Our Case Number: ABP-314724-22

Your Reference: Union Investment Real Estate GmbH

An Bord Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61

Date: 08 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 submission in relation to the above mentioned case. The contents of your submission 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

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

7th October 2024
JN – LW/ 22112

RE: SUBMISSION ON THE METROLINK RAILWAY ORDER APPLICATION IN RELATION TO THE SITE OF A COMMERCIAL DEVELOPMENT AT 2 GRAND PARADE, RANELAGH, DUBLIN 6.

RAILWAY (METROLINK-ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER 2022

AN BORD PLEANÁLA REFERENCE: ABP-314724-22

INTRODUCTION

On behalf of our client, Union Investment Real Estate GmbH, Real Estate Project Management International, Valentinskamp 70 / EMPORIO, 20355 Hamburg, Germany, we John Spain Associates, 39 Fitzwilliam Place, Dublin 2, wish to make this further submission on the application by the National Roads Authority (operating as Transport Infrastructure Ireland – TII) for a Railway Order for the MetroLink project.

The application for a Railway Order was submitted on the 30th of September 2022. The Board's reference number for the application is ABP Ref.: **ABP-314724-22.**

The MetroLink project subject of the current Railway Order application to An Bord Pleanála involves the construction of a new metro railway line and a new underground station (Charlemont Station) taking in the significant northern portion of the site of the commercial development, under Reg. Ref.: 2372/17 / ABP Ref.: 300873-18, as amended by Reg. Ref.: 4755/19 and Reg. Ref.: 3486/20 / ABP Ref.: 309011-20, at 2 Grand Parade.

Our client is an affected landowner, and previously made a submission on the Railway Order application. Therefore no further fee is payable in respect of this submission.

Submissions were made on behalf of our client to the Oral Hearing for the Metrolink project in March 2024. The submissions made on Module 1 related to noise / vibration impacts and structural engineering matters.

The submissions made on Module 2 of the Oral Hearing focused on land take / loss of surface parking, and on the location of a lift and stairway to the elevated Luas line directly in front of and adjacent to the 2 Grand Parade building, which is a protected structure.

It is noted that the commercial development at 2 Grand Parade has been completed, and is now being occupied by tenants. It is submitted that a further site visit by the Board's Inspectors prior to any decision on the Railway Order application may be of benefit to the Board's understanding of the issues raised.

During the course of the Oral Hearing, a range of documentation was submitted, some of which was of relevance to the grounds of submission set out to the Hearing. This submission responds briefly to that additional documentation.

Our client remains supportive of the MetroLink project, and looks forward to continued constructive engagement with TII.

Documentation submitted to Oral Hearing by TII

The following lists the most relevant documents and drawings submitted to the Oral Hearing by the applicant, which pertain to our client's lands at 2 Grand Parade:

- Noise Impacts: Errata Appendix 10 Updated Appendix A13.7 Charlemont Station.pdf (metrolink.ie)
- Charlemont Drop-Off: Charlemont Drop-Off.docx (metrolink.ie)
- Passenger Numbers at Charlemont: Passengers at Charlemont SSG and Tara Street Stations.pdf (metrolink.ie)
- Review of Charlemont Passenger Notes: Review of Charlemont Station Note.pdf (metrolink.ie)
- Pedestrian Impact on Dartmouth Road: Pedestrian Impact for Dartmouth Road (metrolink.ie)
- Charlemont Stairs and Lift Connection Drawing: Charlemont Luas - Stairs and Lift Connection (metrolink.ie)
- Charlemont Drop-Off Biodiversity: Jacobs IDOM Report (metrolink.ie)
- Construction Sequencing for Grand Parade Drop-Off: Jacobs IDOM Report (metrolink.ie)
- Updated photomontages: Photomontage Submission (metrolink.ie)
- Charlemont and Stephens Green Photomontages: https://downloads.metrolink.ie/oh/Charlemont%20and%20St%20Stephens%20Green%20Updates.pdf
- Updated Drawings – Updated Drawing Combined PDF.pdf (metrolink.ie)

Land Take and Parking

The updated drawings submitted to the Oral Hearing included an updated property drawing (Drawing No. ML1-JAI-BOR-ROUT_XX-DR-Y-01098) which updated the extent of permanent and temporary land acquisition proposed at Charlemont / 2 Grand Parade. This drawing improves on the property drawing originally submitted with the Railway Order application (which indicated greater areas of substratum acquisition, and significantly greater areas of temporary acquisition).

Our client looks forward to engaging further with TII in respect of remaining land acquisition matters, including wayleaves / rights of way, and surface areas to remain in charge of TII following completion and during the operation of the MetroLink project. These matters will need to be resolved prior to the final acquisition of lands by TII.

The revised drawings also include an updated street level design layout at Charlemont / 2 Grand Parade (Drawing No. ML1-JAI-SRD-ROUT_XX-DR-Z-02090). This layout reflects the reinstatement of 14 no. car parking spaces associated with no. 2 Grand Parade following completion of the works. This revision in the parking arrangement is welcomed by our client.

Lift and Stairway to the west of the Carroll's Building

As noted in the original submission on the RO application and in submissions to the Oral Hearing, it is proposed to provide a Metro-Luas connection lift and stair to the northwest of the Carrolls Building within the 2 Grand Parade site.

The location and design of this stairway and lift access would negatively impact on our client's development at 2 Grand Parade as follows:

- The structure would obstruct designated fire escape routes from the 2 Grand Parade development.
- There would be an additional risk of fire spread in the event of a fire due to proximity to the existing building.
- Additional information needed in relation to pedestrian traffic flow and capacity for both normal and evacuation scenarios.
- The stairway and lift shaft will negatively impact on the appearance and setting of the Carroll's Building, a protected structure which is integrated into the 2 Grand Parade commercial development.
- The stairway and lift could give rise to privacy issues within the adjacent office building.

It is also noted that there is already a stair and lift immediately west of the Luas stop northbound platform.

The design and location of this stairs and lift remains unacceptable to our client, and it is requested that revisions are made to this aspect of the design prior to the granting of any Railway Order, by condition or otherwise.

The updated information submitted to the Oral Hearing by TII included revised drawings, schematics, and visualisations of the proposed lift and staircase. It is considered that these details further illustrate the conflict between the design of this connection and the existing protected structure on site, which features extensive glazing that would be directly adjacent to the proposed public stairway and lift.

During the Oral Hearing, the issue of potential privacy issues was raised, and it was stated by the applicant's team that while the lift and staircase would be 'transparent' in their design (to mitigate visual impact), they would also be designed to protect privacy.

It is respectfully submitted that the provision of both a lift and staircase at this location cannot adequately achieve both an acceptable level of visual impact on the protected structure and its front setting (which has been restored as part of refurbishment works to include upgraded landscape treatment and the restoration of water features), while also ensuring that there is not a significant impact on the privacy of the building. The design proposals indicated in the updated drawings and imagery submitted to the Hearing indicate glass balustrades on the

stairway, with pedestrians traversing the stairs within c. 1-2 metres of work spaces within the building.

The transparency of the 2 Grand Parade protected structure, and the importance of views of the building 'in the round' were afforded a high degree of priority by the Board in the original application for its refurbishment and extension (Reg. Ref.: 2372/17 / ABP Ref.: 300873-18), with the applicants required to redesign the now completed office scheme to step away from the protected structure. The location of a lift and staircase in such close proximity to the architecturally important front façade would not be in keeping with this approach.

Figure 1: Drawing submitted by TII to the Oral Hearing showing staircase/lift design

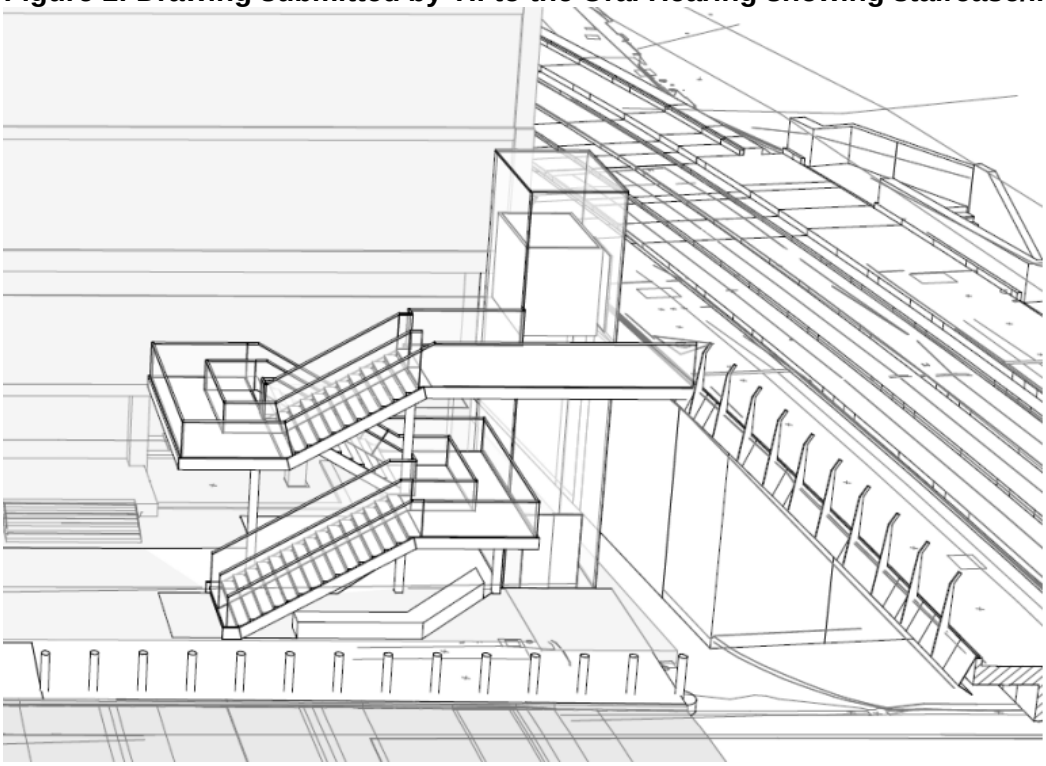


Figure 2: Updated photomontage submitted to the Oral Hearing

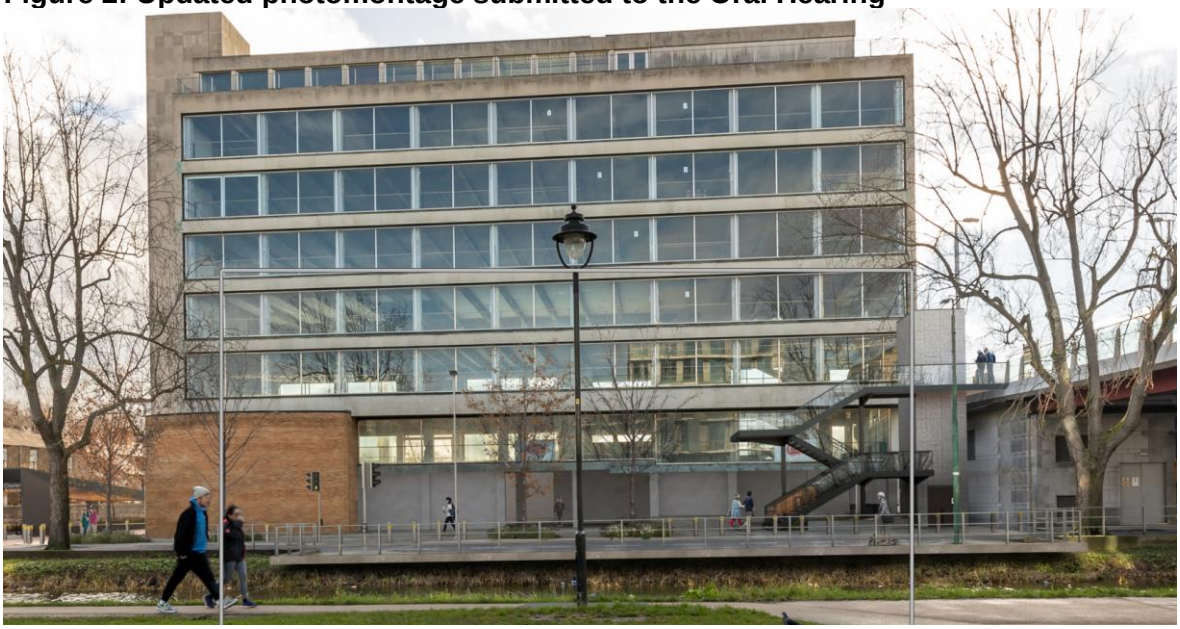
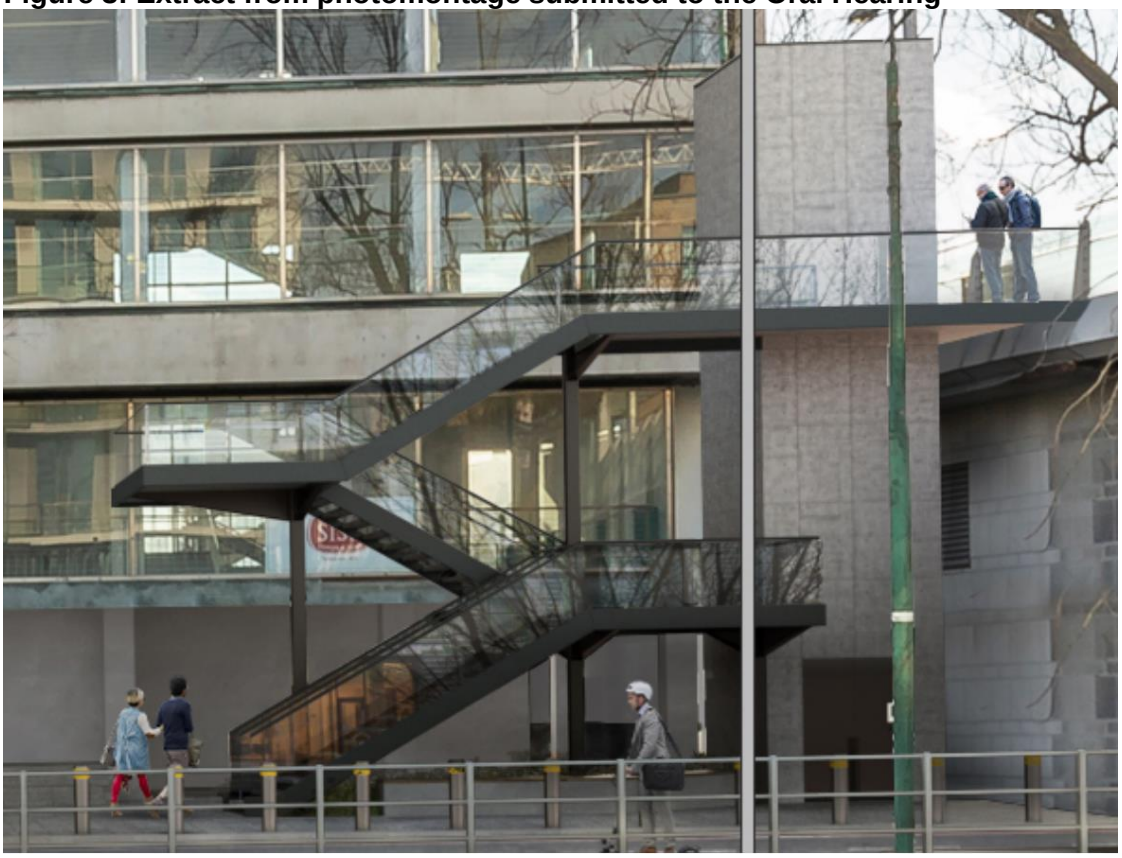


Figure 3: Extract from photomontage submitted to the Oral Hearing



The updated photomontages submitted to the Hearing further illustrate the incongruous relationship between the proposed lift and stairway and the existing protected structure. The photomontages also do not reflect the quality or detail of the undercroft / entrance area of the 2 Grand Parade building (likely due to the fact that base imagery was taken while hoarding remained in place around the building). The stairway and lift would have a detrimental impact on the setting of the main entrance, along with the curtilage and hard landscaping of the building, including the restored water features.

