not obstruct the route of the tunnels if their development precedes MetroLink and that the development does not adversely affect future construction and operation of MetroLink. Developers shall take due cognisance of the Exclusion and Protection Zones

2.2.2 Developer Assessment Requirements, MetroLink already Built or under Construction.

Any Developer seeking permission to work in the vicinity of MetroLink infrastructure where MetroLink is already built or is under construction will need to demonstrate that the integrity of the tunnels and other structures is not adversely impacted. Developers shall take due cognisance of the Exclusion and Protection Zones

2.2.3 In executing any assessment TII requires that the MetroLink geology model be augmented by site investigation data gathered by the Developer where applicable.

TII further requires that the Developer considers, inter alia, and where applicable, the following variables in its analysis:

- Geological model of the site
- Depth and lateral location of the tunnel relative to the surface development
- Depth and breadth of the building excavation
- Sequencing of excavations
- Distribution and magnitude of the building loads
- Groundwater levels and any changes that may arise in the short or long term
- Tunnel lining type and profile
- Geotechnical properties of the ground
- Positioning of any ground reinforcement or piles relative to the tunnel
- Direction of all stressing loads at all stages of the works
- Effect of ground volume losses during tunnelling operations
- Construction and operational noise and vibration and affect on adjacent development
- Other relevant variables

2.2.4 In addition, Developers shall ensure that their developments do not affect the proposed MetroLink ventilation and emergency management capability. In this regard, consideration shall be made of the MetroLink fire strategy in particular in relation to smoke egress, provision of clean air, passenger escape routes, access for emergency services and the like.

3. Insurance and Indemnities Protection

TII requires that reasonable insurance be provided by the developer and indemnifies TII against any costs associated with repairs that are necessary on the MetroLink structures arising out of a developer's actions.

4. Legal Agreements

TII expect formal legal agreements to be entered into with any developer to formalise and describe the provisions set out in this Guidance Note.

Appendix 1. Retained Cut and Cut & Cover Protection Zones Distribution

Structure	Chainage Start	Chainage End	Length (m)	Protection Zone (m)
Retained cut	1+913.229	3+120.000	60	12
U Section	1+973.229	1+995.108	21,88	
U Section	1+995.108	2+057.186	62,06	
U Section	2+057.186	2+109.606	52,44	
U Section	2+109.606	2+156.848	47,24	
Retained cut	2+156.848	2+177.932	21,08	
Retained cut	2+177.932	2+184.000	6,07	
C&C 1	2+184.000	2+196.280	12,28	
C&C 1	2+196.280	2+263.116	66,84	
C&C 1	2+263.116	2+274.000	10,88	
Retained cut	2+274.000	2+293.018	19,02	
Retained cut	2+293.018	2+373.000	79,98	
C&C 2	2+373.000	2+410.000	37	
C&C 2	2+410.000	2+600.533	190,53	
C&C 2	2+600.533	2+627.616	27,08	
C&C 2	2+627.616	2+721.955	94,34	
C&C 2	2+721.955	2+736.237	14,28	
C&C 2	2+736.237	2+798.917	62,68	
C&C 3	2+897.549	2+914.690	17,14	
C&C 3	2+914.690	2+922.338	7,65	
C&C 3	2+922.338	2+940.000	17,66	
Retained cut	2+940.000	2+998.236	58,24	
C&C 4	2+998.236	3+068.237	70	
Retained cut	3+068.237	3+120.000	51,76	
Retained cut	3+120.000	3+181.145	61,15	18
C&C 5	3+181.145	3+189.173	8,03	
Retained cut	3+189.173	3+226.816	37,64	
Retained cut	3+226.816	3+245.365	18,55	
C&C 6	3+245.365	3+265.871	20,51	
C&C 6	3+265.871	3+292.457	26,59	
C&C 6	3+292.457	3+331.736	39,28	
C&C 6	3+331.736	3+390.640	58,9	
C&C 6	3+390.640	3+436.561	45,92	
C&C 6	3+436.561	3+480.000	43,44	
C&C 6	3+480.000	3+515.226	35,23	
Structure	Chainage Start	Chainage End	Length (m)	Protection Zone (m)
C&C 6	3+515.226	3+612.074	96,85	12
Retained cut	3+612.074	3+667.552	55,48	
C&C 7	3+667.552	3+766.800	99,25	
C&C 8	3+865.432	3+900.750	35,32	
Retained cut	3+900.750	3+980.000	59,25	
Retained cut	3+980.000	3+980.000	20	
C&C 9	3+980.000	4+028.445	48,45	
Retained cut	4+028.445	4+118.444	90	
C&C 10	4+118.444	4+138.444	20	
Retained cut	4+138.444	4+200.000	61,56	
Retained cut	4+200.000	4+240.002	40	
Retained cut	4+240.002	4+277.162	37,16	
C&C 11	4+277.162	4+442.676	165,51	
Retained cut	4+442.676	4+491.140	48,46	
C&C 12	4+491.140	4+518.140	27	
Retained cut	4+518.140	4+552.998	34,86	18
Retained cut	4+552.998	4+581.721	28,72	
Retained cut	4+581.721	4+608.908	27,19	
Retained cut	4+608.908	4+666.846	57,94	
C&C 13	4+666.846	4+707.372	40,53	
C&C 13	4+707.372	4+736.187	28,81	
C&C 14	4+831.619	4+891.940	60,32	
Retained cut	4+891.940	4+913.077	21,14	
Retained cut	4+913.077	4+940.725	27,65	
Retained cut	4+940.725	4+967.971	27,25	
Retained cut	4+967.971	4+977.038	9,07	
Retained cut	4+977.038	4+982.780	5,74	
Retained cut	4+982.780	4+993.226	10,45	
C&C 15	4+993.226	5+030.015	36,79	

Structure	Chainage Start	Chainage End	Length (m)	Protection Zone (m)
Retained cut	5+030.015	5+071.977	41,96	12
Retained cut	5+071.977	5+100.622	28,65	
C&C 16	5+100.622	5+183.710	83,09	
Retained cut	5+183.710	5+229.948	46,24	
Retained cut	5+229.948	5+381.786	131,82	
U Section	5+381.786	5+404.174	42,41	
U Section	5+404.174	5+488.291	82,12	
U Section	5+488.291	5+551.874	65,58	
U Section	5+551.874	5+588.908	37,03	
Retained cut	5994.44200	6+014.382	19,94	
Retained cut	6+014.382	6+022.036	7,65	24
C&C 17	6+022.036	6+085.517	43,48	
C&C 18	8+476.042	8+541.246	65,2	
C&C 18	8+541.246	8+610.680	69,43	
C&C 18	8+610.680	8+648.391	37,71	18
U Section - C&C	8+648.391	8+752.980	104,59	
U Section	8+752.980	8+810.000	57,02	
U Section	8+810.000	9+021.907	211,91	
C&C 19	9+128.223	9+191.188	62,94	
C&C 19	9+191.188	9+217.990	26,82	
C&C 19	9+217.990	9+302.963	84,97	12
C&C 19	9+302.963	9+375.000	72,04	
U Section	9+375.000	9+395.011	20,01	
U Section	9+395.011	9+443.954	48,94	
U Section	9+443.954	9+488.386	42,41	
U Section	9+488.386	9+567.000	80,63	
Retained cut	9+992.000	10+057.431	65,43	
Retained cut	10+057.431	10+083.337	25,91	18
C&C 20	10+083.337	10+119.541	36,2	
C&C 20	10+119.541	10+152.164	32,62	
C&C 20	10+152.164	10+188.602	36,44	
C&C 20	10+188.602	10+251.148	62,55	

