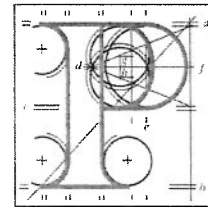


**Our Case Number:** ABP-314724-22

**Your Reference:** OPW (Leinster House Complex)



**An  
Bord  
Pleanála**

Downey Planning  
29 Merrion Square  
Dublin 2  
D02 RW64

**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](http://www.pleanala.ie).

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

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

Yours faithfully,

Kevin McGettigan  
Executive Officer  
Direct Line: 01-8737263

RA03

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

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

## Lauren Griffin

---

**From:** Lauren Griffin  
**Sent:** Wednesday 9 October 2024 11:11  
**To:** jonathan.murray@downeyplanning.ie  
**Subject:** RE: Oral Hearing (19 August - 8 October 2024 ) Second Public Consultation - OPW Written Submission

A Chara,

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

Kind regards,

Lauren

---

**From:** Jonathan Murray <[jonathan.murray@downeyplanning.ie](mailto:jonathan.murray@downeyplanning.ie)>  
**Sent:** Tuesday, October 8, 2024 4:02 PM  
**To:** LAPS <[laps@pleanala.ie](mailto:laps@pleanala.ie)>  
**Cc:** Eva Bridgeman <[eva.bridgeman@downeyplanning.ie](mailto:eva.bridgeman@downeyplanning.ie)>  
**Subject:** Oral Hearing (19 August - 8 October 2024 ) Second Public Consultation - OPW Written Submission

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Inspector, An Bord Pleanála,

On behalf of the Commissioners of Public Works in Ireland (hereinafter referred to as the Office of Public Works (OPW)), DOWNEY respectfully submits this written statement for your consideration, please see attached with this email.

This submission is provided in response to the supplementary information presented by Transport Infrastructure Ireland (TII) during the Oral Hearing, which took place between 19 February 2024 and 28 March 2024.

The consultation period for the Oral Hearing, as designated by An Bord Pleanála, extends from 19 August 2024 to 8 October 2024. Accordingly, the attached submission from the OPW is being submitted within the prescribed timeframe, with the submission date being 8 October 2024.

Again, please find attached the written submission from the OPW. Should you require any further information or clarification, please do not hesitate to contact the undersigned.

We look forward to receiving acknowledgment of this submission.

Yours sincerely,

**Jonathan Murray**  
Senior Planner

+353 (0)86 108 5222

+353 (0)1 253 0220

[www.dwny.ie](http://www.dwny.ie)

[jonathan.murray@downeyplanning.ie](mailto:jonathan.murray@downeyplanning.ie)

29 Merrion Square, D02RW64

# DOWNEY



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8 October 2024

An Bord Pleanála 64 Marlborough Street Dublin D01 V902

**Re: ABP Case Number: ABP-314724-22 — Second Public Consultation period (19 August–8 October 2024) on the Further Information submitted during the MetroLink Oral Hearing (19 February–28 March 2024) on the Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order 2022**

To whom it may concern,

The Commissioners of Public Works in Ireland (hereinafter, the Office of Public Works (OPW)) welcome the opportunity to participate in this second public consultation period on the Further Information submitted during the MetroLink Oral Hearing. The OPW wishes to express and reiterate its overall support for the MetroLink project, which will deliver economic, social and tourism benefits to the city of Dublin.

### **Railway Order Submissions (First Public Consultation)**

The OPW has made a number of submissions (submissions 213 to 240 in Table 4 of the “Response to Submissions Received” document prepared by TII) for consideration by An Bord Pleanála (hereinafter, the Board) as part of the Railway Order 2022 public consultation process. These submissions relate to properties owned or managed by the OPW along the proposed route. Such properties are occupied by various Government Departments and other State bodies, such as An Garda Síochána and the Houses of the Oireachtas. The OPW wishes to reiterate that matters raised in these submissions stem from their role and responsibility, statutory and otherwise, to ensure the protection and preservation of important State properties and are aimed at ensuring the continuity of State business and the delivery of critical Government services throughout the MetroLink project. These include but are not limited to №14–17 Moore St, the GPO, National Library, the Leinster House Complex, National Museum of Archaeology and St. Stephen's Green.



## **St Stephen's Green Park, a National Monument**

The OPW reiterates its position as set out in the submissions made to the Board in January 2023 in respect of St Stephen's Green. While the OPW supports the objective of modern Metro infrastructure for Dublin and the State, the OPW is also of the view that delivery of such infrastructure cannot be at the expense of Ireland's national heritage. St Stephen's Green is Ireland's oldest and best-known urban public park. It holds significant historical and legal status, being a National Monument protected under various acts, including the 1930 Act and the upcoming 2023 Act. The OPW acts on behalf of the relevant Minister in the operation, care and maintenance of St Stephen's Green Park. For that reason, the OPW shares the concerns of our colleagues in the Department of Housing, Local Government, and Heritage that the proposed station location would have a direct, severe, negative, profound and permanent impact on the heritage value of the Green. As presented, the proposals would not seem sufficiently sympathetic to the history and environment of the spaces within and around the Green. The OPW urges the Board, when considering any Railway Order Application, to consider also the unique, inherent importance of St Stephen's Green Park to the people of Dublin and in light of the specific legal protection identified above. Consistent with the OPW's statutory functions, it is respectfully submitted that the Board should consider whether any modifications to the railway order or conditions would reduce the environmental impacts on St Stephen's Green.