The updated pedestrian modelling submitted to the Hearing also indicates upwards of 8,000 individuals traversing the front entrance area of 2 Grand Parade daily to interchange with Luas services. This represents a further impact on the building and its operations.

At the Oral Hearing, an alternative design proposal was put forward by Henry J Lyons Architects, involving the relocation of the proposed lift shaft to the opposite side of Grand Parade, adjacent to the drop-off location for persons with restricted mobility which was introduced at Oral Hearing stage.

It is submitted that this alternative would strike a more appropriate balance, allowing the relocation of the stairway closer to the Luas embankment, reducing visual impact on 2 Grand Parade, and reducing privacy impact.

The alternate lift shaft location would be in closer proximity to the PRM drop-off and would be immediately visible from the MetroLink station exit adjacent to 2 Grand Parade. A level crossing is already proposed to provide a direct connection across Grand Parade at this point. The ecology assessment for the PRM drop off indicated that it would not give rise to any significant impact, and the installation of the lift shaft could be accommodated alongside the works for the PRM drop-off area.

Therefore, on behalf of our client, we wish to maintain the previous submissions made in relation to the stairway and lift shaft at 2 Grand Parade.

Please do not hesitate to contact us should you require any further information.

Yours faithfully,

John Spain Associates

Appendix 1 – Submissions to the MetroLink Oral Hearing

METROLINK Railway Order
An Bord Pleanála Oral Hearing

ABP-314724-22

Submission
Prepared by

Mr Luke Wymer

On behalf of

Union Investment Real Estate GmbH

5th March 2024

JSA John Spain Associates
Planning & Development Consultants
Chartered Town Planners

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DOCUMENT CONTROL SHEET

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Project Title:	Metrolink Oral Hearing
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Rev.	Status	Author(s)	Reviewed By	Approved By	Issue Date
FV	Final	SMC	LW	LW	05/03/2024

1.0 INTRODUCTION

Qualifications and Professional Experience

1.1 My name is Luke Wymer. I am an Executive Director of John Spain Associates, a leading firm of planning consultants. I have 7 year's planning and development consultancy experience in Ireland. I am a Corporate Member of the Irish Planning Institute, a Licentiate Member of the Royal Town Planning Institute (RTPI), a member of the RTPI Executive Committee for Ireland, and a member of the RTPI Policy, Practice and Research Committee (PPRC).

1.2 My qualifications include:

- BA (Geography and Archaeology) – University College Dublin
- Masters in Regional and Urban Planning (MRUP) – University College Dublin
- Advanced Diploma in Planning and Environmental Law – The Honourable Society of Kings Inns
- Diploma in Project Management – Dublin Business School
- Professional Certificate in Environmental Management – University College Dublin

1.3 John Spain Associates are planning consultants for Union Investment Real Estate GmbH ('Union Investment'), of Valentinskamp 70 / EMPORIO, 20355 Hamburg, Germany.

1.4 Union Investment are the owner of a recently completed commercial development at 2 Grand Parade, which comprises the refurbished Carroll's Building (a protected structure), and a recently completed modern office building to the rear of and connected with the protected structure.

1.5 John Spain Associates are also planning consultants for Grand Parade Property Trading Company DAC of 32 Molesworth Street, Dublin 2. Grand Parade Property Trading Company DAC support the current submission to the Oral Hearing.

1.6 This evidence does not reiterate the detailed points addressed within the original submission on the Railway Order which are considered as read by all parties. JSA will however address the TII Response to Submissions.

1.7 Our client wishes to note their support for MetroLink, which is a crucial project for the delivery of a high standard of public transport infrastructure for Dublin city.

Background

1.8 The site of 2 Grand Parade lies at the southernmost end of the proposed MetroLink line, adjacent to the existing Charlemont Luas station, which sits on an elevated embankment and bridge across the Grand Canal to the west of the site.

1.9 The front of the site is occupied by the former Carroll's Building, which is a protected structure[1], and which was designed by Paddy Robinson of Robinson Keefe and Devane (RKD) Architects in the early 1960s.

1.10 In April 2019 (following an appeal[2] including an Oral Hearing and a request for revisions to the scheme under section 132 of the Act), An Bord Pleanála granted

[1] RPS Ref. No.: 3280
[2] DCC Reg. Ref.: 2373/17 and ABP Ref.: 300873-18

permission for the refurbishment of and alterations to the Carroll's Building, and the construction of a modern office building to the south (rear) of the existing protected structure.

1.11 The parent permission has since been subject to several amendment applications[3], and the development is now completed.

1.12 2 Grand Parade is the site of the proposed Charlemont MetroLink station and the interchange between the proposed MetroLink line and existing Luas services at Charlemont.

Figure 1: The development at 2 Grand Parade

[3] Reg. Ref.: 4755/19, Reg. Ref.: 3486/20 & ABP Ref.: 309011-20, and Reg. Ref.: 4753/23

2.0 NOISE AND VIBRATION IMPACT ASSESSMENT

Noise Impact Assessment

2.1 In relation to noise impacts, we note TII's response to the submission made on behalf of Union Investment as follows:

"Following the granting of the Railway Order, the Noise and Vibration limits as proposed in the EIAR or other limits that An Bord Pleanála consider appropriate will have to be adhered to by the appointed main works contractors during the construction phase.

The EIAR assessments present the worst-case scenario modelled for noise and vibration during construction at Charlemont. As outlined in the EIAR, construction noise levels along the south and east façade of the Hines building development exceed the "Noise Insulation" threshold for all work phases at this site. Noting that the assessment undertaken in the EIAR (as is outlined by BS5228 guidance) determines indicative noise levels at the building façade only.

As the site includes new buildings with an upgrade to the Carrolls Building, it is likely that the buildings already have sufficient "noise insulation" to ensure that construction noise levels are mitigated.

In order to further allay any concerns, TII are agreeable to undertaking a further step that is normally undertaken much later during the detail design phase – i.e., to undertake further calculations to determine what the internal noise levels are likely to be in this building. To do this, TII will need details of the building acoustic design characteristics to be provided.

This work will allow us to understand (1) if the existing building façade has sufficient capacity to attenuate predicted noise levels, (2) if additional building specific measures need to be introduced and/or (3) as a last resort, if the noise insulation is not sufficient, how long would the building need to be vacated for.

It is important to note that the modelled external noise levels for the works does not currently identify the need for the building occupants to be relocated.

TII have prepared a Metrolink Airborne Noise &Groundborne Noise Mitigation Policy (See Appendix A14.6 of the EIAR) which includes the proposal to engage with all stakeholders at least 6 months in advance of the works commencing to discuss the limits set and mitigation measures to be taken at each construction location."

2.2 As noted in their response to submissions on the Railway Order application, TII have committed to undertaking additional detailed assessment and calculations to determine the likely internal noise levels during construction at 2 Grand Parade.

2.3 Union Investment welcome this commitment, and it is requested that the Board apply a condition to require the undertaking of this modelling and the provision of the modelling results and mitigation measures in advance of commencement of construction.

Ground-borne Noise and Vibration

2.4 In relation to ground-borne noise and vibration during construction, the TII response to the submission made on behalf of Union Investment states the following:

"Following the granting of the Railway Order, the Noise and Vibration limits (Including PPV limits for blasting) as proposed in the EIAR, or other limits that An Bord Pleanála consider appropriate will have to be adhered to by the appointed main works contractors during the construction phase.

The EIAR assessments present the worst case scenario modelled for noise and vibration from blasting during construction at Charlemont, whilst noting that it is likely that the levels of vibration generated by the proposed blasting strategy will be lower. Details of this blasting strategy can be viewed in Appendix A5.20 to the EIAR.

Based on the proposed blasting strategy, ***the modelling exercise undertaken for the EIAR has identified that vibration levels resulting from blasting at Charlemont would exceed assessment criteria****. See Vol 3, Book 1, Chapter 14: Ground-borne Noise and Vibration, Table 14.34.*

As such, the blasting patterns proposed for Charlemont would need to be adjusted to reduce the potential effects. The blasting designs can be amended by:

- *Preparing a correct blast design based on a survey of the rock face profile prior to design;*
- *Minimisation of the explosive charge per delay.*

This could involve some or all of the following: -

- *Reducing the drilling diameter of the hole for explosives;*
- *Shortening the length of the holes for explosives;*
- *Initiating charges at different times, using the maximum number of detonators possible, and selecting an effective delay time between holes and rows which would avoid wave interaction and provide good rock displacement;*
- *Set the explosive initiation sequence in a way that it progresses away from the structures to be protected;*
- *Use an adequate powder factor (weight of explosives per volume of excavated material). When the powder factor is lower than what is needed, the increase in charge confinement leads to an increase in intensity of vibrations. Excessive consumption will create an unnecessary overload, accompanied by greater disturbing effects;*
- *Increase confinement of the explosive charges with a long stemming height and use adequate, inert material;*
- *Create shields or discontinuities between the structures to be protected and the blasting, place barriers between blasting area and sensitive receptors if required; or cover the blasting area carefully with a blast mat or similar; and*
- *Cover the voids and use acoustic sheds, if required.*

As standard, the above will be supplemented by monitoring of blasting and re-optimising the blast design considering the results, changing conditions and experience.

In the unlikely event that the blasting design cannot be revised to ensure that assessment criteria are not exceeded, then the following further mitigation measures will be considered:

- *Use of non-explosive blasting techniques, such as expanding grout or rock sawing; and*
- *Use of mechanical excavation instead of blasting."*

2.5 Union Investment welcome the additional detail provided within the TII response. Having regard to the acknowledged exceedance of the assessment criteria identified within the EIAR and the additional potential mitigation outlined within the TII response, it is requested that the Board apply a condition to require the selected mitigation measures to be shared with Union Investment and agreed prior to the commencement of development.

2.6 It is similarly requested that the additional assessment to be undertaken by TII takes account of noise and vibration during the operational phase of the development, and that due consideration is given to the introduction of floating slab track at this location if necessary.

3.0 STRUCTURAL ENGINEERING CONSIDERATIONS

3.1 We note the following TII comments in response to our client's submission pertaining to ground settlement and potential impact on 2 Grand Parade:

"The potential for construction generated ground movements impacting the Carrolls Building has been carefully considered. The provision for possible protection measures has been raised as a precaution for future consideration (see below extracts from the EIAR). Irrespective of whether protection measures are subsequently deemed to be required, the impact on the Carrolls Building will be limited to Category 2 or less in accordance with the EIAR.

***EIAR Chapter 5 Construction Phase Appendix A5.17 Building Damage Report states the following in section 5.3, last paragraph**.*

Despite the damage classification from both the initial and the refined analysis of the Carrolls Building at chainage 19300 table 5-5 intervention may be required. This is due to the proximity of the building, figure 5.1 e to the Charlemont station structure. Local effects including variation in ground, the building ground and construction technique can influence the predictions. Therefore, it is prudent to anticipate a potential intervention around the structure until these are all known. This could be mitigated with very precise construction control, the installation of a physical separation, or ground treatment to prevent any movement.

***Section 5.4, Assessment Summary and Conclusions, last paragraph concludes:** In particular, some form of foundation treatment might be required to protect the Carrolls Building (B-228) due to its very close proximity (less than 2m) to the proposed excavation associated with Charlemont station box construction.*

During the detailed design and construction planning phase, this building will be assessed again. If an intervention as described above is required, TII will provide full details of the design and build contractors proposals for agreement in advance of work commencing."

3.2 Our client would welcome the opportunity to consult further with TII during the detailed design stage to determine whether any intervention is required to protect the existing structures at 2 Grand Parade.

3.3 It is requested that the Board apply a condition to require the provision of full details of any required protection measures for agreement prior to the commencement of development on site.

4.0 CONCLUSIONS

4.1 Our client supports the delivery of the MetroLink project, including the provision of a MetroLink station and interchange with the Luas station at Charlemont.

4.2 The constructive engagement and responses provided by TII following the submissions on the Railway Order application are welcomed by our client.

4.3 We respectfully request that the Board have regard to the foregoing submission and consider applying conditions as appropriate to ensure that the potential for noise and vibration impact on the commercial development at 2 Grand Parade is mitigated.

4.4 Our client reserves the right to elaborate further on these issues as necessary and we trust this submission will be taken into consideration in assessing the proposals.

4.5 The assessment of compensation would not be limited to the content of this submission.

Yours sincerely,

John Spain Associates

In the matter of an application to An Bord Pleanala for approval of the Railway (Metrolink – Estuary to Charlemont via Dublin Airport) Order 2022

ORAL HEARING

Impact of tunnelling and excavation works on the 2 Grand Parade Office Development at Charlemont

1.0 INTRODUCTION:

Name : John Keane BSc(Eng), CEng, MICE,MIEI

Professional Experience:

- Over 37 years' experience in Consulting Engineering in Ireland and the UK
- I am a Structural Director at DBFL Consulting Engineers
- I have widespread experience of Structural and Civil engineering design and construction in both Ireland and the UK over a broad range of sectors including commercial, residential, educational, and retail for both public and private clients.

2.0 ROLE:

DBFL Consulting Engineers are acting as structural / civil engineering advisers on behalf of Union Investment, the owners of the 2 Grand Parade office building, in relation to the impact of the proposed Metro Station construction and tunnelling works in the vicinity of Charlemont. We were the structural design engineers for the recent refurbishment and extension of the protected 2 Grand Parade office building which in part overlies the proposed Charlemont metro station.

3.0 RESPONSE TO TII PROPOSALS FOR TUNNEL AND STATION BOX CONSTRUCTION AT CHARLEMONT

There are 2 tunnels proposed in the vicinity of the Charlemont station where the 2 Grand Parade building is located, the main metro tunnel and the Charlemont Intervention Tunnel. Both will be bored through the underlying limestone bedrock.

We note in Chapter 14 "Ground-borne Noise & Vibration" of the EIAR that the predicted vibration levels from the tunnelling machine are relatively low when compared with the threshold level (0.265 VDV predicted, 1.6 VDV threshold) with no significant impact anticipated.

In relation to the ground-borne noise we note that there will be a "significant" impact on the occupiers of the 2 Grand Parade building (Tb 14.29) "noticeable to all and disturbing to some over a number of days".

For the construction of the station box the works will involve piling, mechanical excavation works and rock breaking/ blasting. Chapters 13 and 14 of the EIAR conclude that airborne noise generated by these works will have a "significant to very significant" impact on the occupants of the 2 Grand Parade Building and vibrations as a result of blasting works "would be noticeable to people within the building and above the threshold for structures".

We note in TII's response to our clients' observations in relation to ground-borne and air-borne noise and vibration that they are agreeable to carrying out further calculations to determine more accurately what the internal noise levels are likely to be within the 2 Grand Parade building to determine what mitigation measures are necessary to ensure the building can operate normally.

These further calculations must also address the issue of noise and vibrations during the operational phase of the Metro project. We request that consideration be given to the provision of a Floating Slab Track beneath the protected structure of the Carroll's Building.

All mitigation measures must be precise, detailed, acceptable to all stakeholders, enforceable and agreed in advance of the works commencing.