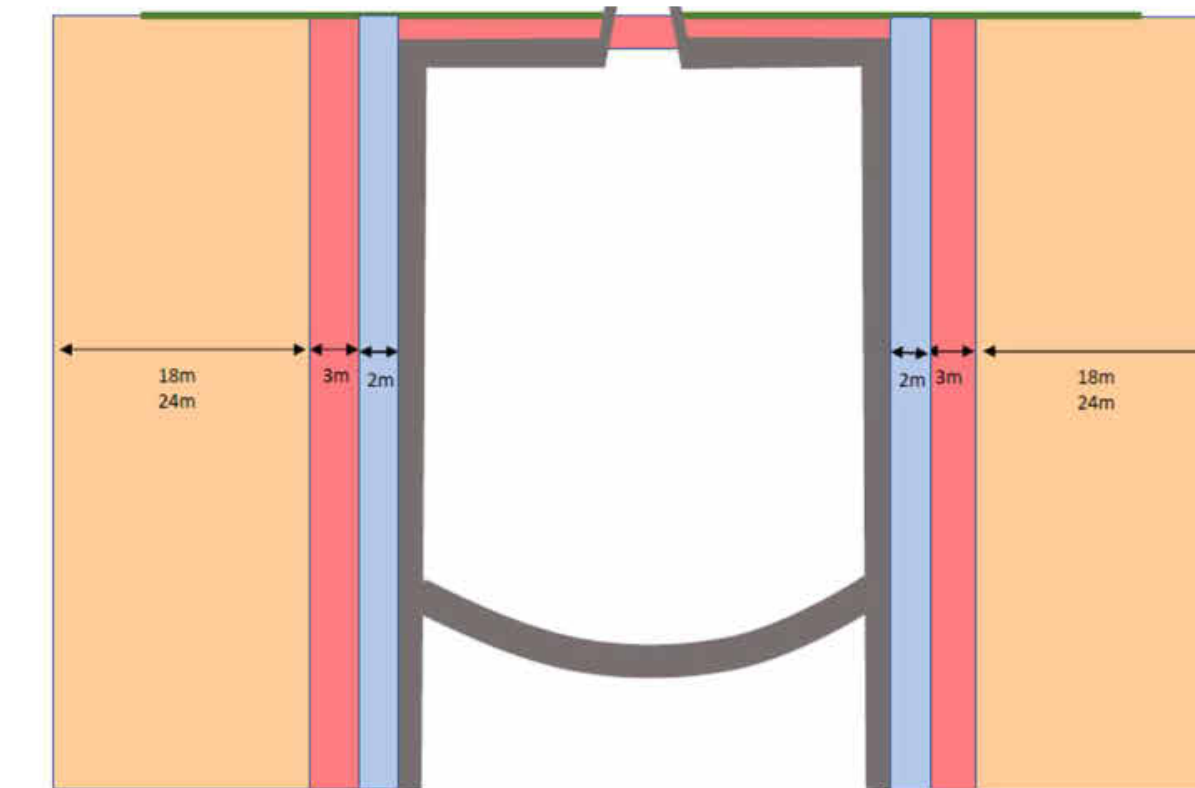
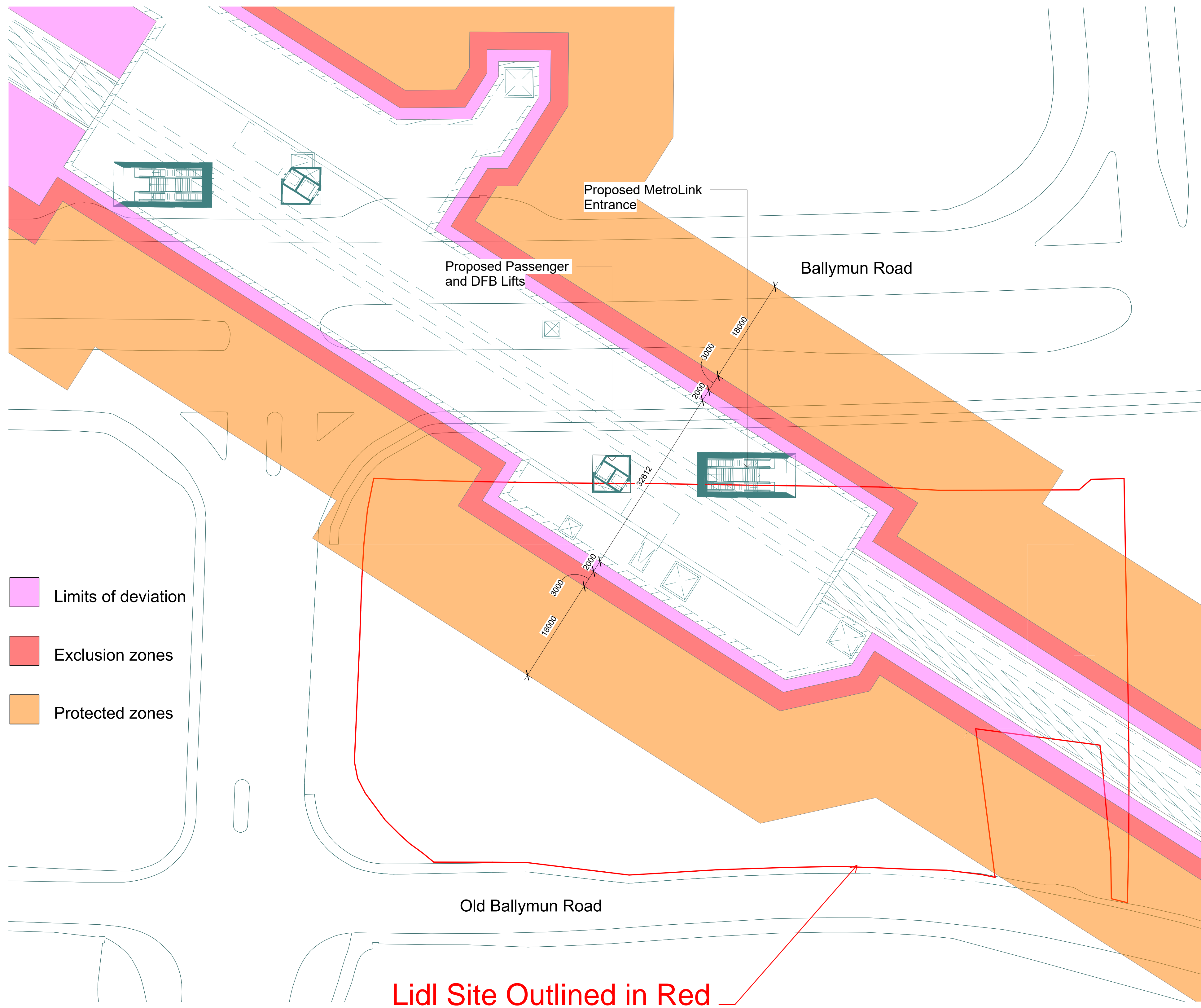
Depot side track 1

Structure	Chainage Start	Chainage End	Length (m)	Protection Zone (m)
U Section - C&C	+0.000	+104.470	104,47	18
U Section	+104.470	+161.490	57,02	
U Section	+161.490	+373.399	211,91	
C&C 19	+543.095	+562.172	19,08	
C&C 19	+562.172	+577.850	15,68	
C&C 19	+577.850	+733.085	155,24	
C&C 19	+733.085	+774.869	41,78	
C&C 19	+774.869	+855.172	80,3	
U Section	+855.172	+926.953	71,78	
U Section	+926.953	+996.479	69,53	
C&C	+996.479	Depot		

Depot side track 2.B

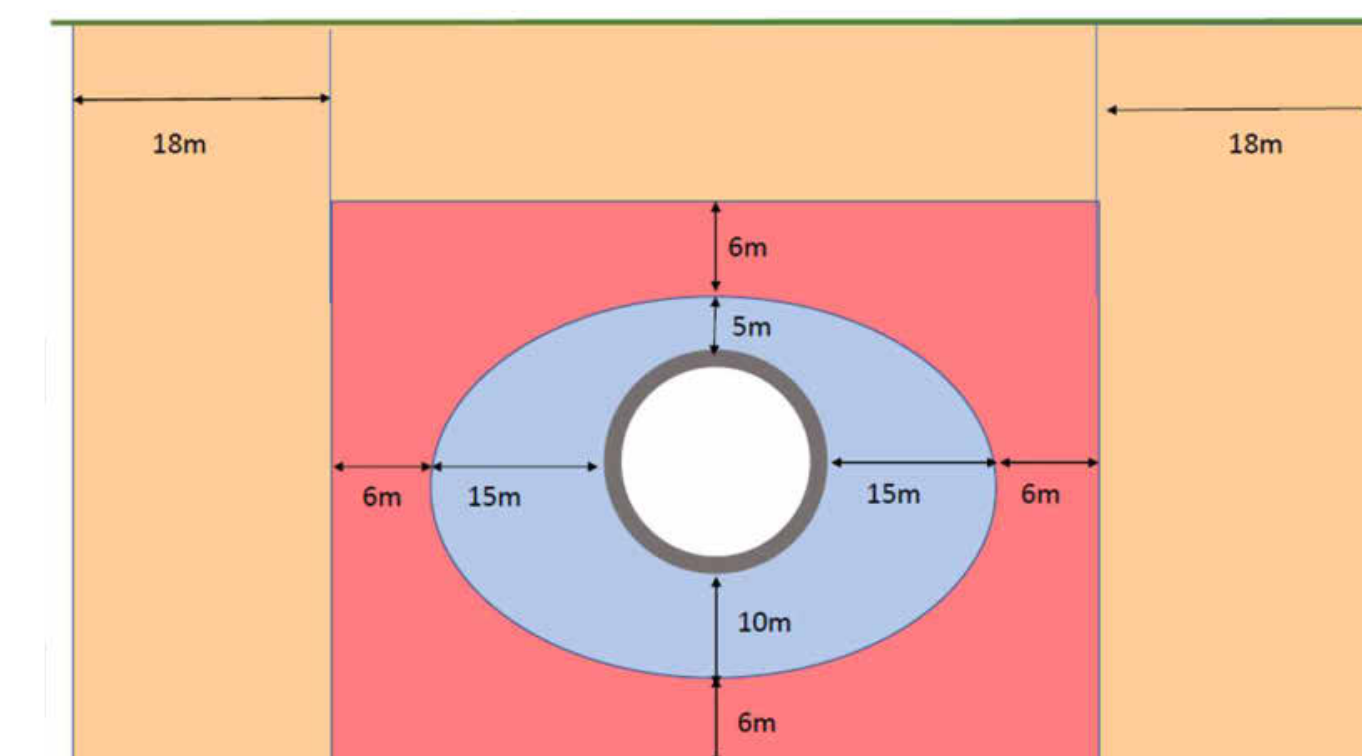
Structure	Chainage Start	Chainage End	Length (m)	Protection Zone (m)
C&C 19	+83.753	+112.391	28,64	24
C&C 19	+112.391	+144.643	32,25	
C&C 19	+144.643	+376.917	232,27	
C&C 19	+376.917	+457.344	80,43	
U Section	+457.344	+547.939	90,6	
U Section	+547.939	+630.000	82,06	
C&C	+630.000	Depot		

Appendix C - MCA Architects Site Plan Showing Impact of Exclusion and Protection Zones on Lidl Site