We ask the Board to note that the Unagreed proposed St Stephen's Green Railway Order Conditions (day 05: Book 1 of 3) remain not agreed.

## **Future developments**

The OPW requests the Board, that in the making of any Railway Order, it ensures the routing of any MetroLink tunnel would not limit the State's capacity to develop its property — vertically or horizontally — particularly around or below Leinster House, Government Buildings, the National Gallery, the National Museum, and the National Concert Hall complexes. Planning Permission is in place for some extensive developments, including lower levels of buildings that may affect the MetroLink tunnel. The OPW respectfully requests that the Board attach a condition to the Railway Order that acknowledges and mitigates any restrictions on future development of the subject properties.

## **Ongoing engagement between the OPW and TII**

The OPW wishes to acknowledge the positive and constructive engagement between officials from Transport Infrastructure Ireland ('TII') and the OPW on the MetroLink project over the past number of years. As a result of that engagement,

.....



the OPW is of the view that significant progress has been made in terms of reaching agreement on many of the matters raised in the aforementioned submissions relating to the construction and operation phases of MetroLink. The OPW will continue to work with TII with regards to property-specific bilateral agreements and reserves the right to amend, change or add to the current draft under consideration and to seek whatever property-specific provisions may be necessary as we further develop these agreements.

## **Observations on documents submitted by TII to the oral hearing**

### **Stage-3 assessments and Trigger Action Plans**

The OPW notes that in the letter from TII to OPW regarding agreed conditions and accompanying plans (from day 05: Book 1 of 3):

- the introductory paragraph contains conditions which TII proposes would apply to all 32 OPW properties which were the subject of OPW's submissions to the Board;
- § 2 ("Ground movement, noise and vibration, blasting and water lowering assessments") of Part 1 ("Conditions which shall apply to all OPW Properties") says, "In addition, TII will prepare property specific Trigger Action Plans (TAPs) which will set out the project's commitments in relation to the management of temporary construction noise and vibration effects associated with the construction of Metrolink";
- § 3 ("Ground movement impact / settlement assessments") of Part 1 ("Conditions which shall apply to all OPW Properties") says, "Stage 2 and 3: TII will conduct comprehensive Stage 2 and Stage 3 assessments for ground movement impact / settlement on OPW Property [...]";
- the Appendix, titled "OPW Owned and / or managed Properties (OPW Property)", lists all properties that the OPW mentioned in MetroLinkrelated submissions to the Board in January 2023.

TII has confirmed to the OPW that:

- TII will carry out Stage-3 assessments on all of the OPW properties that the letter lists; and
- a Trigger Action Plan will apply to all of the OPW properties that the letter lists.

.....



The OPW asks the Board to note that the Trigger Action Plan Note No 2 - Applicable Locations (from day 11: Book 3 of 3) contains omissions; TII has confirmed that this is unintentional. Therefore, the OPW asks the Board to seek and confirm a full and complete list of properties under the Trigger Action Plan Note No 2 - Applicable Locations.

### **Working Draft/Process for the oversight and implementation of Phase 3 assessments**

In Working Draft/Process for the oversight and implementation of Phase 3 assessments (**Day 11: Book 3 of 3**) states, under 'In Contract':

12. No excavation that has the potential to impact buildings will commence until the Phase 3 Assessment and the associated instrumentation and monitoring and mitigation proposals are approved by the IME.

The OPW requests that an additional step in the process be added as follows:

12 (a) Instrumentation and Monitoring will be installed and baselined before any excavation commences.

### **Outline Guidance Note for Developers**

With regard to the Draft Guidance Note for Developers (May 2023) and Outline Guidance Note for Developers (March 2024 Revision 01) (**Day 21: Book 1 of 2**), the OPW requests that the Board consider how the Exclusion and Protection Zones would operate prior to the Railway Order, and during the construction and operational phases of MetroLink.

Finally, the OPW requests clarification on the scope of those two documents which have been prepared for this project and was circulated during the oral hearing. Although they are in draft form, they state (p.5) that, 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. § 2.1.2 defines the Exclusion and Protection Zones as including 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.

While the OPW intends to work constructively with TII, it has concerns that the Metrolink Railway Order will be construed as conferring a power on TII to regulate other extant grants of permission in terms of timing and phasing which may have been defined by conditions in those grants of permission. Furthermore, applications for permission may be pending and granted by time the Board confirms the Metrolink Railway Order. It is imperative that the confirmation does not create a situation of potentially conflicting conditions as this would create uncertainty in the implementation of grants of permission.

.....



Therefore, it is submitted that the Board should take account of this and, if necessary, impose a condition pursuant to its powers in § 43 of the Transport (Railway Infrastructure) Act 2001.

## **Conclusion**

In conclusion, the OPW reiterates its support for the Metrolink project and hopes that the contents of this letter are reflected in the Board's decision, should it decide to confirm the Railway Order.

Yours sincerely,

John Conlon  
Chairman