We ask that the Board make this one of the conditions in granting the Railway Order

In relation to the excavations for the Station box and in particular blasting to remove rock we note in TII's response to our observations that the blasting strategy/ designs will be re-visited and amended to ensure that assessment criteria are not exceeded. These amendments, baseline limits and monitoring regimes should be agreed between all stakeholders in advance of any works commencing.

We ask that the Board make this one of the conditions in granting the Railway Order

In relation to ground settlement we note that following TII's assessment of the impact of the excavation works alongside the 2 Grand Parade building, the protected "Carroll's Building" has been cited as a "special" building subject to a Phase 3 assessment and that intervention works may be required to reduce the effect of ground movements during construction of the station box.

We ask that the Board make it a condition of the Railway Order that this assessment be carried out and that the results and any proposals for mitigation measures are agreed with all stakeholders prior to implementing.

METROLINK Railway Order
An Bord Pleanála Oral Hearing

ABP-314724-22

Submission
Prepared by

Mr Luke Wymer

On behalf of

Union Investment Real Estate GmbH

25th March 2024

JSA John Spain Associates
Planning & Development Consultants
Chartered Town Planners

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FV	Final	SMC	LW	LW	25/03/2024

INTRODUCTION

Qualifications and Professional Experience

My name is Luke Wymer. I am an Executive Director of John Spain Associates, a leading firm of planning consultants. I have 7 year's planning and development consultancy experience in Ireland. I am a Corporate Member of the Irish Planning Institute, a Licentiate Member of the Royal Town Planning Institute (RTPI), a member of the RTPI Executive Committee for Ireland, and a member of the RTPI Policy, Practice and Research Committee (PPRC).

My qualifications include:

- BA (Geography and Archaeology) – University College Dublin
- Masters in Regional and Urban Planning (MRUP) – University College Dublin
- Advanced Diploma in Planning and Environmental Law – The Honourable Society of Kings Inns
- Diploma in Project Management – Dublin Business School
- Professional Certificate in Environmental Management – University College Dublin

John Spain Associates are planning consultants for Union Investment Real Estate GmbH ('Union Investment'), of Valentinskamp 70 / EMPORIO, 20355 Hamburg, Germany.

Union Investment are the owner of a recently completed commercial development at 2 Grand Parade, which comprises the refurbished Carroll's Building (a protected structure), and a recently completed modern office building to the rear of and connected with the protected structure.

John Spain Associates are also planning consultants for Grand Parade Property Trading Company DAC of 32 Molesworth Street, Dublin 2. Grand Parade Property Trading Company DAC support the current submission to the Oral Hearing.

As requested by the Board, this evidence does not reiterate the detailed points addressed within the original submission by John Spain Associates dated 13th January 2023 on behalf of Union Investment. I will however address the TII Response to Submissions where relevant.

Our client wishes to record its support for MetroLink, which is a crucial project for the delivery of a high standard of public transport infrastructure for Dublin city, subject to the remaining concerns which remain to be resolved as discussed below.

Background

The site at 2 Grand Parade lies at the southernmost end of the proposed MetroLink line, adjacent to the existing Charlemont Luas station, which sits on an elevated embankment and bridge across the Grand Canal to the west of the site.

The front of the site is occupied by the former Carroll's Building, which is a protected structure[1], and which was designed by Paddy Robinson of Robinson Keefe and Devane (RKD) Architects in the early 1960s.

In April 2019 (following an appeal[2] including an Oral Hearing and a request for revisions to the scheme under section 132 of the Act), An Bord Pleanála granted permission for the refurbishment of, and alterations to, the Carroll's Building, and the construction of a modern office building to the south (rear) of the existing protected structure.

[1] RPS Ref. No.: 3280
[2] DCC Reg. Ref.: 2373/17 and ABP Ref.: 300873-18

The parent permission has since been subject to three amendmentpermissions[3], and the development has now beencompleted.

2 Grand Parade is the site of the proposed Charlemont MetroLink station and the interchange between the proposed MetroLink line and existing Luas services at Charlemont.

Figure 1: The development at 2 Grand Parade

[3] Reg. Ref.: 4755/19; Reg. Ref.: 3486/20 and ABP Ref.: 309011-20;d and Reg. Ref.: 4753/23.

SUBMISSIONS IN RESPECT OF MODULE 2

Since the original submissions made on the MetroLink Railway Order application, our client has engaged constructively withTII, and the majority of the issues raised in the submission have been addressed to the satisfaction of Union Investment.

Union Investment look forward to continued engagement with TII in the short term and during the detailed design stage of the MetroLink project.

However, there are two important issue which have not been agreed to date, and one further issue on which no agreement is expected to be reached.

The two issues which have not been agreed on to date are:

1. The reduction of the ermanent and temporary land take
2. Permanent loss of surface parking permitted by An Bord Pleanala in the context of the the 2 Grand Parade development, following consultation with and submissions made by TII..

In relation to the permanent and temporary land take, as set out in the original submission on the Railway Order application, the land take indicated at 2 Grand Parade is in excess of what is required to construct the MetroLink project. In the course of its recent engagement with Union Investment, TII has acknowledged that the extent of land take shown in the proposed Railway Order is incorrect.

TII are not entitled to seek to acquire more land than is required for the carrying out of the proposed Railway Works. It is therefore critical that revisions should be made to the Railway Order property drawings and book of reference to reduce the land take to that which is strictly necessary for the railway works. These revisions should be shown clearly on drawings that are made available for inspection by Union Investment, to afford it an opportunity of making submissions on the adjusted landtake prior to the granting of a Railway Order.

Union Investment therefore maintains its position as set out in the original submission on the Railway Order application in relation to these two specific aspects of the submission made on the Railway Order application.

Lift and Stairs to the front of 2 Grand Parade (former Carroll's Building)

The remainder of this submission relates to the sole issue raised in the submission on the Railway Order application which there appears to no prospect of agreement on with TII, namely the introduction of a proposed stairway and lift structure directly in front of the former Carroll's Building, which forms part of the overall 2 Grand Parade development, and which is a protected structure.

The original submission on behalf of Union Investment on the Railway Order application highlighted that this proposed location for this stairway and lift structure would have a significant and negative impact on the curtilage and front setting of the protected structure facing onto Grand Parade.

Table 26.63 of the EIAR for the MetroLink application confirms that the presence of the proposed lift and stairway to the front of the Carroll's Building will have a 'very significant' impact on the protected structure, which would remain 'significant' following mitigation.

It was submitted on behalf of Union Investment that the lift should be relocated to the opposite side of Grand Parade, and that the stairway should be reconfigured to reduce its impact on the protected structure.

The response provided by TII in this regard stated the following:

"The potential for indirect impacts on the Carrolls Building which is listed on the Dublin City Council Record of Protected Structures (RPS) is understood and is assessed in the Environmental Impact Assessment Report (EIAR) for the proposed Project.

The provision of a high quality interchange between the MetroLink Station and the existing Luas stop at Charlemont is challenging due to the constraints in the area, including the Carrolls Building, the Grand Canal, the busy Grand Parade roadway, the new site development to the rear of the Carrolls Building and the significant level differences between the MetroLink and Luas systems. Taking account of these considerations to identify the optimum solution to connect the two transport systems, a number of options were considered that included providing:

(a) access to Luas via a stairwell and lift at the front of the Carrolls Building;
(b) a pedestrian crossing of Grand Parade, with a deck along the canal edge and stairs to the Luas platform at the north side of the canal;
(c) an elevated walkway in front of the Carrolls Building; and
(d) access to the Luas platform behind the Carrolls Building.

Option (a) was selected because it:
i. provides direct access between MetroLink and Luas of sufficient capacity which cannot be achieved by the other options;
ii. avoids the unfeasible scenario of all passengers having to cross the busy Grand Parade roadway to access the Luas platforms from MetroLink;
iii. minimizes direct impacts on the Grand Canal;
iv. avoids having a direct impact on the Hines development site that would require a redesign of that third party development.

The proposed stairwell at the front of the Carrolls Building has been designed to minimize the visual impacts on the building by providing maximum transparency."

We address below the rationale in favour of the relocation of the lift to the north of Grand Parade which addresses the above matters relied upon by TII for the selection of Option A.

The relocation of the proposed lift would provide for direct access to the Luas platform with sufficient capacity, avoids all passengers crossing Grand Parade, has a minimal impact on the canal due to the proposal for a build out for drop-off spaces already included in the Railway Order application, and also reduces the impact of MetroLink on the protected structure.

Previous Planning Precedent

The application for the parent permission for the recently completed 2 Grand Parade development was subject to several third party appeals. One of the key topics with which the appeals were concerned was perceived negative impact on the rear setting of the former Carroll's Building.

The Board subsequently convened an Oral Hearing in relation to the appeals, at which architectural conservation and impact on the protected structure was a key focus.

Ultimately, An Bord Pleanála issued a request for revisions to the development under section 132 of the Act, with the specific aim of visually separating the proposed new office building from the rear façade of the Carroll's Building.

The Board's section 132 request stated the following:

"No. 2 Grand Parade which is listed in the Record of Protected Structures in the current Dublin City Development Plan 2016- 2022 Information provided on file and at the oral hearing has highlighted the importance of the building as one of the best examples of the architecture associated with mid-20th century modernist movement in the city. The Board is satisfied that the building was conceived and designed as a standalone structure to be viewed 'in the round', and considers that the proposal which incorporates an appendage to the protected structure might profoundly and irreversibly diminish the setting of this protected structure.

Having regard to the above the Board considers that design of the atrium link element of the proposal … should be amended to provide an effective physical separation between the protected structure and the proposed office building, in order to maintain its integrity as a standalone structure."

The permitted (and now completed) design resulted in a light touch glazed atrium linking the old and new buildings, allowing the protected structure to be viewed 'in the round'.

We suggest that the Board should have regard to this relevant planning history when considering the proposed lift and stairway design which directly impinges on the important front setting and façade of the protected structure facing the Grand Canal.

While a high quality interchange between MetroLink and Luas is of clear importance, this can be achieved in a manner which does not have such a significant impact on the Carroll's Building.

As referred to above, Table 26.63 of the EIAR states that the presence of the proposed lift and stairway to the front of the Carroll's Building will have a 'very significant' impact on the protected structure, which would remain 'significant' following mitigation.

It is our opinion that the lift should be relocated away from the front façade of the protected structure to protect its setting. Further consideration should be given to the relocation of the proposed stairway also. The options for relocation of both elements are considered further below.

The architectural conservation aspects of this submission will be elaborated on further by James Slattery, Conservation Architect for the 2 Grand Parade development.

Consideration of Alternative Lift Locations

Following further discussion with TII in relation to the relocation of the proposed lift shaft, an optioneering assessment document was provided by TII. That assessment is included as Appendix 1 to this submission.

In summary, the document addresses three options:

1. Location of a passenger lift on the north side of Grand Parade with stairway on the south side.
2. Location of a stairway on the north side of Grand Parade, with a passenger lift on the south side.
3. Both a stairway and passenger lift on the north side of Grand Parade.

The assessment confirms that acceptable levels of service can be achieved by locating a stairway on the south side of Grand Parade, and a passenger lift on the north side of Grand Parade. It is submitted that given the impact on the protected structure, this option should be conditioned by the Board.

The TII alternatives assessment provides several reasons for discounting the location of the passenger lift on the north side of Grand Parade. These are:

1. Uncertainty on the acceptability of an extended build-out over the bank of the Canal to provide for the lift and queuing area.
2. Increased travel time for persons with reduced mobility.
3. Issues with wayfinding and potential for confusion with passengers who could proceed to the stairs or lift incorrectly and then need to turn back.

In relation to the first of these reasons, the TII assessment admits that a build-out is already proposed to provide for drop-off for persons with reduced mobility. In reality this cantilevered build-out could be simply extended in length to allow for the location of the passenger lift. The increase in length of the build-out would be less than one quarter of its current proposed length, without further extending into the canal corridor. The condition of the canal bank is uniform along the entire length of the currently proposed and additional build-out.

In relation to the second reason provided by TII, it is noted that the location of the lift on the north side of Grand Parade would place it directly adjacent to the drop off point for persons with reduced mobility for the Charlemont MetroLink station. The additional distance or journey time from the Metro platform to the Luas platform would not be material, and there is also already a lift (and stairway) provided on the south side of Grand Parade from the pavement to the Luas platform.

Additionally, the footpath on the north side of Grand Parade is contiguous between the Charlemont and Leeson Street bridges over the Grand Canal, whereas the footpath on the south side terminates immediately to the east of the proposed Metro station.

In relation to the third reason provided, it is not considered that confusion would arise amongst passengers, as the lift to the Luas platform on the north side of Grand Parade would be immediately visible when existing the Metro escalators or lift. Appropriate signage would also mitigate risk of confusion.

Finally, any passenger wishing to use the lift, who mistakenly proceeded to the stairway, could also utilise the lift to the Luas platform on the south side of Grand Parade at the corner of Dartmouth Place, a matter of 20 metres from the proposed stairway.

Rationale for Alternative Lift Location

In summary, we submit that the proposed passenger lift should be relocated to the north side of Grand Parade for the following reasons:

- As previously noted, the relocation of the proposed lift would help to reduce the significant impact on the protected structure at 2 Grand Parade.
- The lift can be easily accommodated, including queuing space via a slight lengthening of the already proposed cantilevered build-out over the canal which accommodates the drop off for persons with reduced mobility.
- There is already an existing lift to the Luas platform at the south side of Grand Parade, and the relocation sought would provide a lift access along the northern footpath adjacent to the canal which is not truncated (as the footpath is on the southern side).
- The assessment of options undertaken by TII confirmed that the location of the additional lift on the north side of Grand Parade would provide an adequate level of service and capacity.

The architectural and design rationale for this alternative location for the proposed lift will be elaborated on further by Sarah O'Keefe of Henry J Lyons Architects, architect for the 2 Grand Parade development.

CONCLUSIONS

The constructive engagement and responses provided to date by TII following the submissions on the Railway Order application are welcomed by our client. However, there remain some significant issues which have not been agreed.

We respectfully request that the Board have regard to the foregoing submission and would apply an appropriate conditions to give effect to the alternative design for the lift and stairs (as further detailed in the submission of Sarah O' Keeffe, HJL architects, to the hearing) to ensure the protection of the character and setting of the former Carroll's Building.

We request that TII be conditioned to submit a revised design and layout for the interchange between MetroLink and the Charlemont Luas Stop, providing for the relocation of the proposed passenger lift to the north side of Grand Parade and which would facilitate the re-positioning the stair away from the main entrance and façade of the protected structure.

Our client reserves the right to elaborate further on these issues as necessary and we trust this submission will be taken into consideration in assessing the TII proposals for this location.

Yours sincerely,

John Spain Associates

APPENDIX 1 – OPTIONS ASSESSMENT REPORT

JACOBS IDOM

MetroLink

Transport Infrastructure Ireland

Review of Alternative Pedestrian Interchange Infrastructure Between the Proposed MetroLink Charlemont Station and the Existing Charlemont Luas Stop

ML1-JAI-TRA-MS16_XX-RP-Y-00004| P01.2

2023/11/14

MetroLink

Project No:	32108600
Document Title:	Review of Alternative Pedestrian Interchange Infrastructure Between the Proposed MetroLink Charlemont Station and the Existing Charlemont Luas Stop
Document No.:	ML1-JAI-TRA-MS16_XX-RP-Y-00004
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Date:	2023/11/14
Client Name:	Transport Infrastructure Ireland
Client No:	
Project Manager:	Paul Brown
Author:	Anna Goss
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Document history and status

Revision	Date	Description	Author	Checker	Reviewer	Approver
01	16/11/2023	First Issue	AG	IA	IA	PB

Contents

1. Purpose of Technical Note

Jacobs IDOM has been instructed by TII to develop proposals for Multicriteria Assessment for two options relating to alternative passenger interchange between Luas/MetroLink at Charlemont. The proposals are in response to Union's/Hines ABP submissions and are a variation on Option 2 previously assessed and discounted by Jacobs IDOM in February 2021.