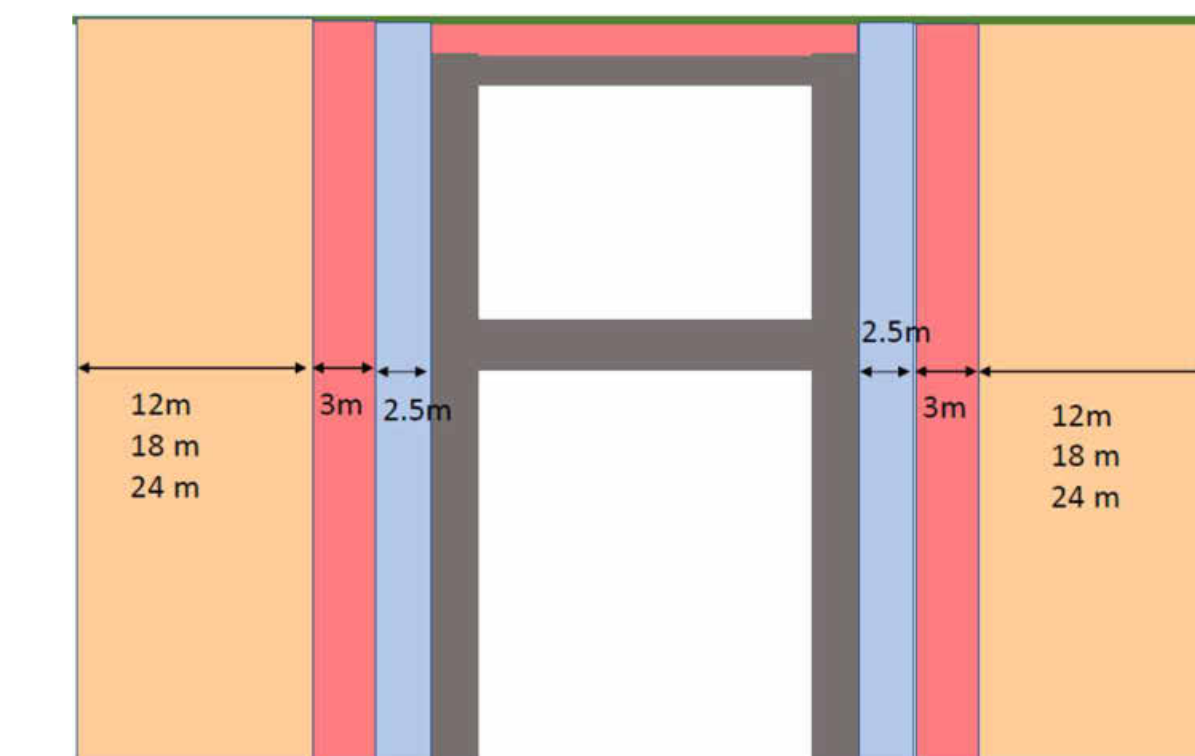


Underground Station	Protection zone (m)
Dublin Airport	18
Northwood	18
Ballylum	18
Collins Avenue	18
Griffith	18
Glasnevin	24
Mater	24
O'Connell	24
Tara	18
St. Stephen's Green	18
Charlemont	18

Underground Station Protection and Exclusion Zones



Bored Tunnel Protection and Exclusion Zones



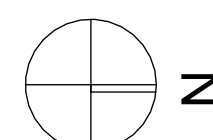
Cut & Cover Section Protection and Exclusion Zones

Site with Exclusion Zones Overlaid

NOTES:

Check all dimensions on site.
Do not rely on scaled
dimensions. This drawing
must be read in conjunction
with all relevant contract
documents.

This drawing is the property of Michael Collins Associates Ltd. (trading as MCA Architects). The drawing shall not be copied, reproduced or otherwise used without the consent of Michael Collins Associates Ltd.

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Client:	LIDL	Job No:	
Project:	LIDL NORTHWOOD	2020.15	
Drawing:	SITE WITH EXCLUSION ZONES	Sheet:	A1
		Scale:	1 : 400
Stage:	PLANNING	Status Code:	
Status:	PRELIMINARY	\$0	
Drawing Number:	2020.15-P42		

Appendix 3

Submission to An Bord Pleanála as part of submission to the Draft Railway Order: November 2022

Job Number: 21096
Letter Reference: 231122
Date: 23 November 2022

An Bord Pleanála
64 Marlborough Street
Dublin 1



Airport Hub, Furry Park, Swords Road
Santry
Dublin 9
T: 087 2903208

Dear Sir/Madam

Re: Submission to “Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order 2022”. ABP Ref: 314724. Deadline 25 November 2022

In association with Transport Insights¹, Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin 9 (Agent) has been commissioned by **LIDL Ireland GmbH, Head Office, Main Road, Tallaght, Dublin 24** to make the following submission to the proposed Draft Railway Order in relation to the Metrolink proposals.

At the outset our client does not seek to object to the Metrolink; the line of the route of the route; or the positioning of the station but rather wishes to highlight potential opportunities that we consider should be considered as part of the overall proposals.

Grounds of Observation: Impacted Lands

The specific land to which this submission refers is in Northwood, Ballymun Road.

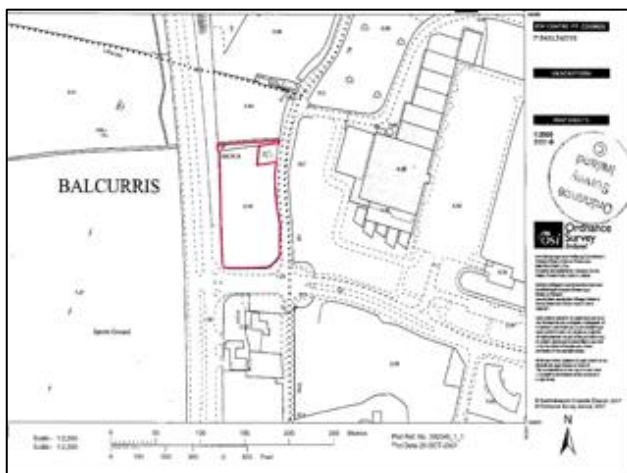


Figure: 1.0
Planning History

¹ See Attachment 1: appended report from Transport Insights.

The planning history includes a series of applications for new development. The most recent permitted development included the following:

F08a/0578/E1 A mixed-use residential, office and neighbourhood retail development on lands, located adjacent to Ballymun Road. The development will comprise of a basement car park with 129 car and 24 bicycle parking spaces, plant rooms, bin storage and resident storage areas. Ground floor parking will be provided for 104 cars and 48 bicycles. The retail element of the development will consist of 3 no. retail units, a cafe and a licensed discount food store, accumulating to 1,958.60 sq.m. of gross floor area. Above the retail units it is planned to construct 48 no. apartments, 4 no. 1-bedroom, 36 no. 2-bedrooms and 8 no. 3-bedrooms with a gross floor area of 4,458.4 sq.m. Amenity space will be provided at 1st and 5th floor level. To the north of the site, it is proposed to construct 2 no. office buildings with 3 storeys elevated above ground floor lobbies consisting of 3,303 sq.m. gross floor area. The development will also include an ESB substation, boundary treatments and ancillary site works. The site area is ca. 0.804533 ha or 1.98804 acre and is bounded to the west by Ballymun Road (Ballymun Dual Carriageway), to the east by Old Ballymun Road and to the south by the road linking Ballymun Road and Old Ballymun Road (western entrance to Santry Demesne and Northwood Business Park). Green Field land is adjacent to the property to the north at Ballymun, Dublin 11. **Expired in 2019.**

The permitted development consisted of a reasonably high-density development taking in all available of 6 storeys at its highest point.

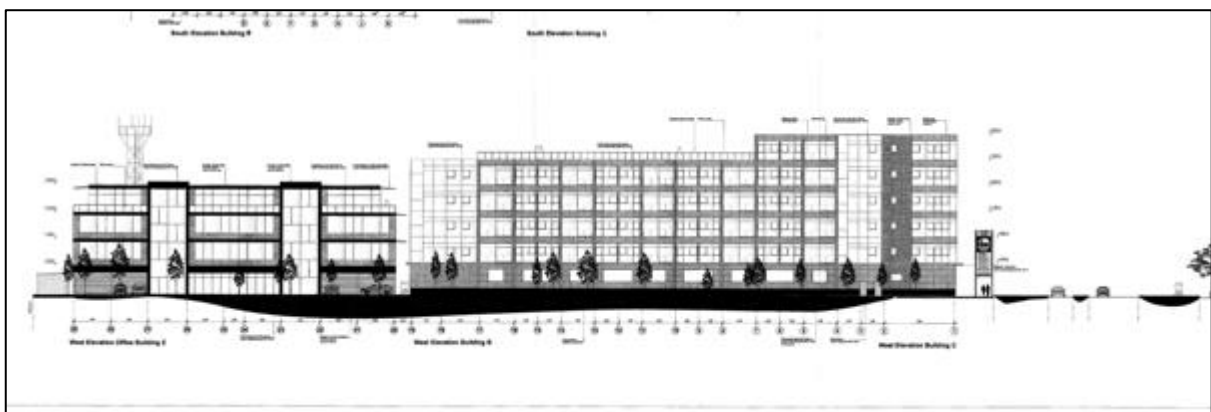


Figure 2.0: Elevation of planning application F08a/0578

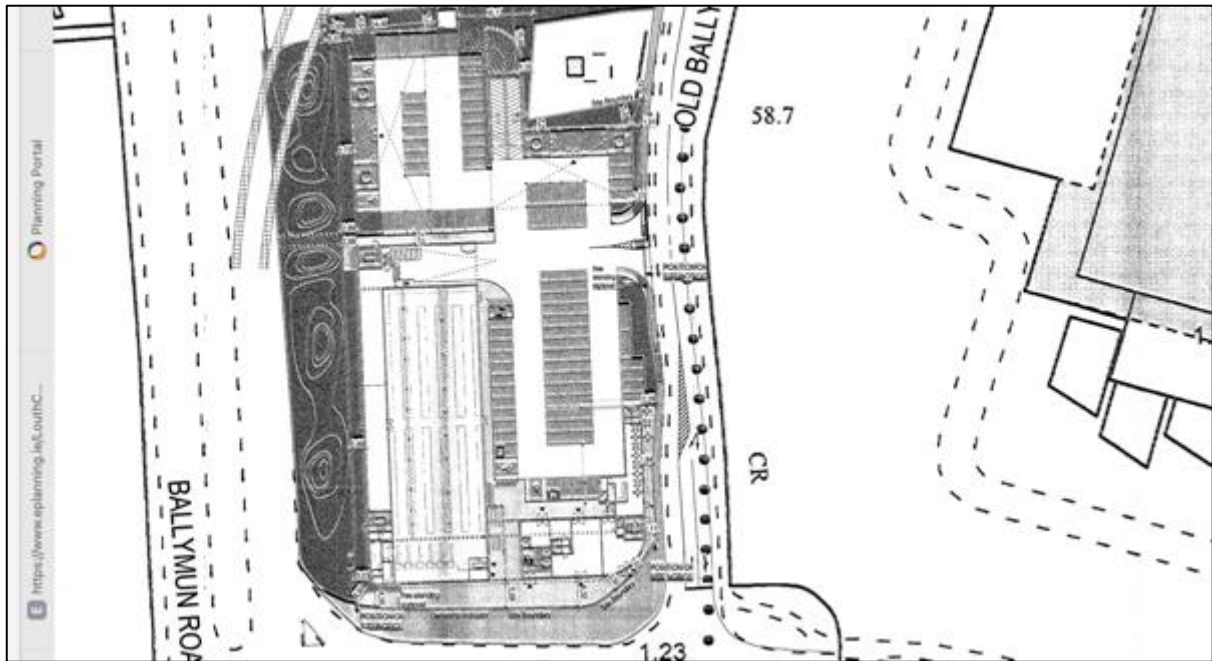


Figure 2.0: Site Layout of planning application F08a/0578

Our client would certainly expect to be in a position to develop the entire footprint as shown above.