- Option A – Move the current passenger lift from its current preliminary design location to a new location on the north pavement of Grand Parade.

- Option B - Move the current passenger lift and stairwell from their current preliminary design location to a new location on the north pavement of Grand Parade Please.

Note that in development of the above proposals encroachment into the Canal to provide the required space can be considered.

Due to the constraints of the existing built environment this technical note does not at this stage carry out a multicriteria assessment (MCA), but instead focuses on whether passenger and pedestrian movements can be accommodated to provide for Options A and B.

2. Introduction

2.1 Background

A LRT (Light Rail Transit) Luas Stop currently exists at Charlemont which caters for numerous trip attractors, such as offices, social amenities and its proximity to the suburb of Rathmines. In order to develop a MetroLink station in close proximity to the current Charlemont Luas Stop an assessment has been undertaken to understand the future demand and level of service for pedestrians due to the increased pedestrian traffic due to MetroLink. Numerous options were modelled to understand where bottlenecks and constraints existed in the current pedestrian infrastructure, such as stairways and lifts between levels, and also footpath widths at base level. Through modelling these different scenarios it was found that the existing network does not provide enough capacity from MetroLink platform to street level and the result is congestion and a low level of service for pedestrians on the R111 Grand Parade and the south-western access to the Charlemont Luas Stop where it has been necessary to make adjustments to the pedestrian infrastructure.

In order to accommodate forecast demand from the proposed MetroLink station, a new staircase with a 2.4m stair width is proposed at the south-east corner of Charlemont Luas Stop. A passenger lift will also be provided at this location and the existing pedestrian crossing on the R111 Grand Parade repositioned. The proposals for Charlemont Station are presented in the Railway Order application, including drawing ML1-JAI-SRD-ROUT_XX-DR-Z-02090 (see Figure 2.1), and EIAR Chapter 9, Traffic and Transport Appendix A9.2-B Traffic and Transport Assessment Charlemont Station.

With the new pedestrian infrastructure in place, the microsimulation model indicates that the R111 Grand Parade will have a Level of Service B (considered to be acceptable) overall, however at the location of the proposed pedestrian crossing the Level of Service is lower with ‘some restriction in selection of walking speed and ability to pass others’, this occurs as pedestrians are required to wait for a green phase at the signals. Overall, it is considered that the model displays an acceptable level of network performance in the assessment.

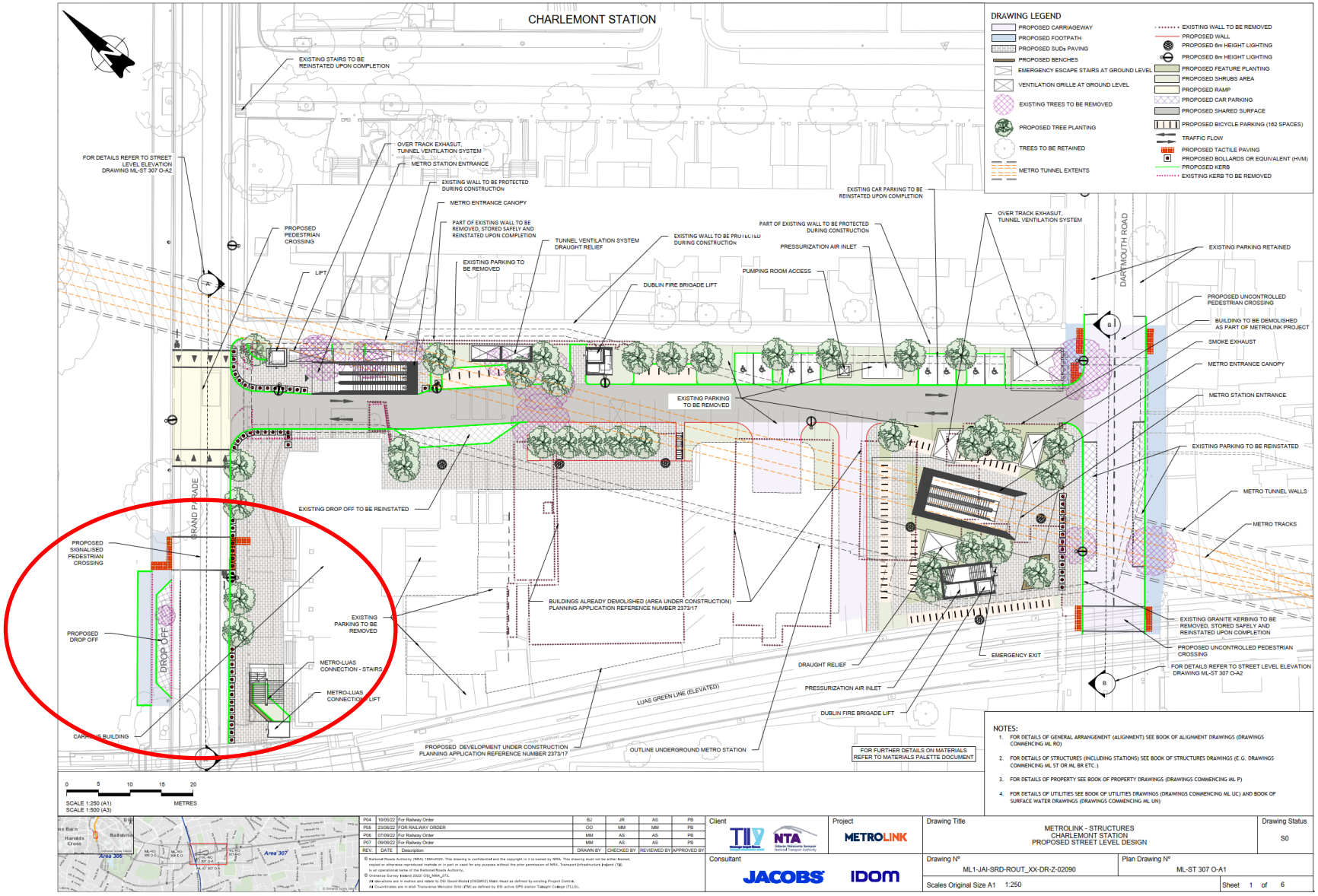

Figure 2.1: Plan of the Proposed Charlemont Station Showing the MetroLink / Luas Interchange Highlighted

2.2 History

As previously noted, Options A and B are a variation on Option 2 (see Figure 2.2) previously assessed and discounted by Jacobs IDOM in February 2021.

Figure 2.2: Option 2 – Pedestrian Crossing on Grand Parade leading to walkway deck extended out along canal bank and stairs to Luas platform on northside of Grand Parade. PRM lift placed on south side of Grand Parade adjacent to the Carroll's building. (note stairs on south side adjacent to the Carroll's building would not be included in this option).

This option was discounted due to the volume of passengers being required to cross Grand Parade resulting in traffic delay and the potential for passengers to remain along the southern footway (far side from the Grand Canal) while waiting to cross Grand Parade.

It is also of note that since Option 2 was last considered, a drop off for PRMs (Persons with Reduced Mobility) is now proposed in the area of the walkway deck (see Figure 2.1).

2.3 Technical Note

This Technical Note has been prepared to show how alternative options at Charlemont Station which situate MetroLink/Luas pedestrian interchange infrastructure on the northern side of Grand Parade perform in terms of pedestrian and passenger capacity and movements. The assessment considers the following options:

- Passenger lift on the north side of Grand Parade (with stairway on the southside) – Option A
- Stairway on the north side of Grand Parade (with passenger lift on the southside) - Figure 2.2; and,
- Both stairway and passenger lift on the northside of Grand Parade – Option B.

In all cases, Luas/MetroLink interchange infrastructure has only been considered on the east side of the Luas Charlemont Station as there is insufficient space provided by the footpaths that pass beneath the Luas viaduct along the north and south sides of Grand Parade to accommodate future predicted pedestrian numbers. It would not be feasible to widen these footpaths as this would encroach on, and create a localised narrowing of the highway that also accommodates two cycle lanes.

3. Model Network and Demands

3.1 Forecast Demands

The total pedestrian demand for the modelled scenarios is shown in Table 3.1.

Table 3.1: Forecast Demands (No. of Passengers and Pedestrians)

Year	Scenario	
	AM	**PM**
2035	6,325	5,569
2050	7,190	6,365
Growth: 2035 to 2050	865	796
	13.7%	14.3%

The number of passengers interchanging between MetroLink and Luas (two-way) during the AM and PM peak hours in 2035 and 2050 is presented in Table 3.2.

Table 3.2: Pedestrian Demand between Luas and MetroLink Stations

Year	Time Period	Total Pedestrian Demand (Two-way)
2035	08:00 – 09:00	1,750
2050	08:00 – 09:00	2,089
2035	17:00 – 18:00	1,381
2050	17:00 – 18:00	1,669

3.2 Modelled Infrastructure

The capacity of the lift has been modelled at 10 passengers, as per the design. Lift usage was calculated on the basis of forecast MetroLink station use, demographic assumptions of both normal passengers and passengers on or out from Dublin Airport (passengers with luggage), and alighting positions at platform level. The peak lift usage was found to be 7% in the AM and 6% in the PM. This is built up of 2% of travellers with wheelchairs, severe mobility impairment or severe mobility issues, and then 50% of travellers with heavy luggage (which are 1% of normal commuters and 34% of airport flyers).

The Network Rail ‘Station Capacity Planning Guidance’ document has been used to inform the design of MetroLink passenger lifts which states that for a single-entry lift the waiting area should be 1.5 x 1.5 the lift floor area x 2. As a result, if the lift floor area (i.e., lift capacity) was increased, the waiting area would also increase.

4. Options Assessment

4.1 Lift on the Northside of Grand Parade (Option A)

As part of the design of the Project, numerous options were considered and tested before reaching the final design. One scenario considered comprised locating the stairway at the south-east of the Charlemont Luas Stop (on the southside of Grand Parade) as per the Railway Order application, but with the lift relocated to the northside of Grand Parade (See

Figure 4.1). This configuration with no amendments to existing footpaths results in insufficient waiting space for the lift on the northern footpath of Grand Parade. This causes the model to gridlock with the existing footways. As a result of this, it is not possible to get results from the VISSIM model, and therefore a qualitative description of option performance cannot be provided.

Through iterative testing it has been found that in order for the footway to comfortably accommodate the anticipated passenger demand for the lift, a build-out of around 3.5m by 3.5m beyond the existing footpath extending into the Grand Canal is required. The build out is additional to the existing footpath width (3.1m) to avoid passengers queuing on the footway and causing congestion. With this provision in place, pedestrians waiting for the lift do not block the adjacent footway and the model operates without excess delay in this area. This option has been tested with the inclusion of the PRM drop-off on the northern side of Grand Parade as shown by the Railway Order application (see Figure 2.1). Without such a build-out the footway on the north side of Grand Parade becomes blocked by pedestrians waiting for the lift.

Figure 4.1 illustrates the model layout of Grand Parade with the passenger lift located on the northside (represented by the dark grey box with blue outline), the provision of the PRM drop-off, and the proposed pedestrian crossing.

Figure 4.2 illustrates the 3D view of the passenger lift on the northside of Grand Parade, including the required waiting area to accommodate passengers.

Figure 4.1: Model Layout with the Lift on the Northside of Grand Parade (Option A)

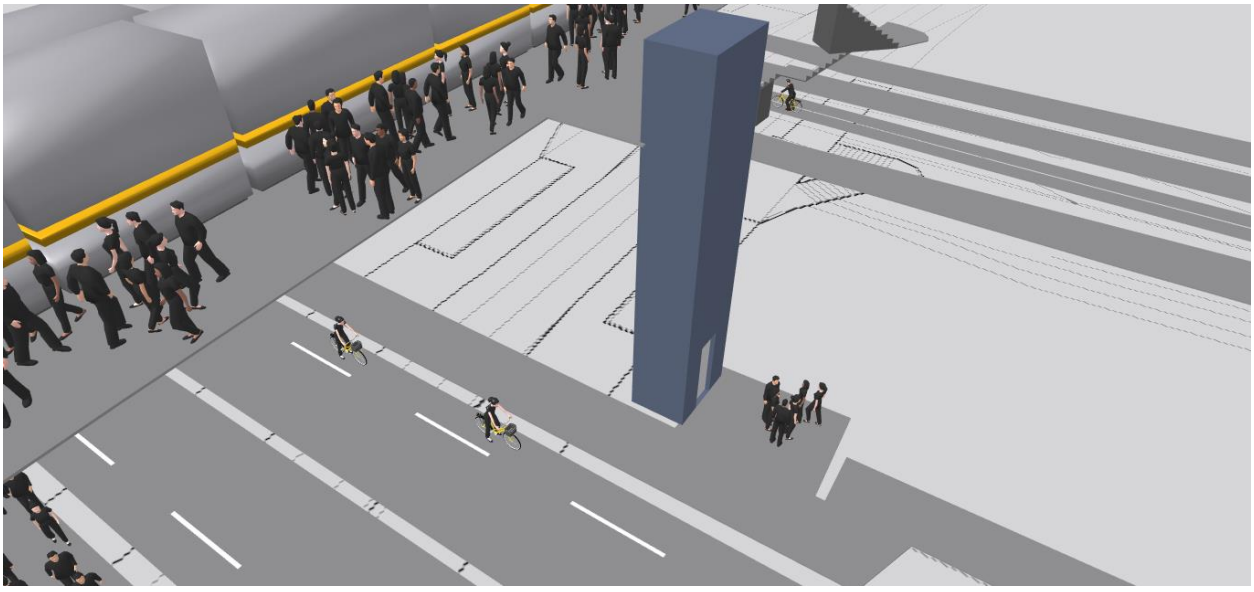

Figure 4.2: 3D View of Passenger Lift on the North Side of Grand Parade and Required Waiting Area (Option A)

The Level of Service (LOS) from the models has been presented according to the criteria shown within Figure 4.3. Whilst there are no published criteria that sets a definitive threshold to judge an acceptable LOS on the Fruin scale, a LOS of C or better for pedestrians is generally considered acceptable with regard to pedestrian congestion. This 'best practice' guidance has informed the below assessment.

Fruin's Level of Service	Average area module		
	Walkway [m²/ped]	Stairs [m²/ped]	Queue [m²/ped]
A	>3.24	>1.85	>1.21
B	3.24-2.32	1.85–1.39	1.21-0.93
C	2.32-1.39	1.39-0.93	0.93-0.65
D	1.39-0.93	0.93-0.65	0.65-0.28
E	0.93-0.46	0.65-0.37	0.28-0.19
F	<0.46	<0.37	<0.19

Figure 4.3: Pedestrian Level of Service Criteria

4.1.1 2035 Results

Based on the demand forecasts in the 2035 AM peak hour, it is anticipated that 220 passengers will use the lift (two-way) in this scenario. Figure 4.4 presents the LOS during the 2035 AM peak hour scenario with the inclusion of a build-out over the Grand Canal at the lift to prevent unacceptable levels of congestion occurring on the existing pathway.

The model operates with a LOS at category A to C, with reduced levels of service occurring as expected at waiting points, such as at the pedestrian crossing and at the lift. As indicated, a LOS of C or above is considered to be acceptable for pedestrian comfort, and therefore the level of service in this scenario is acceptable.

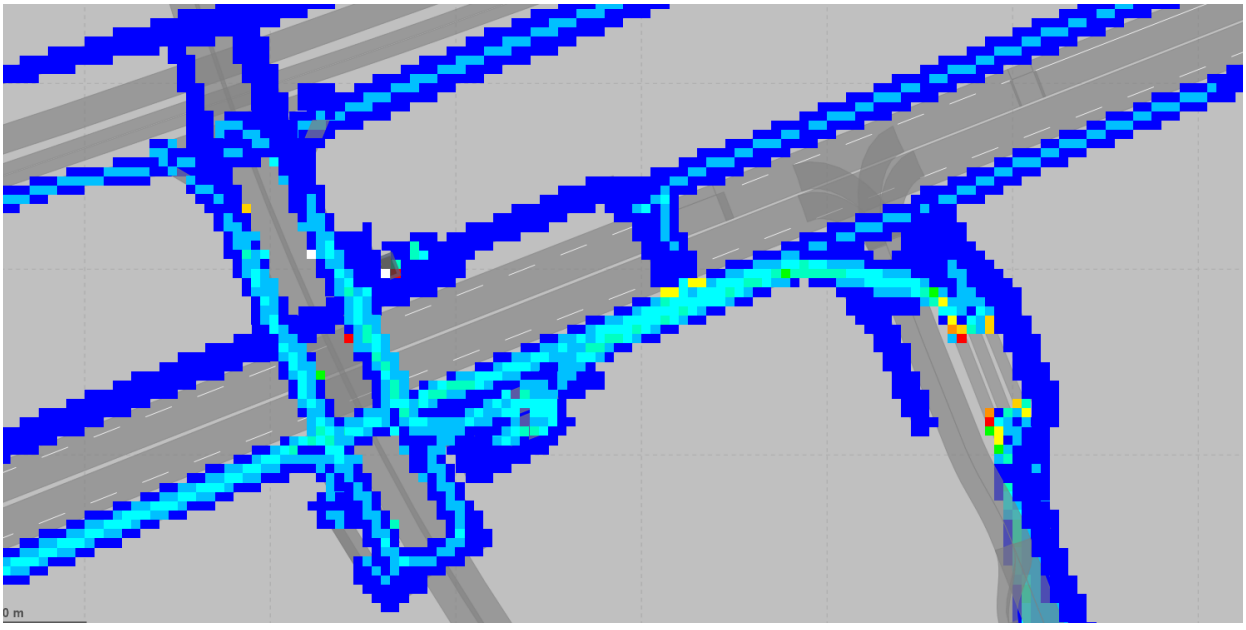

Figure 4.4: 2035 AM Peak Hour Level of Service (Option A)

Figure 4.5 presents the LOS in the 2035 PM Peak Hour scenario. It is anticipated that 179 passengers will use the lift in this scenario. As in the AM peak hour, the model operates with a sufficient LOS (Level A to Level C) on footways, with reduced levels of service occurring in waiting areas such as at the pedestrian crossing and the lift area. As indicated, a LOS of C or above is considered to be acceptable, therefore the level of service on the network is acceptable in this scenario.

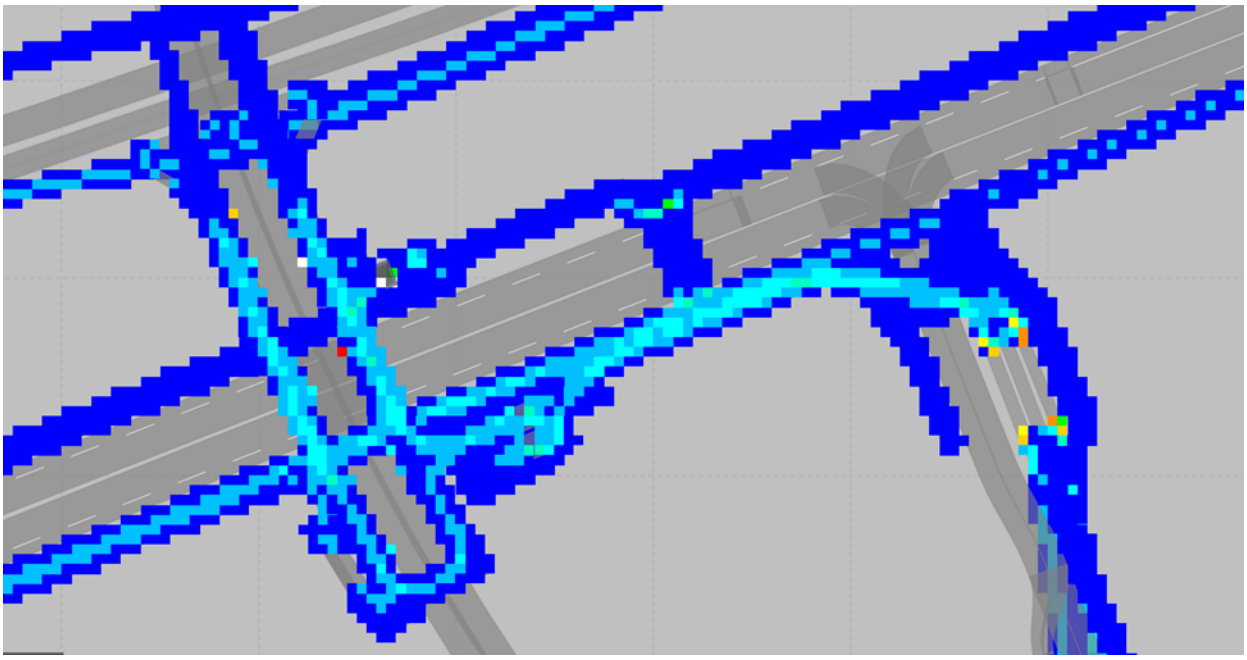

Figure 4.5: 2035 PM Peak Hour Level of Service (Option A)

4.1.2 2050 Results

Figure 4.6 illustrates the LOS that the model achieves in the 2050 AM peak hour. It is anticipated that 259 passengers will use the lift in this scenario. The model operates with sufficient LOS on footways, however reduced LOS E can be seen on the southside of Grand Parade at the pedestrian crossing and at the lift. As indicated, a LOS of C or above is considered to be acceptable, therefore the footways in this scenario operate with an acceptable level of service however the waiting area at the crossing and lift experience high congestion.

Figure 4.7 presents the LOS anticipated in the 2050 PM peak hour. It is anticipated that 214 passengers will use the lift in this scenario. As with the AM peak hour scenario, the model operates with a sufficient LOS on the network, operating between LOS A and C.

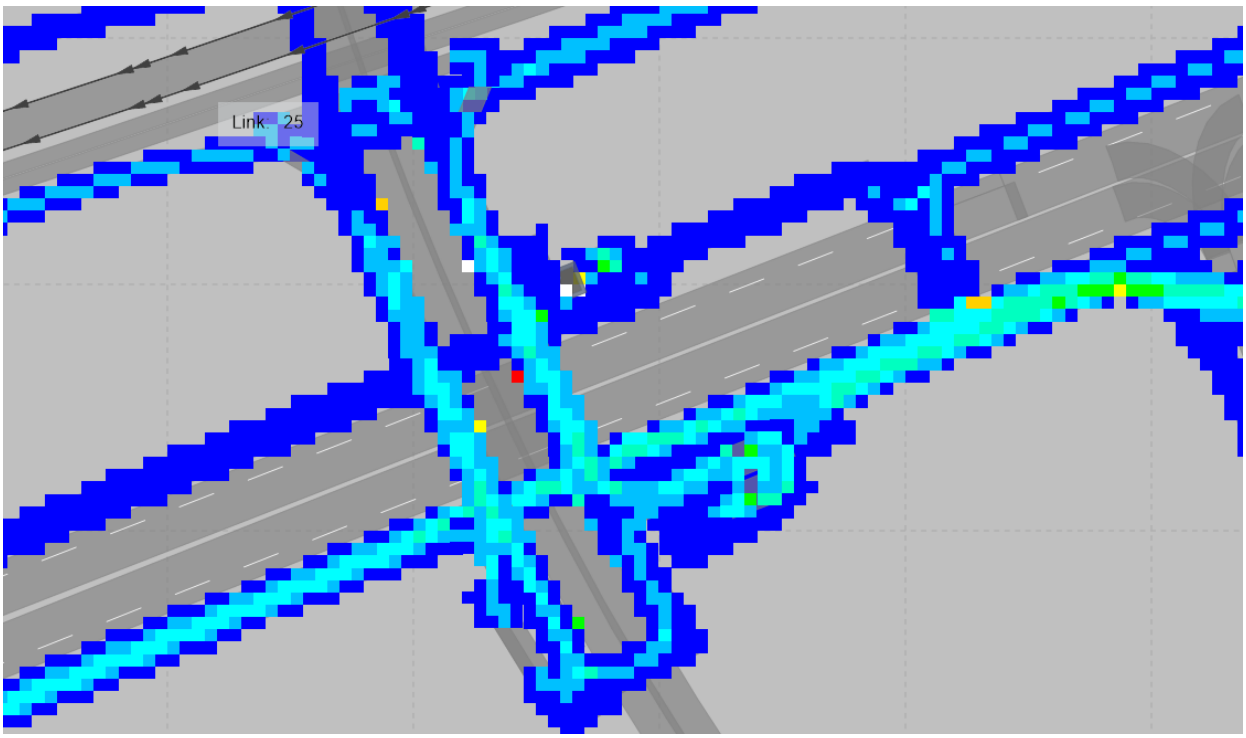

Figure 4.6: 2050 Level of Service AM Peak Hour (Option A)

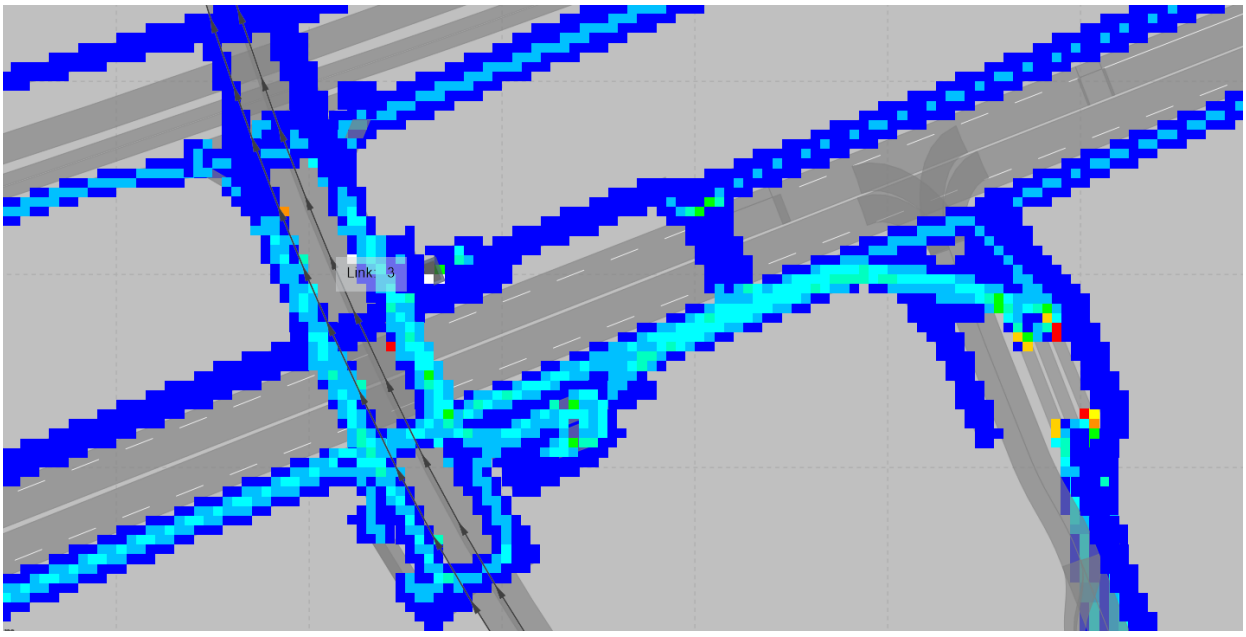

Figure 4.7: 2050 Level of Service PM Peak Hour (Option A)

4.2 Stairway on the North Side of Grand Parade (Figure 2.2)

This option proposes to have a two-way directional stairway on the north side of Grand Parade, with the passenger lift remaining on the south side of Grand Parade as per the RO design.

High levels of congestion are observed in this option as the pedestrian infrastructure is insufficient to accommodate demand generated by MetroLink. In particular, congestion occurs:

- At the new proposed pedestrian crossing on the north side of Grand Parade where passengers queue waiting for the green signal; and
- At the foot of the existing Luas stairwell (to the west of the Luas viaduct).

The levels of congestion cause the model to 'gridlock' as pedestrians are unable to pass each other on the northern footway of Grand Parade. Therefore, this option is rejected from further consideration.

4.3 Both Stairs and Lift on the North Side of Grand Parade (Option B)

As with the option presented in section 4.2 above (stairway on the northside of Grand Parade), an option that provides for both the stairway and the lift on the north side of Grand Parade generates high levels of congestion at the pedestrian crossing. This option leads to all interchanging passengers (approximately 1,000 passengers per direction per peak hour) utilising the pedestrian crossing on Grand Parade, causing high levels of queuing on both footways and risk of informal pedestrian crossing of Grand Parade.

In the model, the base scenario includes a 60 second cycle time for the pedestrian crossing on Grand Parade, with 9 seconds green time for pedestrians, 30 seconds for vehicular traffic, and the rest as intergreen time. To reduce levels of queuing at crossings, signal timings could be adjusted to give extended green time to pedestrians, however this would lead to increased queuing and congestion for vehicular traffic on Grand Parade. Increased congestion on Grand Parade in the vicinity of the crossing would also impact on access to the proposed PRM drop-off.

3. Additional Considerations

While it has been shown that placing the stairs, or stairs and lift on the north side of Grand Parade causes unacceptable levels of congestion for the reasons explained by 4.2 and 4.3 above, it has been possible to show that locating the lift only on the north side of Grand Parade could work if a standing area is built out over the Grand Canal to accommodate the passenger demand for the lift facilitating interchange between MetroLink and Luas infrastructure. However, there are other factors which must be considered and assessed further to determine if this is an appropriate solution:

- Whilst pedestrian modelling shows that a 3.5m x 3.5m build-out can reduce congestion on the network and sufficiently accommodate the passenger demand at this location, the environmental impacts on Grand Canal as a result of such a build out will need to be assessed, including biodiversity, hydrology, soils and geology. Additionally, further assessment of the impact on utilities, land-take and landscape would be required. Consideration must also be given to the requirements of Waterways Ireland with respect to the minimum clear width for active canals. However, it is noted that a build-out over the canal is already proposed by the Railway Order application to accommodate the proposed PRM drop-off adjacent to this location, although it does not extend to the same extent into the Grand Canal.

- If the pedestrian interchange lift between the Luas Stop and the proposed MetroLink station was placed on the northern side of Grand Parade, it places it a further distance from the proposed MetroLink Station than the stairs for accessible persons, and also incurs further additional travel time due to having to cross the proposed signalised pedestrian crossing to reach the north side of Grand Parade. It is not preferable to be extending travel distance and journey times for PRMs compared to accessible persons.

- It is noted that if the lift was placed on the north side of Grand Parade then it would be adjacent to the proposed vehicle drop-off and pick-up for PRMs, although it is important to recognise this drop-off is provided for PRMs accessing the MetroLink Station rather than the Luas Charlemont Stop.