The site was subject of a latter application in 2013 which although granted by Fingal County Council was later refused by ABP due in part to its low density (F13a/0297). This of course emphasis the need to realise a high-density development.

The subject Site Zoning – Fingal County Development Plan 2023-2027



Figure: 3.0: Extent of Metro Economic Corridor Zoning

The impacted lands are entirely zoned “Metro Economic Corridor” (“ME”). The vision and objective for these lands is to:

Objective

Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.

Vision

Provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the MetroLink within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high-quality green landscape. Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit. The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure.

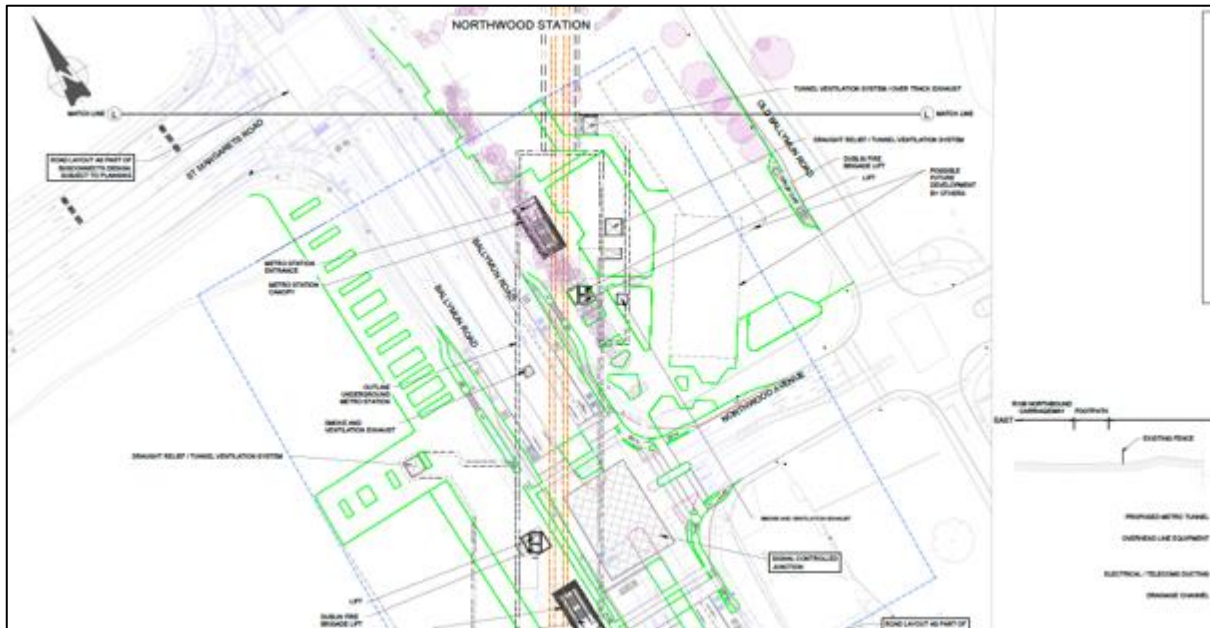
The specific objectives enshrined in the ME zone is high intensity/density, mixed use development. That is a simple concept: Maximise, not optimise. Make the most of assets, especially in locations next to or in this case, on, planned, high capacity, high frequency public transport and in particular lands proximate or in this case on Metrolink Stations.

The Proposals and how they impact LIDL site.

Fundamentally, the proposed Metrolink Plans have a significant and adverse impact on the comprehensive, development potential of the subject lands, in terms of the overall density and floorspace potential. We consider this is fundamentally at odds with the principle of proper planning and sustainable development.

Figure 4.0 below illustrates the approach as shown the Metrolink plans. The area above the station (not the line) will be sterilised with development allowed only beyond the boundaries of the station.

That we consider is the missed opportunity. The plan should be to ensure the station is constructed in such a manner as to allow for development over the station.



Over Station Development (“OSD”)

Many cities have successfully demonstrated that with the right design and technical solution and supportive urban planning policies, OSDs are a viable way of creating integrated and vibrant communities.

In London, a significant commercial development opportunity has been created above the new Crossrail Station at Bond Street. A further example in London is the successful redevelopment of Broadgate. Sitting above Liverpool Street station the site has been transformed into a mixed-use destination featuring offices, restaurants and shops.

Similarly, in Australia, key examples can be found in the delivery of Sydney Metro at Martin Place, Pitt Street and Central Station. In New Zealand, Auckland's City Rail Link is providing substantial development opportunities across the Central Business District.

The Draft Railway Order is silent on the potential for Over Station Development at this location which we consider a missed opportunity but one that can be rectified within the scope of Railway Order process as the key aspects are not policy based but rather technical in nature.

Moreover, maximising valuable urban lands, instead of sterilising development potential amid a continuing housing crisis and a land use policy baseline environment obligating high density development, especially on or beside high capacity, high frequency public transport systems like the planned Metrolink.

The problem we foresee at this time is that the opportunity to forward plan now for OSD, if not taken, will close the door to it in future. Amongst the challenges identified in the report by the “Centre For London” associated with retrofitting OSD are:

“Engineering and Operations: Building over operational stations is complex, and this often influences development scale and shape, requiring costly and disruptive possessions of infrastructure”².

The solution to overcome these problems is to design in future OSD.

Response of the Project to the Impacted Land's (North Wood) Zoning as set out in the Fingal County Development Plan:

The submitted Planning report sets out a comprehensive response to various policies and objectives contained in National, Regional and local planning documents. The emphasis in our position is how the applicant is responding to the content of these. In particular what does the applicant propose as their position in respect of Over Station Development?

At Page 118 (Section 4.4.4.2) the Report notes:

The lands for Northwood Station are within the functional area of FCC and are zoned ‘ME’ – Metro Economic Corridor in the current FDP 2017-2023 and draft FDP 2023-2029. Under this zoning a public transport station is a permitted use.

The areas required for construction are a larger land take, albeit for a temporary period. The lands affected also comprise the same land use zoning objectives as the permanent works area.

At Page 119 (Section 4.4.4.6) the Planning Report notes:

The zoning matrix confirms that ‘public transport station’ is ‘permitted in principle’ under the ‘ME’ zoning objective. Not only would the proposed Project improve accessibility but the use of this site as a Metro station is appropriate having regard to the type and intensity of mixed-use development that is proposed to be achieved within the Metro Economic Corridor. Therefore, the proposed Project is consistent with the zoning objectives as set out in the FDP. The station location facilitates the requirements of the nearby Northwood Masterplan of providing connectivity to the proposed Northwood Metro Stop³.

² IDEAS ABOVE YOUR STATION: EXPLORING THE POTENTIAL FOR DEVELOPMENT AT LONDON'S STATIONS Kat Hanna and Nicolas Bosetti (Centre for London)

³ Page 119 Metrolink Planning Report.

The position in respect of Northwood station, where the applicant is silent on Over Station Development, is contrasted with responses in respect of the Dublin City Development Plan.

In response to Dublin City Development Plan MTO 1, as referred to page 77 of the Planning Report, highlights that:

'It is an objective of Dublin City Council to encourage intensification and mixed-use development along existing and planned public transport corridors and at transport nodes where sufficient public transport capacity and accessibility exists to meet the sustainable transport requirements of the development, having regard to conservation policies set out elsewhere in this plan and the need to make best use of urban land. Dublin City Council will seek to prepare SDZs, LAPs or other plans for areas surrounding key transport nodes, where appropriate, in order to guide future sustainable development.'

The response of the applicant at page 77 of the Metrolink Planning Report is as follows:

*The proposed Project will facilitate intensification and mixed-use development along its corridor, subject to the policies of the DCDP. **In particular, the proposed Project, where possible, facilitates the development of the station sites themselves for oversite development, on those station lands and over the tunnel alignment, that are zoned for such development. The future development of land above or surrounding the station sites, station lands or over the tunnel alignment will be subject to separate planning, assessment and consultation processes.***

The interesting aspect of this is that MTO1 as an example indicates, like the objective for the Metro Economic Corridor Zoning, the need for high density, mixed use, development along existing and planned public transport. However, the report we believe omits reference to over-station development for our client's site at Northwood, which is not explained or justified.

The obvious question therefore is why in the specific case of the Northwood station is there not the same emphasis. We assume that this is an omission from the Planning Report that could be easily rectified.

- **We would therefore ask that over station development is specifically recognised in the Railway Order.**
- **We also refer to the attending report from Transport Insights which sets out additional technical queries that need to be addressed during the application process.**

I trust this is in order.

Yours faithfully



Tony Bamford
Tel: 087 2903208

WWW . TONYBAMFORDPLANNING . IE

PLANNING APPLICATIONS [SECTION 5 APPLICATIONS](#) EXEMPT DEVELOPMENT [ENFORCEMENT](#)
[EXPERT WITNESS](#) LOCAL AREA PLANS [APPEALS](#) PORTFOLIO MANAGEMENT COMMUNITY
[CONSULTATION](#) ENVIRONMENTAL IMPACT [RETAIL IMPACT](#)

Attachment 1: Report by Transport Insights

Draft Railway (MetroLink–Estuary to Charlemont via Dublin Airport) Order 2022

C/O An Board Pleanála

64 Marlborough Street

Dublin 1, D01 V902

22 November 2022

Our Ref: MetroLink Draft Railway Order – Lidl (re Northwood Site) Consultation Submission

Your Ref: Draft Railway (MetroLink–Estuary to Charlemont via Dublin Airport) Order 2022

Dear Sir/ Madam,

On behalf of our Client, Lidl Ireland GmbH, Transport Insights welcomes the opportunity to provide An Board Pleanála (ABP) with a Transport Submission in respect of the recently launched public consultation on the proposed MetroLink (Estuary to Charlemont via Dublin Airport) draft Railway Order. This Transport Submission was completed in conjunction with a planning submission prepared by TBP Planning and Development Consultants on behalf of Lidl Ireland.