- Locating the stairs and lift on the opposite sides of Grand Parade presents some wayfinding challenges for users:

  - Passengers travelling from the proposed Charlemont MetroLink Station will need to make a decision whether to cross Grand Parade at the pedestrian crossing to use the lift or continue walking towards the stairs. It is likely many passengers will miss this decision point and will either choose to retrace their route back to the pedestrian crossing resulting in additional time and distance for PRMs, attempt to use the stairs rather than walk back to the pedestrian crossing presenting potential safety risks, or when they reach the stairs and realise they should be on the other side of Grand Parade to access the lift attempt to informally cross Grand Parade, delaying traffic as they cross Grand Parade or creating safety issues as result of not using the designated pedestrian crossing.

  - Coming from the Luas Charlemont Stop, placing the lift and stairs on either side of Grand Parade will result in abortive passenger movements as passengers realise they are not at the lift or stairs as intended, or PRMs using the stairs when they should be using the lift.

4. Conclusions

Three alternative arrangements for pedestrian interchange between the Charlemont Luas Stop and the proposed MetroLink Charlemont Station have been considered to that proposed by the Railway Order application:

1. Passenger lift on the north side of Grand Parade (with stairway on southside) - Option A;

2. Stairway on the north side of Grand Parade (with passenger lift on southside) - Figure 2.2; and,

3. Both stairway and passenger lift on the northside of Grand Parade – Option B.

From examining the above three options, acceptable levels of service for pedestrians can only be achieved for an option which provides for the lift on the north side of Grand Parade and a two-way directional stairway on the south side of Grand Parade. However, to maintain an acceptable level of service on the surrounding footway in the vicinity of the lift, this is conditional on providing a build-out measuring around 3.5m x 3.5m extending beyond the existing footpath into the Grand Canal to accommodate the anticipated lift usage. Without such a build out it is not possible to accommodate the lift on the north side of Grand Parade. It is further noted that at year 2050, that while the footways operate with an acceptable level of service the waiting area at the crossing and lift will experience high congestion.

The feasibility of constructing and gaining consent for such a build out would need to be confirmed and would need to consider the environmental impacts and take account of any conditions and approvals from Waterways Ireland. It is noted that the Railway Order application is already proposing a build out into the Grand Canal to accommodate the drop-off and pick-up of PRMs that would be immediately adjacent to this lift location on the north side of Grand Parade, although it will not extend as far into the Grand Canal as the build-out for the lift.

While it is potentially possible to accommodate a lift on the north side of Grand Parade with a build out into the Grand Canal, there are concerns around the practicalities of separating the lift and stairs on either side of Grand Parade compared to the Railway Order application (see Figure 2.1) which proposes they are placed together on the south side of Grand Parade. These concerns include:

- PRMs being required to travel further and incur additional travel time as a result of having to cross Grand Parade compared to non-PRMs.

- Wayfinding for passengers travelling from the proposed MetroLink Station will be less intuitive, requiring a decision whether to cross Grand Parade at the pedestrian crossing to use the lift or continue towards the stairs. It is likely some passengers will miss this decision point and will either choose to retrace their route back to the pedestrian crossing resulting in additional travel time and distance for PRMs, attempt to use the stairs presenting potential safety risks, or attempt to cross Grand Parade informally delaying traffic as they cross Grand Parade and creating potential safety issues.

- For passengers travelling from the Luas Charlemont Stop, placing the lift and stairs on either side of Grand Parade will result in abortive passenger movements as passengers realise they are not at the lift or stairs as intended, or passengers and PRMs using the stairs when they should be using the lift.

It is therefore not preferable for the lift and stairs providing interchange between the existing Luas Charlemont Stop and proposed MetroLink Charlemont Station to be separated and the configuration proposed by the MetroLink Railway Order (see Figure 2.1) remains the preferred option.

Henry J Lyons

25 March 2024

METROLINK Railway Order
An Bord Pleanála Oral Hearing
ABP 314724-22
Submission

Prepared by Henry J Lyons regarding the proposed Charlemont Station and interface with the development at 2 Grand Parade, Dublin 6.

1.0 INTRODUCTION

My name is Sarah O'Keeffe and I am an Associate Director at Henry J Lyons Architects. I have 27 years experience working as an architect and I am a member of the RIAI.

This submission has been prepared under the appointment of our client, Union Investment Real Estate GmbH.

The submission relates to the proposed Charlemont Station and the interface with the 2 Grand Parade Commercial Development which includes a protected structure. Henry J Lyons were the architects for the recently completed refurbishment of the protected structure and new office development to the rear.

We refer to the MetroLink Railway Order Statutory Consultation TII response Submission No. 305 and items numbered 6, 7 and 8.
These items relate to the proposal to locate a stair and lift interchange directly adjacent to the protected structure of the Grand Parade Development to connect the Metro and Luas stations.

This submission provides an overview of the MetroLink Railway Order proposed stair and lift interchange design for context and an alternative design for consideration.

2.1 SUBMISSION

Context

To provide context for this submission, the relevant Railway Order plan and elevation submission drawings are included with the proposed MetroLink stair and lift interchange outlined in blue.

Railway Order Drawing Reference:
Figure 2.1 A
ML1-JAI-ARD-ROUT_XX DR-Y-02090
Figure 2.1B
ML1-JAI-ARD-ROUT_XX-DR-Y-02091

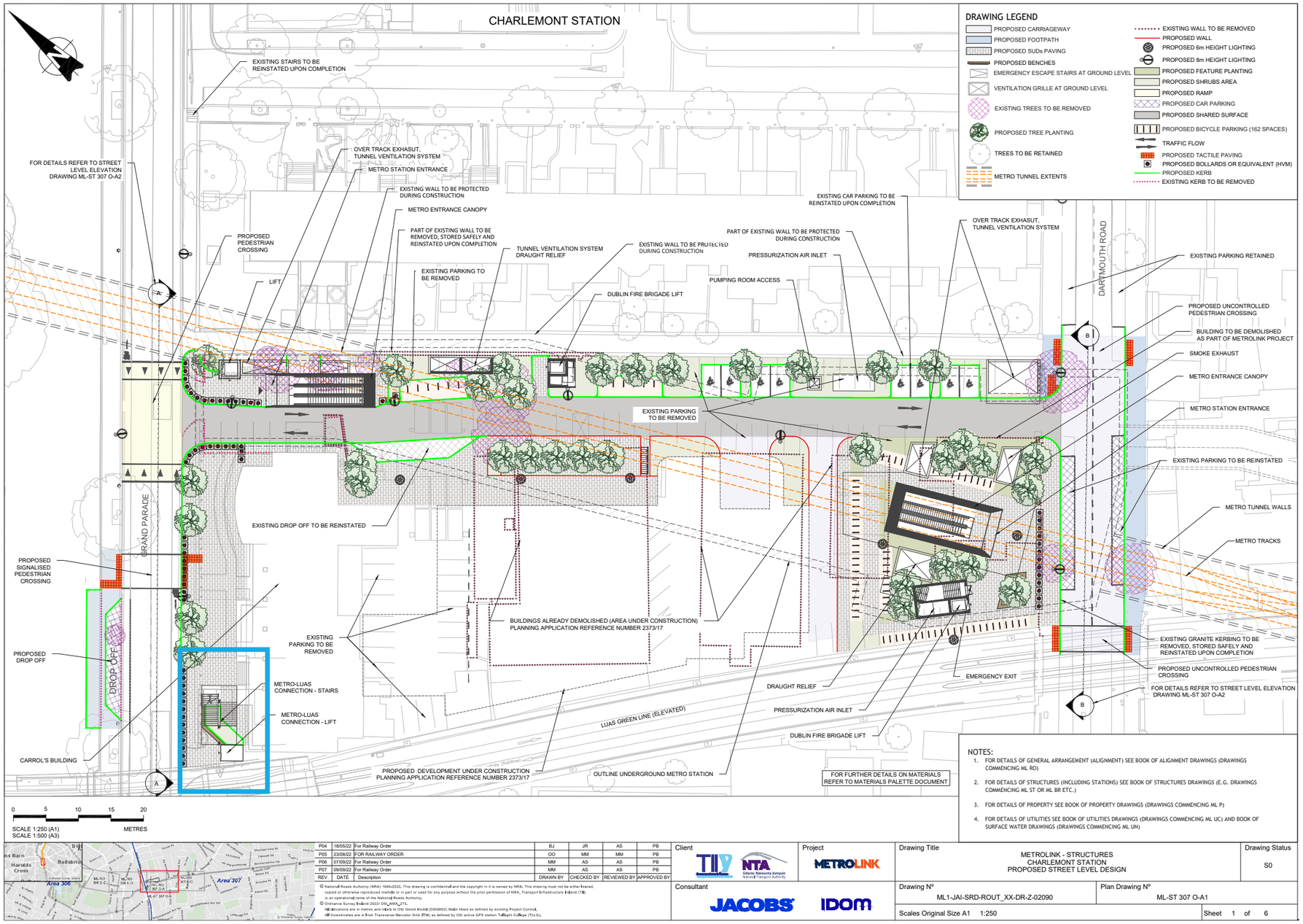

Fig 2.1A Submission Drawing ML1-JAI-ARD-ROUT_XX-DR-Y-02090

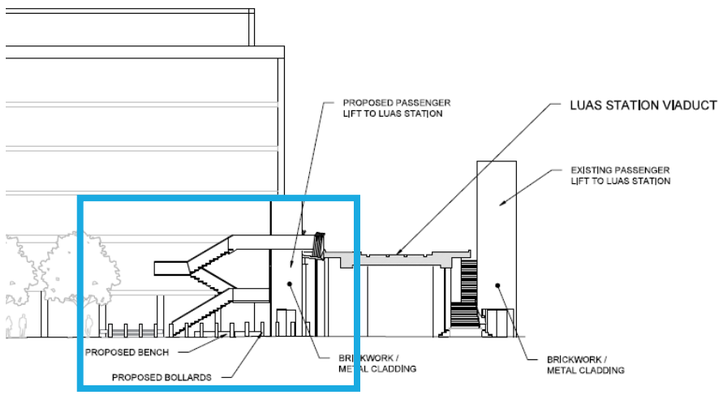

Fig 2.1B Extract from submission drawingML1-JAI-ARD-ROUT_XX-DR-Y-02091

2.1 SUBMISSION

Context and Impact

To provide additional context of the impact to protected structure and for the building as viewed in the round, we have prepared selected 3d sketch views and plans incorporating the proposed stair and lift interchange.

The stair and lift will have a significant and detrimental impact on the protected structure, partially obscuring and encroaching on the original main entrance area and the adjacent facade.

At street level, the proximity of the stair and lift will introduce additional pedestrian traffic passing directly by the original entrance and reinstated water feature. This will negitively impact on the building, occupants and visitors to the 2 Grand Parade Development.

At the upper floors the separation between the stair and lift and the facade is minimal. In addition to the visual and physical obstruction, there will be privacy issues with the pedestrian route from the lift and stair passing directly past the office windows.

Refer to Figure 2.1C and D for sketch views of the proposed interchange.

Refer to Figures 2.1E, F & G for ground, first and second floor sketch plans that demonstrate the proximity of the proposed interchange to the protected structure.

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Fig 2.1C 3d Sketch View from above the Canal of the proposed interchange

Fig 2.1D 3d Sketch View from Grand Parade of the proposed interchange

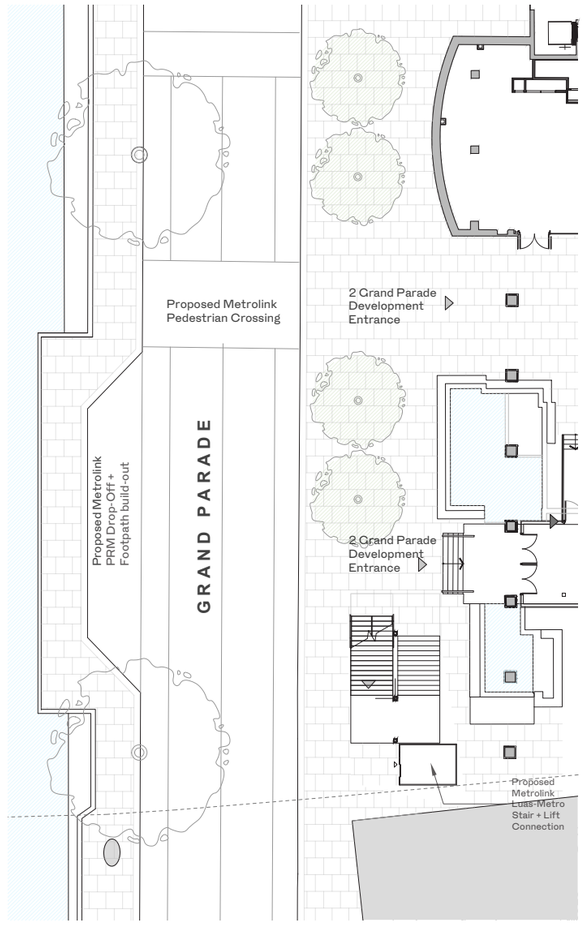

Fig 2.1E Sketch plan at street level with interchange

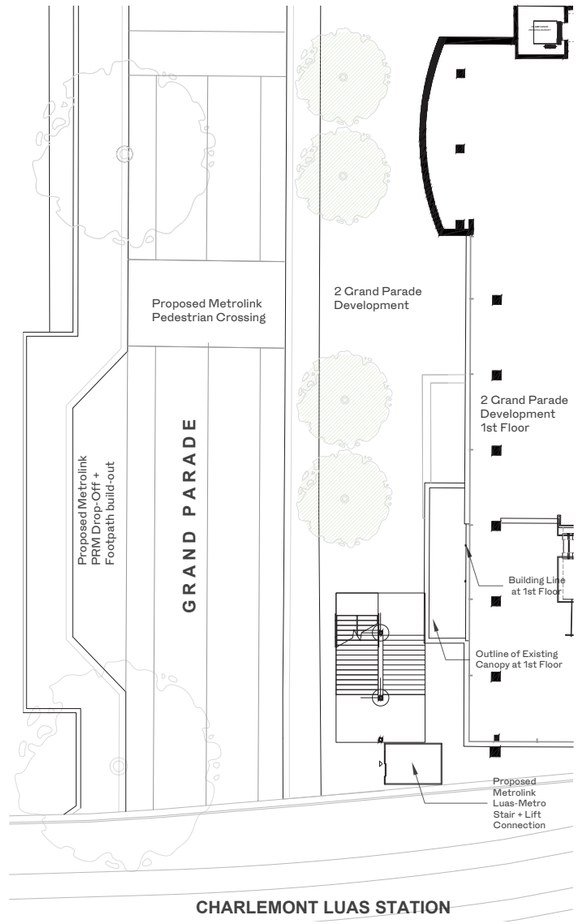

Fig 2.1F Sketch plan at first floor with interchange

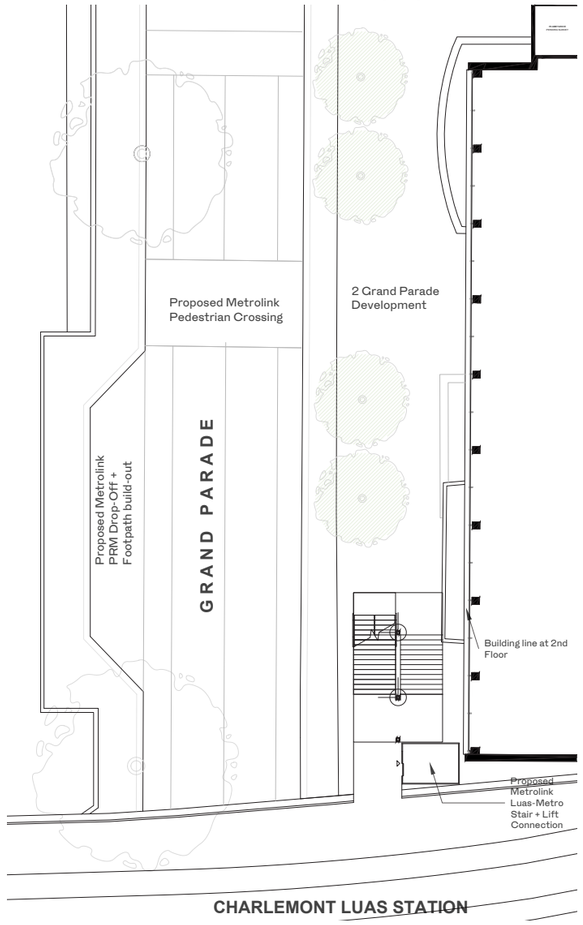

Fig 2.1G Sketch plan at platform level with interchange

2.2 SUBMISSION

Alternative Design

During the consultation period with TII, a report was issued in response to our earlier submissions regarding the consideration of potential alternative interchange designs.
(Ref. Review of Alternative Pedestrian Interchange Infrastructure between the Proposed MetroLink Charlemont Station and the Existing Charlemont Luas Stop ML1-JAI-TRA-MS16_XX-RP-Y-00004| P01.2)

The report provided an assessment of options to relocate the stair and lift interchange and concluded that the only feasible alternative option would be to relocate the lift to the north side of Grand Parade and retain the stair within the 2 Grand Parade Development.
A build-out of approximately 3.5m x 3.5m beyond the existing footpath would be required to accommodate the lift and anticipated passenger demand.

Refer to Figure 2.2A which is an extract from the report for this option that locates a through lift on the north side of Grand Parade.

This option would provide the opportunity to reduce the impact of the interchange and allow for the repositioning of the stair away from the main entrance and facade of the protected structure.

Review of Alternative Pedestrian Interchange Infrastructure Between the Proposed MetroLink Charlemont Station and the Existing Charlemont Luas Stop

JACOBS IDOM

Figure 4.1: Model Layout with the Lift on the Northside of Grand Parade (Option A)

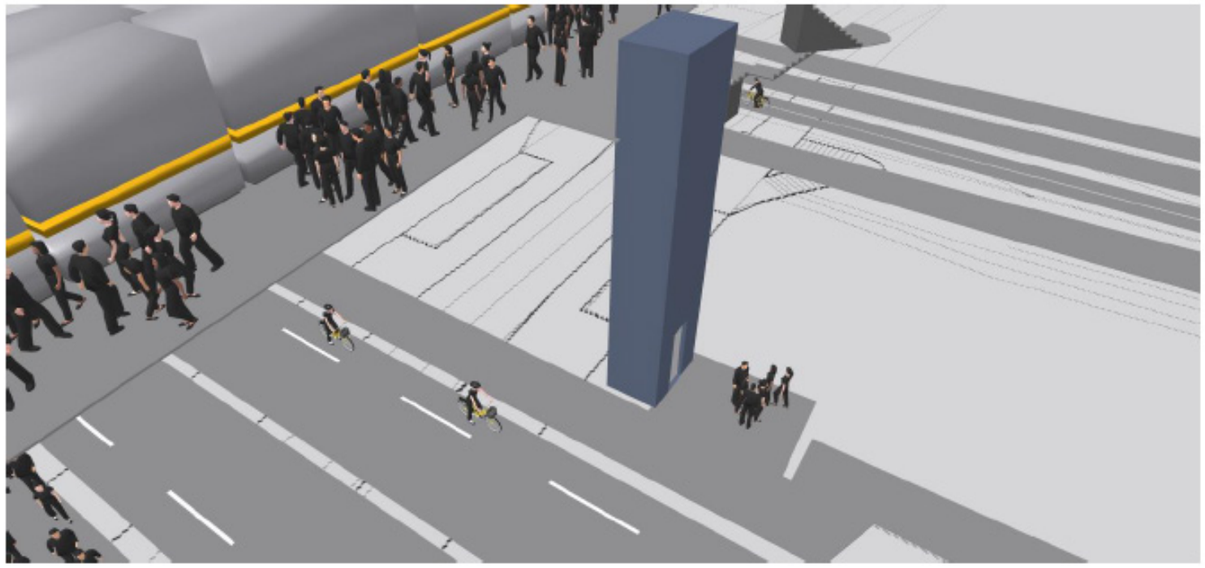

Fig 2.2A Extract from Report Ref. ML1-JAI-TRA-MS16_XX-RP-Y-00004| P01.2

2.2 SUBMISSION

Alternative Design Sketch Proposal
Street Level - 2 Grand Parade Entrance

As part of this submission we include a sketch design for this option to relocate the lift. The dimensions of the lift and stair structures reflect those provided in the MetroLink RO Submission Drawings with a through lift design as indicated in the report.

Refer to Figure 2.2B, C and D that demonstrate the potential alternative configuration of the stairs at street level and the lift re-located.

Refer to Figure 2.2E that shows the revised configuration at first floor level with the separation space between the stairs and the facade of protected structure increased as much as is potentially possible with the surrounding constraints.

It should be noted that a build-out of approximately 3.25m over the canal is proposed by the Railway Order application to accommodate the proposed PRM (Persons with Reduced Mobility) drop-off adjacent to this location. The short continuation of this proposed build-out would provide a direct connection from the drop off area to the lift.

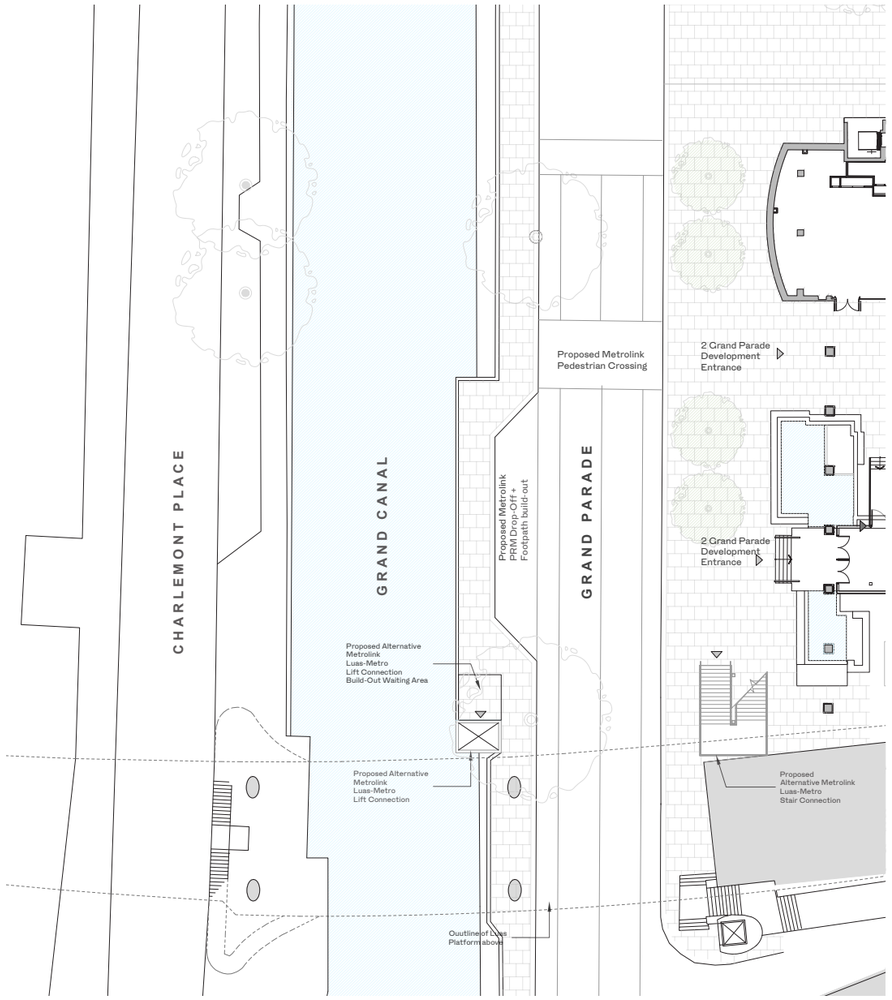

Fig 2.2B Proposed design intent at street level for the reconfigured stair and lift.

Fig2.2C

Fig 2.2D

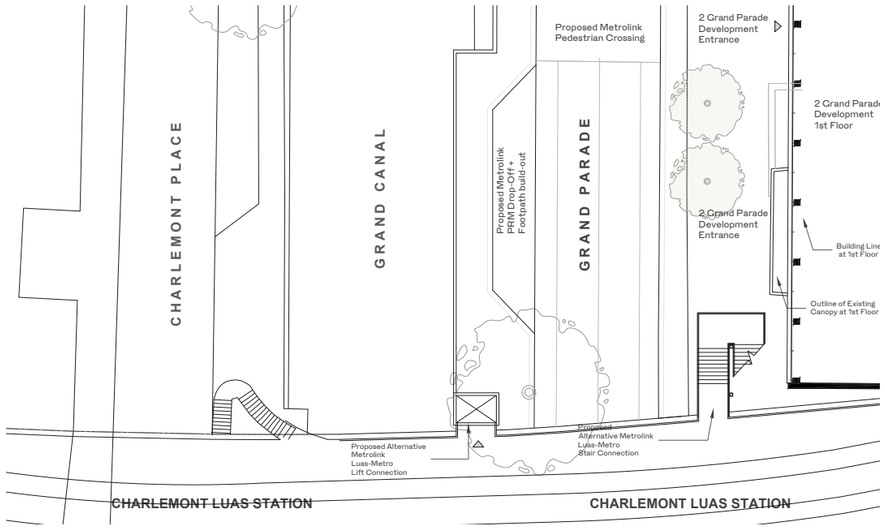

Fig 2.2E Proposed design intent at first floor for the reconfigured stair and lift.

2.2 SUBMISSION

Alternative Design Sketch Proposal
Luas Platform Level

Refer to Fig. 2.2 F, G and H that demonstrate the potential alternative configuration of the stairs at the Luas platform level and the lift re-located .

Whilst the alternative interchange design will still have a negative impact on how the protected structure is viewed and used, the impact would be reduced.

It is requested that TII be conditioned to submit a revised design and layout for the interchange between MetroLink and the Charlemont Luas Stop, providing for the relocation of the proposed passenger lift to the north side of Grand Parade, thereby facilitating the repositioning of the proposed stair so as to provide a greater separation distance between the stair and the main entrance and facade of the protected structure.

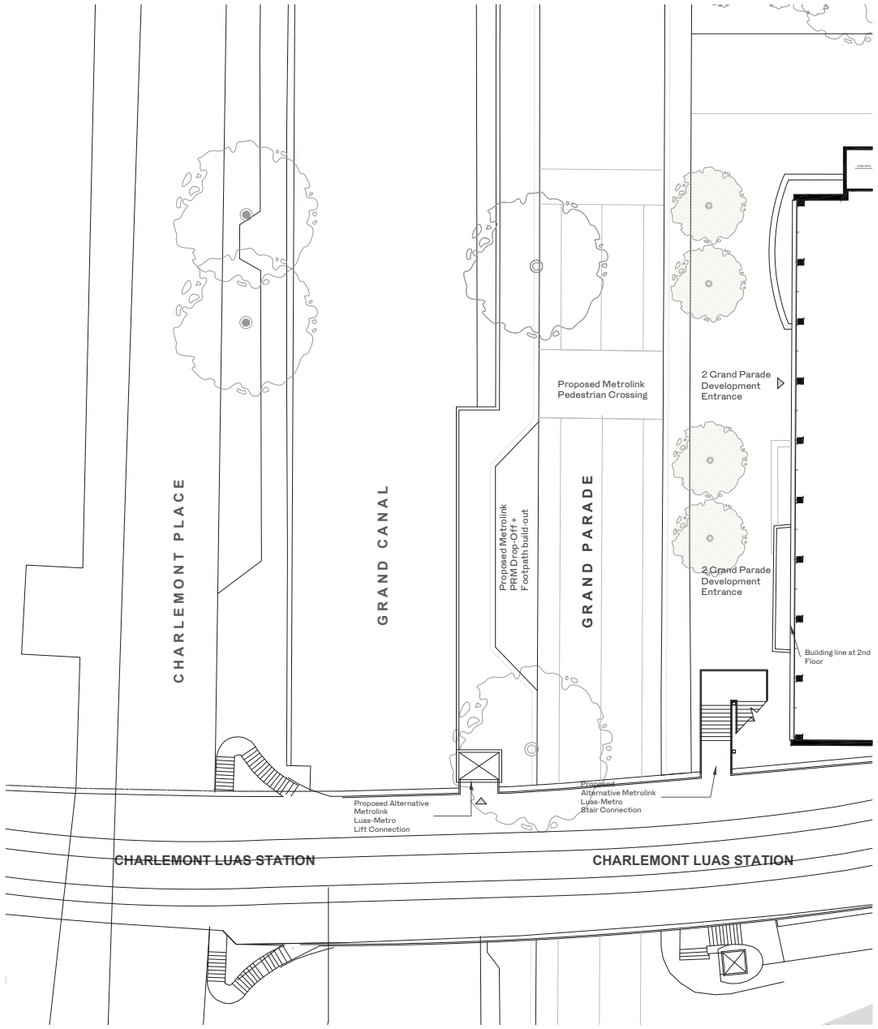

Fig 2.2F Proposed design intent at second floor for the reconfigured stair and lift.

Fig 2.2G

Fig 2.2H

2.3 SUBMISSION

Additional Sketch Views to provide a comparison of the impact of the interchange proposals and the alternative design.

Current Interchange Design Proposal

Fig 2.2J Current Interface Proposals - View from above Grand Canal

Alternative Interchange Design Proposals

Fig 2.2L Alternative Interface Proposals - View from above Grand Canal

Fig 2.2K Current Interface Proposals - View from Grand Parade

Fig 2.2M Alternative Interface Proposals - View from Grand Parade

Henry J Lyons

OUTLINE LEGAL SUBMISSIONS OF EAMON GALLIGAN SC ON BEHALF OF UNION INVESTMENTS TO AN BORD PLEANALA HEARING MODULE 2 – PROPERTY AT 2 GRAND PARADE, DUBLIN 2

Appearances:

Mr. Eamon Galligan S, instructed by Mason Hayes Curran, Solicitors.

Mr. Luke Wymer, John Spain Associates, Planning Consultant.

Ms. Sarah O'Keefe of Henry J Lyons Architects.

James Slattery, Conservation Architect.

SUMMARY POSITION OF UNION INVESTMENTS

Union Investments welcome Metrolink as an important addition to the city wide public transportation network and is very supportive of this important project. However, there are a number of remaing concerns as discussed below.

PERMANENT AND TEMPORARY LAND TAKE AND CAR PARKING PROVISION ISSUES

In response to the initial submission by John Spain Associates dated 13 January 2023, TII acknowledged that an error had been made in the relevant maps in the Book of Reference at 2 Grand Parade in relation to the permanent and temporary landtake. Following engagement between TII and Union Investments, TII have recently furnished updated drawings that would appear to substantially address these issues but these drawings require detailed consideration by Union Investment and its property advisors before formal agreement can be concluded in relation to the detail of these drawings.

Drawings have also recently been furnished by TII which provide for the return of 14 car spaces which were to be removed in the RO as proposed. Similarly, these drawings require detailed consideration by Union Investment and its property advisors before formal agreement can be concluded

It will not be possible to reach such final agreement by the close of the hearing on Thursday 28 March on these drawings relating to landtake as certain internal protocols within Union Investment need to be followed, but it is anticipated that such agreement can be reached with TII in early course and noted in the context of any reconvened oral hearing.