Development of MetroLink and the associated station at Northwood is welcomed by our Client. Provision of such infrastructure and associated public transport service will provide a welcome improvement to accessibility for the locality and support sustainable travel choices. Our Client wishes to encourage and build on the improved travel opportunities MetroLink could provide while also realising the full development potential of their site at Northwood. Our Client trust you will give detailed consideration to the contents of this Submission, and they look forward to constructively engaging with ABP in relation to progression of the draft Railway Order in the months ahead.

Lidl Ireland

Lidl Ireland entered the Irish market place in 2000, providing quality food at market leading value, ensuring customer satisfaction is at the heart of their Irish operations. The company employs over 5,200 no. staff and operates nationwide, with more than 176 no. stores in a varying number of locations including high streets, retail parks, mixed use developments and urban area stores.

Subject Site

This Submission is made in relation to a site adjacent to the Ballymun Road (R108) and Northwood Avenue, Northwood which Lidl is the owner of. The site is rectangular in shape and is bordered by the Ballymun Road to the west, Northwood Avenue to the south, the Old Ballymun Road to the east and an undeveloped site to the north. A telecommunication and electrical substation also borders the northwest corner of the subject site. The location of the subject site is illustrated in Figure 1 (overleaf).

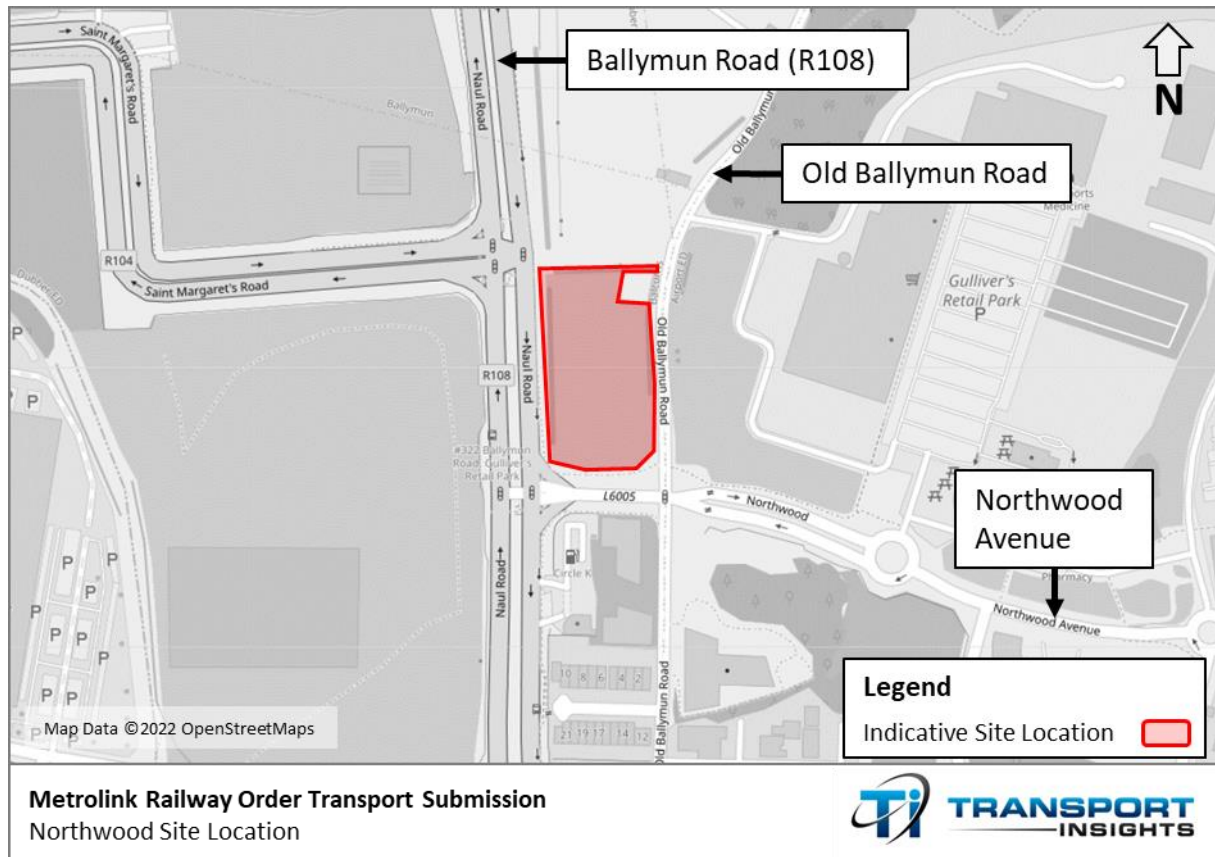
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Figure 1 Northwood Site Location

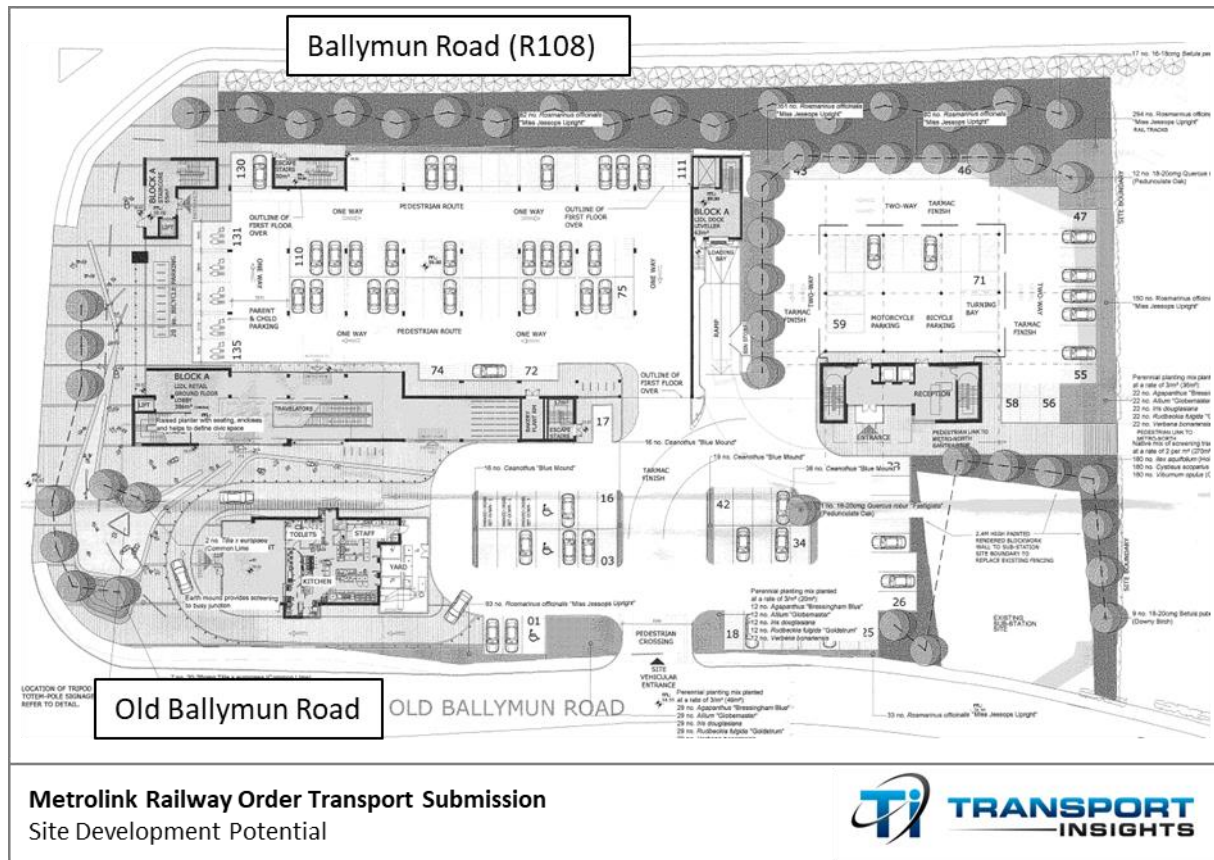


The site is zoned as Metro Economic Corridor (TBP's Submission covers this in more detail) which is to facilitate opportunities for *“high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development”* as set out in the *Fingal Development Plan 2017-2023* (and emerging draft *Fingal Development Plan 2023-2029*).

Recent Planning History

Planning permission for a mixed-use development on the entirety of the site was granted in 2014 (however expired in 2019). The granted development included two buildings up to 6 stories high, one contained a discount food store, retail units and 48 no. residential units and the other contained ca. 3,000 sqm. of office space. Vehicular access to the development was proposed from Old Ballymun Road along the eastern site boundary and up to 129 car parking spaces were to be provided across the development. Figure 2 (overleaf) illustrates the intended development layout. This (now expired) permission indicates the development potential of the site capitalising on its accessible urban location and the opportunity to provide a high-density mixed-use development.