It is noted ,for the record ,that the position in the proposed Railway Order as it currently stands is as follows. The proposed development subject of the Railway Order application involves the permanent and temporary acquisition of lands within the site of the commercial development at 2 Grand Parade, Dublin 6. The permanent and temporary land take indicated includes areas within and adjoining the commercial development which was permitted by An Bord Pleanala and is now completed. The existing Carrolls Building (a protected structure) is the only part of the overall site which is not indicated on the Railway Order drawing as being within the area of either temporary or permanent land take.

Parts of the permanent and temporary land take shown in the relevant maps in the Book of Reference at 2 Grand Parade actually fall within the built footprint of the office development which is nearing completion on site (as permitted under Reg. Ref.: 2372/17 / ABP Ref.: 300873-18, as amended by Reg. Ref.: 4755/19 and Reg. Ref.: 3486/20 / ABP Ref.: 309011-20). Therefore these areas of the site are not suitable either for temporary or permanent acquisition.

While it is understood that the actual intended land acquisition as part of the Charlemont station will in fact be limited primarily to substratum acquisition (with the exception of specific above ground elements such as station accesses, vents etc.), this requires clarification of and amendments to the Railway Order drawings and documentation.

As indicated, there has been productive engagement with TII on these matters and it is expected that final agreement can be reached with TII on this aspect.

ISSUE RELATING TO LOCATION OF LIFT AND STAIRS TO WEST OF CARROLLS BUILDING, A PROTECTED STRUCTURE

This is an aspect in relation to which it has not been possible to reach agreement with TII, despite positive engagement on a myriad of other issues.

It is necessary to place this issue in its legal context.

TII point out in their legal submissions that section 38(2) of the 2001 Act provides:

> *(2) Part IV of the Act of 2000 does not apply and is deemed never to have applied to developments specified in subsection (1).*

Part IV of the Act of 2000 (i.e. the Planning and Development Act 2000) comprises sections 51-80 relating to protected structures and includes, for example, provisions on adding structures to the Record of Protected Structures, offences relating to the endangerment of protected structures and the compulsory acquisition of protected structures by planning authorities. The application of all these provisions is excluded when it comes to a proposed railway order.

However, this does not meant that the Board does not have to have regard to protected structures and their setting. To the contrary, the Board is obliged to consider the objectives of local authorities as contained in their development plans and this includes objectives relating to the protection of the setting of protected structures. Under section 10(2) of the Act of the Planning and Development Act 2000, planning authorities are obliged to include objectives, inter alia, for –

> *(f)* ***the protection of structures****, or parts of structures,* ***which are of special architectural****, historical, archaeological, artistic, cultural, scientific, social or technical* ***interest****;*

[Emphasis added]

Under **section 43** of the Transport (Railway Infrastructure) Act 2001, as amended, before deciding whether or not to grant a Railway Order, the Board is obliged to consider, *inter alia*, the following:

(*g*) **the likely consequences for proper planning and sustainable development in the area** in which it is proposed to carry out the railway works and for the environment of such works; and

(*h*) the matters referred to in section 143 (inserted by the *Planning and Development (Strategic Infrastructure) Act 2006*) of the Act of 2000.

[Emphasis added]

Section 143(1) of the Act of 2000 provides:

143.— (1) The Board shall, in the performance of its functions (other than functions conferred by *Chapter III* of *Part XXI*), have regard to—

(*a*) **the policies and objectives for the time being of** the Government, a State authority, **the Minister**, **planning authorities** and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural,

(*b*) the national interest and any effect the performance of the Board's functions may have on issues of strategic economic or social importance to the State, and

(*c*) the National Planning Framework and any regional spatial and economic strategy for the time being in force.

[Emphasis added]

It necessarily follows from the above provisions, that the Board is obliged to consider the provisions of the Development Plan and the National Planning Framework, before deciding whether or not to grant a railway order. This is accepted at § 13 of the TII Legal Submissions.

In that context, it is necessary for the Board to consider the extent to which the location of the lift and staircase to the West of the Carrolls Building is consistent with the policies and objectives of the Dublin City Development Plan 2023-2029 relating in particular, to the protection of the setting of protected structures. It is noted that such an assessment has not been carried out in the TII updated Planning Report submitted to the hearing.

It is also necessary for the Board to consider the approach of TII to the setting of the protected structure in light of the requirments of the Architectural Heritage Protection Guidelines, to which eference has been made by James Slattery, Conservation Architect .

We therefore recommend the Board to conclude that the alternative design solution put forward by Ms. Sarah O'Keeffe, Architect, HJL, and supported by the evidence of James Slattery, Conservation Architect and Luke Wymer, Planning Consultant, JSA, represents the design which strikes the correct balance between the protection of the setting of this important 20th century protected structure and the legitimate concerns of TII to provide an appropriate interchange between Metrolink and the LUAS. It is the design of these individual elements which is most consistent with the objectives and policies of the Dublin City Development Plan relating to the treatment of protected structures, of which the Carrolls Building is one of the foremost 20th century examples.

Eamon Galligan SC

25 March 2024

SUBMISSION TO AN BORD PLEANALA

ORAL HEARING

METRO LINK RAILWAY ORDER – IMPACTS AT GRAND PARADE/CHARLEMONT

WITNESS STATEMENT OF JAMES SLATTERY M.R.I.A.I. CONSERVATION ARCHITECT

ARCHITECTURAL HERITAGE

David Slattery Conservation Architects Ltd
8 Vergemount,
Clonskeagh, Dublin 6

1. Qualifications & Experience

My name is James Slattery.

I am a qualified architect and a Member of the Royal Institute of Architects in Ireland (M.R.I.A.I.). I have a Diploma in Applied Building Repair and Conservation from Trinity College Dublin.

I am Principal at David Slattery Conservation Architects Limited of 8 Vergemount, Clonskeagh, Dublin 6. I completed a Bachelors of Architecture Degree in 2001 and a Diploma in Architectural Conservation in Trinity College in 2008. I am a member of the Royal Institute of the Architects of Ireland.

I have provided expert evidence and testimony on numerous cases relating to built and architectural heritage to the High Court, to the Supreme Court and to Oral Hearings for both Appeals and Railway Orders at An Bord Pleanala. This includes evidence in relation to Luas Line BXD, in relation to Dart West, in relation to the Nationally Significant Protected Structure at Clerys (and adjoining protected sites on O'Connell Street), in relation to the restoration and redevelopment of the Protected Structure at No.2 Grand Parade as well as consultancy within numerous planning applications for conservation and redevelopment and on restorations of structures including the recently completed conservation of the Gate of Justice at Dublin Castle for the Office of Public Works.

1. Role in the Submission

My role in the submission has involved reviewing the architectural heritage significance of the subject site, the impacts arising out of the proposals by the TII and advising on potential mitigations of those impacts which have to date not been identified or recognized by the TII. I have also reviewed the relevant Chapter within the EIAR on Architectural Heritage. I am aware of the site at Charlemont and, in particular the front setting to No. 2 Grand Parade, from previous work undertaken.

The work that I have carried out in relation to the proposed development at Charlemont includes:

- Review of previously undertaken historic research on the subject site and context to determine the chronology of various elements within.
- Review of previous statements of architectural heritage significance submitted to An Bord Pleanala and the Board's Inspector's concerns on the previously permitted (now executed) restoration and development of the Grand Parade site.
- Review of the relevant EIAR Chapter prepared by theTII
- Recording up to date site inspections, photographic surveys and an appraisal of the impact of the proposed development;
- Review and recommendations on alternative proposals and mitigations to the design in liaison with HJL Architects and John Spain Associates, Planning and Development Consultants.

2. Response to Specific Concerns in Relation to Architectural Heritage

3.1 Significance of the Front Setting of the Protected Structure

The EIAR Architectural Heritage Chapter prepared for TII notes the following in relation to the significance of the Protected Structure –

"26.4.4.16 Charlemont Station

26.4.4.16.1 Description

The greater part of the site for the proposed station is number 2 Grand Parade, which is the site of a protected structure known as the Carroll's Building, and which is an office building erected in the 1960s. The site to the rear of the office building has a number of subsidiary structures."

Whilst the EIAR recognises that the former Carroll's building (purpose-built not as offices but as PJ Carroll's Cigarette Company's marketing headquarters and cigarette packaging facility) is indeed a Protected Structure and that the architectural heritage quality of the building is *'high'*, it provides no qualitative narrative in relation to the Protected Structure and no commentary at all on the interest or significance of its front façade or front setting which are the areas of primary architectural heritage significance.

The restored front setting and undercroft to the Protected Structure contribute particularly to its architectural significance on the Grand Canal. Whilst the design of a landscaped undercroft on pilotis is somewhat anomalous in an Irish context, it is nevertheless a relatively rare 20th C architectural expression and any impacts to it merit interrogation by the Board. Whilst there is no bind on the TII to present these impacts, the Board must have regard to the protected status of the building which includes its front setting and curtilage. The Minsterial Guidance notes the following for clarity -

"13.5 Development within the Curtilage of a Protected Structure

13.5.1 Proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure."

In addition, the Dublin City Council Development contains the following policy -

"BHA2 Development of Protected Structures That development will conserve and enhance protected structures and their curtilage and will: .... (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials."

3.2 Impact on the Front Setting of the Protected Structure

Despite the lack of any detailed assessment of the baseline significance, the EIAR notes a very significant impact to the Protected Structure and in fact notes that the front setting of the Protected Structure will form part of the Metro Link station.

"The greater part of the site for the proposed station is number 2 Grand Parade, which is the site of a protected structure known as the Carroll's Building, and which is an office building erected in the 1960s."

Fig. 1 This image shows the front setting at present with the recessed areas to either side of the restored front entrance. The TII proposes to install a large staircase taking up most of the right hand side of the front setting interrupting views of the recessed lower floors.

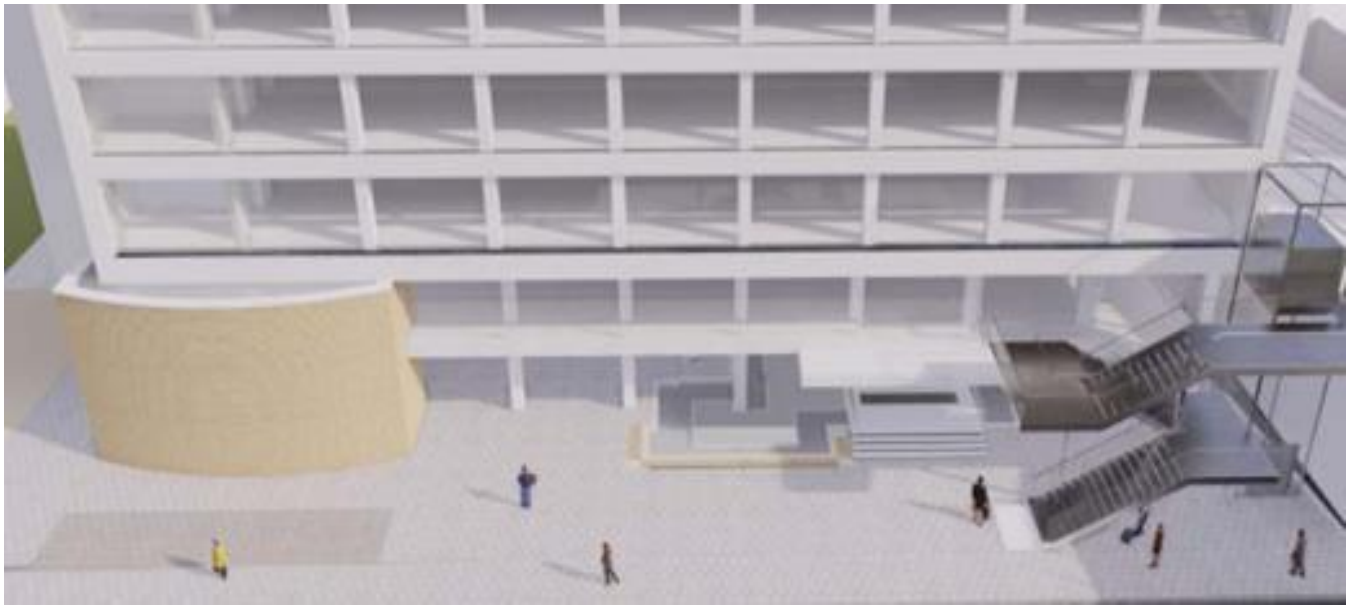

Fig. 2 This image shows the impact of the proposals on the front setting with views of the front façade – in particular the important architecture at the lower level – being completely obstructed by a new staircase and lift.

Clearly there will be a very significant impact on the most important aspect of this Protected Structure. The EIAR submitted by TII seems to concede this, when it notes that the impact arising from the proposals on the Protected Structure will be of a *'medium'* magnitude but that the impact will be *'very significant'.* The EIAR alludes to *'mitigation by design'* and suggests that the residual impact will be reduced to *'significant'* following mitigation. However, the EIAR offers no clue as to what this mitigation might be.

The front setting and façade of the Protected Structure is, at present, completely open to Grand Parade with the recessed landscape and entrance hall visible behind from the Conservation Area on the Grand Canal. There are covered open spaces to both the left and right hand side of the original entrance lobby. The landscape and the manner in which the lower floors recede and reveal it is a critical part of the significance of the Protected Structure – considered as one of the finest pieces of 20th Century architecture in the state - and views of this design will be completely obscured by the current proposals by the TII. The impact is akin to putting a fire escape in front of the Customs House and is a 'Profound' impact - not *'Very Significant'/'Reduced to Significant'.* This is an impact which is likely to be permanent and it directly and detrimentally damages the front setting of the Protected Structure with a new staircase proposed to almost abut its front façade.

3.3 Response and Proposed Mitigations within Submission

The proposed alternative design presented by HJL Architects seeks to address the Profound detrimental impact on the Protected Structure by relocating the lift to the opposite side of the road on the side of the canal. This allows for the staircase to be moved west and obscuring a little less of the front façade and setting to the Protected Structure. This potential mitigation will reduce the impact but the impact would still be profound as it retains a staircase within the front setting of a significant Protected Structure but this option has been rejected by the TII due to concerns about impacts on the Conservation Area to the Grand Canal. There are already significant impacts from previous infrastructural construction on the Conservation Area in this location. As per the imagery below. Proposals to adjust this area would not involve altering natural embankments or landscape – this has already occurred. Any impacts here would be to a functional concreted area of lesser quality – not the front setting of a Protected Structure and should be given consideration – not dismissed simply because they lie within a Conservation Area. There is precedent for such proposals directly across the Canal.

Fig. 3 This image shows the quality of the Conservation Area as it exists directly across the road from the proposed impact. It is a grimy concreted area and could certainly not be considered as an area that contributes to the Conservation Area. It is an area that should be considered for change as an alternative to the front setting of the Protected Structure.

3. Conclusion

The proposed impacts here are profoundly detrimental to a Protected Structure which is a particularly significant piece of 20th Century architecture that might be rated as Nationally significant under the NIAH criteria for assessment (no published/record by the NIAH as yet). In addition, the proposals impact directly on its front setting and front façade which are the areas of primary significance. Any mitigations which do not involve relocating the staircase and lift can only

succeed in reducing the impact in a marginal manner. The HJL proposals do result in a reduction of impact but further mitigations and options should be reviewed.

James Slattery Dipl. ABRCons., M.R.I.A.I. - Conservation Architect