Figure 2 Site Development Potential*



*from FCC Reg. Ref. F08a/0578/E1

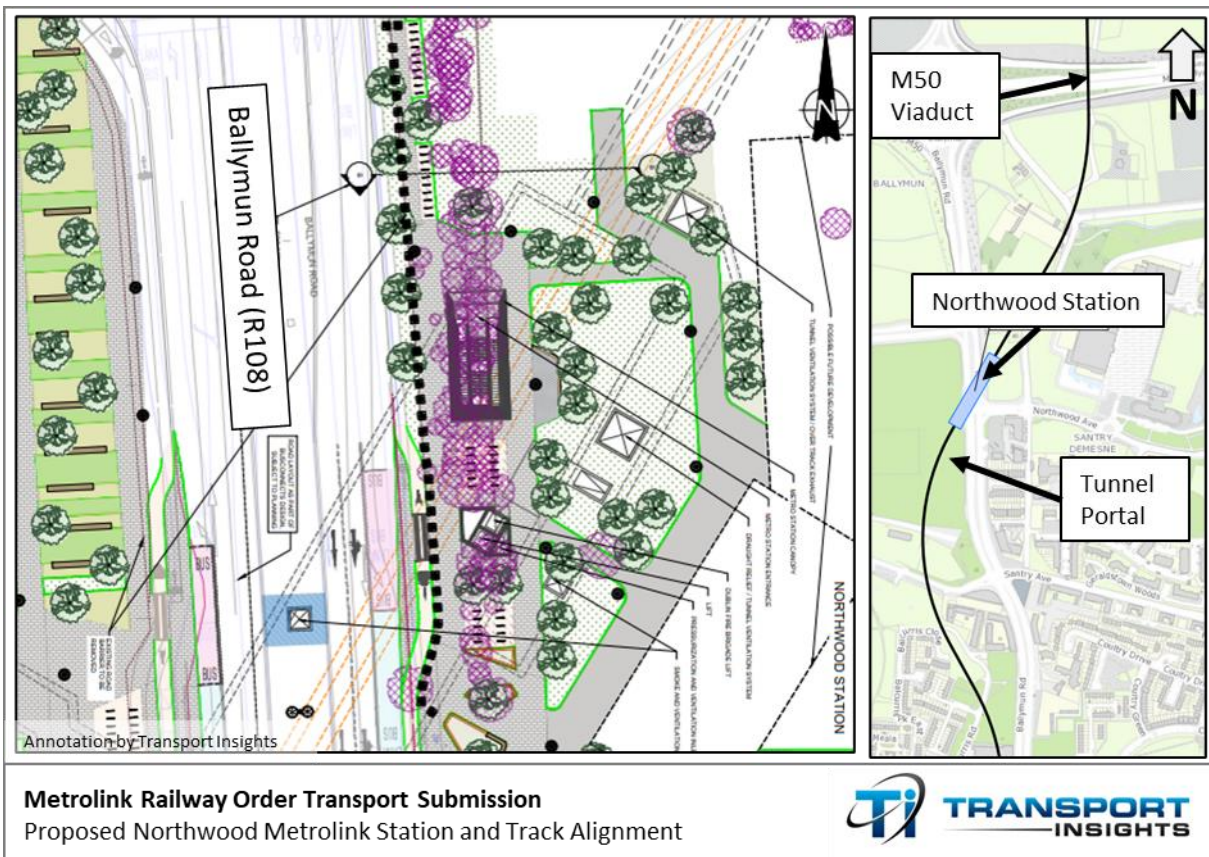
Future Aspirations

Future aspirations for the site, which were presented to Transport Infrastructure Ireland in April 2020, include a public plaza, a 8 storey residential development over a discount food store, a 15 storey residential development over retail unit, surface and underground car parking and vehicular access from Old Ballymun Road.

Metrolink Proposal / Northwood Station

The Metrolink proposal for the subject site in Northwood includes part of the Northwood station box, track alignment and associated station and track support infrastructure – generally located towards the southern corner of the subject site. The proposal also provides for a station entrance and civic and landscaped area at surface level, providing interchange with existing and planned BusConnects public transport services. The Northwood station box is located on part of the subject site, part under the Ballymun Road and part on another site to the west of the Ballymun Road. Furthermore, the proposed station box sits to the south of the proposed M50 viaduct and to the north of the central tunnel section portal. Figure 3 provides an extract of the proposed Northwood Station and track alignment.

Figure 3 Proposed Northwood MetroLink Station and Track Alignment



To facilitate construction (and future operation) of MetroLink, land on either side of the Ballymun Road (including the subject site) is designated as one of two main construction compounds along the MetroLink route. A considerable area of land will be required to facilitate construction activity at Northwood over an extended number of years, including permanent and temporary land take, for which Lidl's site is subject to both land take requirements. Due to the proposed track alignment on both approaches to the station including the tunnel portal and undergrounding of the track following the M50 viaduct, large areas of land are identified for construction activity.

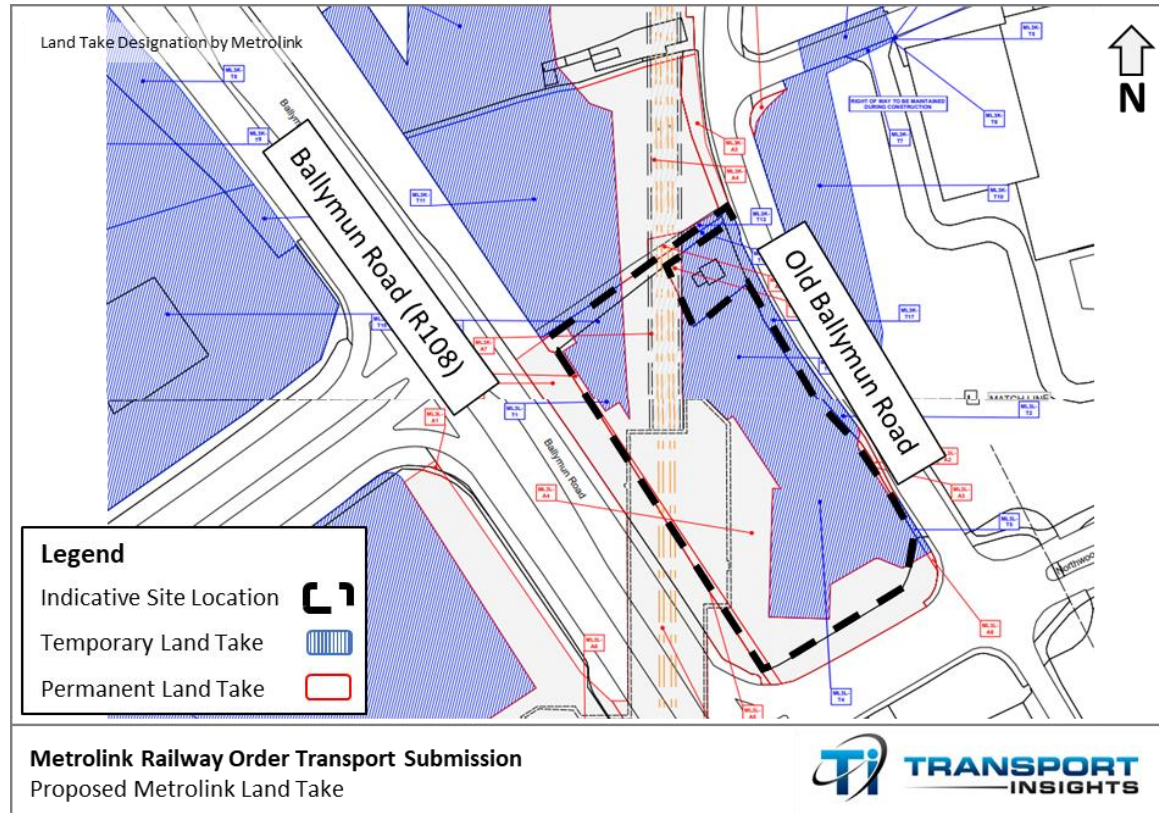
MetroLink Railway Order Considerations

Extensive documentation has been made available as part of the proposed MetroLink draft Railway Order application to ABP including general descriptions, non-technical summaries, reports (e.g. an Environmental Impact Assessment Report (EIAR), Planning Report), construction details, drawings etc. Having reviewed the available and relevant documentation to the subject site, the following headings outline areas which should be considered further by ABP (and the scheme designers) in relation to the potential impact delivering the proposed MetroLink project could have on the subject site.

- **Maximising Metro Economic Corridor Zoning Opportunity** – The subject site is part of the Metro Economic Corridor Zone which allows for high intensity/ density employment activity with residential provision as well. As noted, a previous planning application (see Figure 2) indicates the development potential of the site, enabling a mixed-use high-density development. Outside of the proposed station and track footprint,

the proposal would appear to restrict development of sections of the site which abut said footprint. Figure 4 illustrates the proposed temporary and permanent land take for Metrolink.

Figure 4 Proposed Northwood MetroLink Station and Track Alignment



While the potential for some future development is indicated on the subject site adjacent to the station, no allowance appears to be given for Over Station Development (or over track) within the proposed MetroLink plans. The current Metrolink proposals would likely restrict our Clients' ability to deliver a high density development. It is also noted, in chapter 4 of the EIAR *Description of the MetroLink Project* the potential for over site development is to be accommodated on the western side of the Northwood station (site opposite) in the future. Our client would wish to maximise the usable area of their site and would ask that the proposed Northwood station design/ layout be reconsidered to ensure it does not restrict development of the areas to be handed back and that over station development be considered further on the subject site.

- Discount Food Store Requirements** – As part of a potential future mixed-use development of the subject site, our client, would look to provide a discount Food store on the site. The MetroLink proposals indicate two areas for potential development adjacent to the proposed station but other sections, such as the northern portion of the site (which the track alignment passes through) do not indicate potential for future development. Vehicle access and car parking provision is an important consideration for a discount Food store (in conjunction with sustainable modes of travel). Vehicle access to the site would likely have to be taken from the Old Ballymun Road positioned towards the northern end of the site (as proposed in the 2013 planning application, see Figure 2), given the layout of the surrounding road network. In turn, this would predetermine access requirements for the car parking layout (both at surface and underground level) and the location of the loading servicing/ delivery facilities for a potential discount food store. As such, ABP in

their consideration of the MetroLink proposals should seek to enable a larger area of the subject site be utilised for future development, allowing for the provision for a high-density mixed-use development.

- **Station Access Requirements** – The MetroLink proposal indicates access to the station is to be facilitated by two main entrance points, one on either side of the Ballymun Road, as well as separate emergency access points. It is unclear from the proposal drawing if there are other access requirements to the station or track which our client would have to consider when planning future development. As such, further consideration should be given by ABP at this planning stage, and if necessary, consultation undertaken with our client.
- **Construction Considerations** – As set out in chapter 5 of the EIAR *MetroLink Construction Phase*, the Northwood station box and track alignment in its vicinity is proposed to be constructed using a cut and cover approach. Our Client would seek further consultation and input at this planning stage to better understand the potential limits construction using cut and cover methods may place on the future development potential of the subject site. Considerations such as (not exhaustive):
 - Maximum loadings (permanent and temporary) that can be imposed on the cut and cover.
 - Maximum excavation depths over and adjacent to the cut and cover, and Northwood station structure.
 - Minimum working clearances allowed from the proposed land acquisition extent.
 - How the station would be supported against external loads, would ground anchors be required.
- **Site Condition Post Construction** – To construction and facilitate eventual operation of the MetroLink the subject site is to form part of one of the projects main construction compounds. The extent of temporary and permanent land take has been indicated in the proposals. Our client seeks further information on the condition to which area(s) of temporary land take are to be returned following completion of construction. Considerations such as (not exhaustive):
 - Contamination
 - Drainage
 - Site level
 - Boundary conditions such as fencing, walls etc.
 - Service connections (whether original or newly created during construction)

Summary

This Transport Submission has been prepared by Transport Insights on behalf of Lidl Ireland GmbH. It details potential points of consideration for ABP regarding their assessment of the MetroLink (Estuary to Charlemont via Dublin Airport) draft Railway Order 2022 application. The proposed MetroLink project would provide a high-quality public transport link and is supported by Lidl Ireland. However, as set out in this Submission, further consideration of the potential impact of the MetroLink project on the client's site at Northwood is needed. A considerable area of the site would be impacted by the current proposed station and track alignment. Further consideration of the potential to develop the site following the completion of the MetroLink project is required, to ensure the full potential of the site is realised and enable the delivery of a high-density mixed-use development.

We trust you will give detailed consideration to the contents of this Submission. Our clients look forward to further engaging with ABP in the months ahead as the MetroLink Railway Order application is assessed.

Yours sincerely,



Eoin Munn
Director

Appendix 4

Punch Consulting additional submission: October 2024

Lidl Ballymun MetroLink Site

ABP-314724

**Attachment 4: PUNCH Civil/Structural
Engineering Report**

242119-PUNCH-XX-XX-RP-S-0001C

October 2024

Document Control

Document Number: 242119-PUNCH-XX-XX-RP-S-0001C

Status	Rev	Description	Date	Prepared	Checked	Approved
S3	P01	Issue	07/10/2024	T. Murnane	MC. Daly	T. Murnane

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1 Report Author

This report has been authored by Tim Murnane *BEng CEng FIEI FICE FConsEI* EURING.

Tim is Managing Director of PUNCH Consulting Engineers and has almost 30 years' experience in Consulting Engineering. Tim has a first class honours degree in Civil Engineering and he is a Chartered Engineer. He is a Fellow of Engineers Ireland (CEng FIEI), a Fellow of The Institution of Civil Engineers UK (CEng FICE) and a Fellow of the Association of Consulting Engineers of Ireland (FConsEI) where he serves on the Executive Board as Vice President. Tim is also a EUR ING which is a European wide qualification that recognizes seniority and achievement in the profession.

2 Introduction

This report has been prepared as part of a submission by Lidl Ireland GmbH for the An Bord Pleanála Oral hearing relating to the Dublin MetroLink project - Ref ABP-314724-22 Submission Number 169. It is supplementary to previous reports prepared by PUNCH for Modules 1 and 2 of the ABP Oral Hearing in March 2024 and addresses structural engineering issues in relation to the Lidl Ballymun site.

Lidl's site in Ballymun has been identified as a key site for the MetroLink project and in the permanent case will contain part of the proposed Northwood station, as well as connecting sections of tunnel. During the construction stage of the project, the site is proposed to be used as a key launch site for MetroLink tunnelling and associated construction activities. Hence, the site is of fundamental importance to the successful delivery of the MetroLink project.

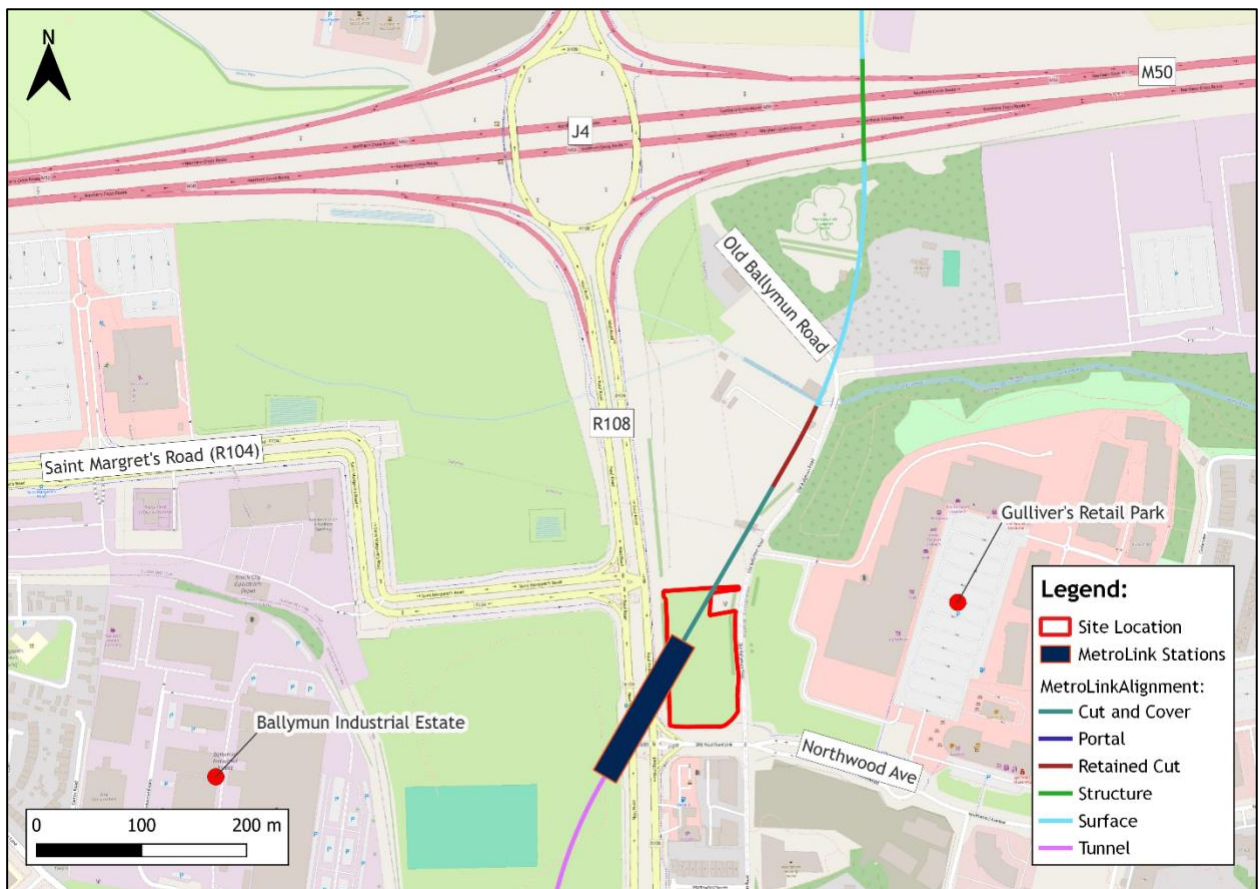


Figure 1: Site Location Map, with MetroLink Infrastructure included. The proposed Northwood Station encroaches on the Lidl site in Ballymun.

3 Site Development - Structural Engineering

As set out in the PUNCH submission for Module 2 of the An Bord Pleanála Oral Hearing in March 2024, it is Lidl's intention to develop this key site based on a planning application, which will optimise the sites' potential, within the parameters of the development zoning outlined in the applicable Fingal County Council Development Plan. It is essential therefore, that the presence of the Northwood Station and connecting tunnels do not negatively impact on the development potential of the site and hence these structures should be designed by TII to accommodate this future development.

As per the above referred to PUNCH report, from a Structural Engineering perspective this can simply be achieved by designing the MetroLink structures on the site to cater for both over station/structure development and adjacent station/structure development. In effect, these MetroLink structures should be considered as foundations/substructures for the future development on the site.

Within the Lidl Ballymun site, reference to Fig 1 of this report shows that the proposed Metrolink structures on the site consist of the Northwood station structure and a connecting cut and cover tunnel. Both these structure types are made up of heavy concrete foundations, walls and columns. The size of the perimeter vertical structural elements is governed by lateral loads due to their underground position and the impact of the weight of soil plus water acting horizontally on the external walls of the structures. For typical concrete pile wall solutions, pile diameters of 900mm to 1,500mm (and larger) are common, depending on the depth of the structure. Similarly diaphragm concrete wall solutions will generally be 600mm thick and greater. For the above solutions, there is generally an abundance of vertical load carrying capacity to support additional vertical loads and they can be easily increased in size to facilitate further vertical loading, without significant cost implications i.e. the structural elements are being constructed in any case as part of the station/tunnel structure and hence the primary cost of constructing these elements is already incurred. Increasing the size of structural elements will therefore not generally incur major additional costs or take significantly longer to build.

Metro stations and cut and cover tunnel structure types, are generally similar to that used in basement construction beneath multi storey buildings and these are common throughout Dublin and other urban centres i.e. structurally an underground railway station, along with its connecting cut and cover tunnels are effectively just a basement box structure, which typically has all the vertical structural elements in place to support future structures above it. Therefore, from a Structural Engineering perspective, it is very straightforward when designing and constructing these underground structures to provide for future buildings overhead. And while there are some additional costs to enhance the structure to support additional vertical loads, it is not significant as the structural elements required for the station structure are required in any case and they can easily be increased in size as necessary to support future buildings above.

The proposals set out by TII in their "Draft Guidance Note for Developers" dated May 2023, but issued on 20/02/2024, and the subsequent updated "Outline Guidance Note for Developers" issued in March 2024, effectively rules out the possibility of future development over the structures and severely restricts development adjacent to the station/tunnel (Exclusion and Protection Zones). Others on the Lidl team will comment on how these development restrictions conflict with the aspirations of the Fingal development plan, from a planning and zoning perspective. But from a Structural Engineering perspective, to limit future surface loading to 20kN/m², and deny this opportunity is akin to investing in building a long section of basement structure, but not making the further practical investment to do the structural design of that basement so that it can be built upon in the future i.e. it is like investing in building foundations, without constructing a building upon them. This would be a lost opportunity as it does not take account of the inherent additional vertical load carrying capacity of a robust station structure + tunnels and the ease with which the structural elements within these structures can be enhanced in size to take further additional load to support the scale of buildings set out in the Fingal County Council development plan.

Future proofing the design of the Metrolink structures as proposed above, is also imminently sensible from a sustainability perspective, as the same structure required to build the station and tunnel is then simply used for an additional purpose of supporting future buildings above. It is considered this is the essence of sustainable design/construction in maximizing the use of the station and tunnel structures for an additional vertical load carrying purpose i.e. support the loads of future developments on the station/tunnel. Considering the demand for housing and the opportunity to locate such housing within the developments along the route of a key new infrastructural asset in Metrolink, it seems imminently sensible that such provision is made in the design of the Metrolink structures, where zoning permits, as it does on the Lidl site.

4 Conditions of Engagement

This survey and report was undertaken under the conditions of engagement Agreement RA9101 for the Appointment of Consulting Engineers for Report and Advisory Work Published in agreement with The Association of Consulting Engineers of Ireland.

Appendix 5

Legal Submission

LEGAL ISSUES ARISING

This section of the submission is prepared in accordance with the benefit of the legal advice of Eamon Galligan SC and the input of Punch Consulting on technical and cost matters. The submission which follows is made without prejudice to the legal submissions already made to the inspector at the oral hearing, which, for the avoidance of doubt, are maintained.

As noted at page 12 on the main body of this submission TII made the point at the Oral Hearing that to accommodate Over Station Development would require substantial redesign of the station. As set out at page 12 and 13, and as further expanded upon in the report by Punch Consulting Engineers at Appendix 4 of this submission, Punch Consulting is of the opinion that no substantial changes are required to the design of the station or the tunnels to accommodate Over Station Development and the related works would not have significant cost implications relative to the costs of the Northwood station structure and connecting cut and cover tunnel.¹

Punch Consulting Engineers also conclude in the above Report that the additional costs in increasing the loading capacity of the station box would not be significant. In addition, much of the cost of including additional loading capacity at the Northwood Station and other key transport hubs along the alignment is likely to be covered by a Supplementary Development Contribution Scheme (SDCS) to be introduced by TII as was the case with Metro West. The statutory basis for the imposition of financial contributions is set out in the first two paragraphs of that 2009 scheme:²

1.1 The basis for a Supplementary Development Contribution Scheme (SDCS), also known as a 'Section 49' contribution Scheme, is set out in Section 49 of the Planning & Development Acts 2000 - 2007. A Planning Authority may, when granting planning permission for development, include a condition requiring payment of a financial contribution towards the cost of any "public infrastructure service or project" that when carried out, will benefit the development to which the permission relates.

1.2 The public infrastructure service or project must be specified in a SDCS. Section 49(7) of the Planning & Development Acts 2000 – 2007 defines eligible public infrastructure projects or services including, inter alia: "The provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development".

¹ Punch Consulting state that *"while there are some additional costs to enhance the structure to support additional vertical loads, it is not significant as the structural elements required for the station structure are required in any case and they can easily be increased in size as necessary to support future buildings above."*

² Metro West Supplementary Development Contribution Scheme 2009.

The SDCS applied to all planning permissions granted for development within this area as and from the date the scheme is adopted by the Council.³ In correspondence with South Dublin County Council the RPA stated '*...it is the policy of the RPA to secure private contributions to the project of at least 50% of the total capital cost. Private contributions primarily comprise levies accrued under SDCS*'.⁴

Therefore, it is reasonable to expect that 50% of the cost of Metrolink will be paid for by developers who implement permissions granted after the date of approval of the Railway Order. The levies are typically applied on a per unit basis for housing and a per m2 basis for commercial and retail development.⁵ As significant benefits will accrue to existing development and landowners because of Metrolink, it is a fair and equitable allocation of the cost burden that only a proportion of the entire cost of the infrastructure would be imposed on the developers of new permissions as existing home dwellers and businesses in areas served by Metrolink will benefit significantly as well.

Both In terms of the efficient allocation of land resources from a planning policy perspective, and in terms of funding Metrolink by way of development contributions, it is desirable to achieve high density of development in the immediate vicinity of rail corridors and stations. The greater the distance between new development and the relevant infrastructure, the less reasonable it is to impose supplementary development contributions. In practice, this is addressed by defining the zone of contribution for the SDCS.⁶

When considering the allocation, of costs and benefits relating to this significant piece of infrastructure it is also important to put in context the compensation that will be payable to landowners from whom land will be acquired for Metrolink, including Lidl. The "No Scheme" rule which is applied in the assessment of compensation under the 1919 Act rules⁷ means that a claimant will not be entitled to any compensation that results from any economic benefits that the implementation of the scheme would bring. This rule applies to compensation payable for acquisition of land on foot of a railway order. Therefore, to the extent that Lidl may be able to achieve a greater density or height of development because of the making of a railway order, the loss of this enhanced development potential will not be payable by way of compensation.

³ Metro West Supplementary Development Contribution Scheme 2009, §2.3.

⁴ Metro West Supplementary Development Contribution Scheme 2009, §4.3.2.

⁵ Metro West Supplementary Development Contribution Scheme 2009, §4.3.6.

⁶ Metro West Supplementary Development Contribution Scheme 2009, p.14.

⁷ Acquisition of Land (Assessment of Compensation) Act, 1919

By the same token, any reduction in the value of the land because of the temporary and permanent acquisition of lands owned by Lidl and the implementation of the RO will be payable to Lidl. If the potential for OSD continues to be ruled out and the potential for ASD is severely curtailed, the taxpayer will bear a considerably increased burden of the project costs albeit that a significant proportion of the cost of acquisition will be recouped by special development contributions, as indicated above. To keep the tax bill down, it therefore makes sense to permit OSD and ASD in so far as it is consistent with national, regional and local planning policy which promotes higher density development in the vicinity of public transport corridors and transport hubs. When the saving in terms of compensation is compared with the much lower cost of providing a structure (including a station box) which is capable of bearing the load of such OSD or ASD, it is assumed that the cost benefit analysis justifies the provision of additional load bearing capacity.

More fundamentally, the extent of encroachment on Lidl's property ownership rights because of the proposed compulsory acquisition is entirely unclear as the deviation limits are subject to change in accordance with any revisions to the Draft Developer's Guidance which can be made without any provision for Board approval or for public consultation. The uncertainty surrounding the extent of the constraints on the development of the lands owned by Lidl that will be imposed by TII renders the acquisition an unjust attack on property rights under the Constitution. In its "Response to Submissions Received", Part 2 of 2, Submission 169, on 27 September 2023, TII stated:

"TI will produce guidance note for developers that will be the subject of by-laws following the grant of railway order and which is designed to facilitate future adjacent or over-site development while protecting the integrity with the safety of the Metrolink works and operations."

TII seeks to reserve to itself the ability to modify and enhance its power to limit development without any legislative due process or any opportunity for affected parties to make representations to an independent third party concerning TII imposed restrictions which it considers to be unfair or disproportionate. This is both an unlawful encroachment on the legislative power and an unconstitutional interference with property rights under Article 40.3.1.

As indicated in the evidence of Tony Bamford, Planning Consultant, to the hearing, the subject lands are zoned "**MRE**" Metro And Rail Economic Corridor.

Objective: *Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.*

Vision: Provide for an area of compact, **high intensity/density, employment generating activity with associated commercial and residential development which focuses on the MetroLink, or rail or light rail stations** within settings of exemplary urban design, public realm streets and places, which are permeable, secure and within a high-quality green landscape. **Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit.** The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure.

[Emphasis added]

The TII/ Jacobs Idom updated Planning Report (at p. 116) states:

4.5.1.6 Project Response

The section of the alignment passes under lands zoned as Metro and Rail Economic Corridor within the functional area of FCC in the FDP 2023-2029.

Under this zoning objective, 'Rail Infrastructure' does not come within either 'Permitted in Principle' or 'Not Permitted' uses. **The FDP notes that 'Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.'**

In principle, once constructed **the tunnel will not affect the ability to develop on the land directly above the alignment and allows for oversite development in line with the land use zoning objectives.** The tunnel alignment is therefore, consistent with the zoning objectives for the lands overhead.

[Emphasis added]

As already submitted on behalf of Lidl at the oral hearing, in order to be consistent with the Use Zoning Matrix, "Rail Infrastructure" (other than a Public Transportation Station) must demonstrate its "compliance and consistency with the policies and objectives of the Development Plan." The Use zoning matrix indicates that a Public Transportation Station is permissible in principle but the zoning objective MRE also envisages "high intensity/density, employment generating activity with associated commercial and residential development which focuses on the MetroLink, or rail or light rail stations." Development at Metrolink stations

should also accord with the objectives off the Development Plan and NPF to ensure an efficient use of land in the vicinity and to ensure compliance with national policy objectives to achieve a compact development within Dublin City and Suburbs, in which the subject site is located.

Conclusion

The Board is obliged to consider the provisions of the Development Plan. It cannot discharge its obligation to consider "*the likely consequences for proper planning and sustainable development in the area*", "*the policies and objectives for the time being*" of Fingal County Council (as planning authority) and the NPF.

It is essential the Board's decision ensures that the Northwood MetroLink station and connecting tunnels at the subject site are designed to take full account its future development potential and that they do not restrict such development in accordance with the provisions of the Development Plan in any way.

The TII draft Guidance Note for Developers indicates that the design of the tunnel and station will not facilitate development in accordance with the Development Plan and the NPF which requires higher density development in the vicinity of public transport hubs.

The terms and/or conditions of the Board's decision should therefore make adequate provision to ensure that over station and adjacent station development can be achieved in accordance with the objectives and policies of the Fingal County Council Development Plan 2023-2029 and the National Planning Framework. Alternatively, the Board should request TII to submitted revised drawings in respect of the Northwood station to provide sufficient load bearing capacity, including a station box to ensure that high density development can be achieved over and adjacent the rail infrastructure at the proposed Northwood station.

Finally, without prejudice to our contention that the terms of the draft Railway Order are so uncertain as to amount to an unconstitutional infringement of property rights, if the Board is minded to approve the draft Railway Order, we request that the following conditions are included in the Board's decision:

- 1. Future potential development: The Metrolink structures shall be constructed so as to accommodate future development above the station and tunnels to the levels consistent with the Fingal County Development Plan 2023-2029; and**

2. TII will engage constructively with property owners in the event of any plans for future development by the property owners with a view to ensuring that any such plans can proceed in a manner compatible with the MetroLink project.