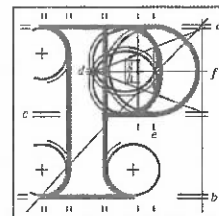


Our Case Number: ABP-314724-22

Planning Authority Reference Number:



**An
Bord
Pleanála**

Andrew Conlon and Maeve Fitzpatrick
19 Berkeley Road
Phibsborough
Dublin 7
D07 RD42

Date: 18 January 2023

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 and oral hearing request (including your fee of €50) in relation to the above-mentioned proposed Railway Order and will take it into consideration in its determination of the matter.

The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you on this matter in due course.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions/observations received in relation to the application will be made available for public inspection at the offices of the relevant County Council(s) and at the offices of An Bord Pleanála when they have been processed by the Board.

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

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Yours faithfully,



Niamh Thornton
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Observation on a Strategic Infrastructure Development Application

Observers Details

Andrew Conlon and Maeve Fitzpatrick

19 Berkeley Road, Phibsborough, Dublin 7, D07 RD42

Application Details

Case Number: ABP-302010-18

Application by the National Roads Authority (operating as Transport Infrastructure Ireland) for the Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order [2022]

Location: Mater Station

Observation Details

Our observations relate to the following areas

1. Project Governance and Consultation
2. Negative impact of construction phase
3. Design and layout of station
4. Restoration and Operational Phase

The observations should be read in the context of the duration and scale of the project and consequent exposure of residents near Mater Station to major disruption, including significant levels of noise and air pollution, for almost a decade.

1. Project Governance and Consultation

The project governance structure is unclear, particularly in relation to engagement with residents. This is of particular concern as it is proposed that this project will be advanced using a Public Private Partnership Model, with a Special Purpose Vehicle formed solely for the delivery of the Metrolink project. The roles and responsibilities of the proposed SPV, subcontractors, Transport Infrastructure Ireland, National Transport Authority, Department of Transport and Dublin City Council are not defined. We are concerned that this may result in local residents finding themselves referred between the various public bodies and private companies involved when issues arise.

Our home is located less than 3.5 metres from the construction site boundary and is identified as being exposed to significant noise disruption (75-80 CNL) for extended period. However, there has been no consultation or contact whatsoever with us as residents over the past three years. That, and the reliance on the statutory minimum consultation period following the publication of the Railway Order, raises fears about the seriousness with which public engagement, as required under the planning process, is being taken.

Remedy Sought

- a) TII/NTA and their parent department to develop a comprehensive plan for community liaison on aspects of the development before construction begins, potentially as part of any detailed design, planning, and procurement phase - this to include direct contacts with those in the community most impacted by the development.
- b) A liaison committee to be established that includes residents, representatives from relevant public bodies and, eventually, the PPP Co./lead contractor, with terms of reference which are agreed with local residents groups.

2. Construction Phase

The construction phase for the Mater site is estimated to be 105 months or 8.75 years according to tables presented in Appendix 5.3. It is noted that there is reference to a construction period of five or six years at other points in the documentation, and it would be useful for TII to provide clarity on this point and correct the documents accordingly to allow for proper consideration.

For almost the entirety of the construction period, 19 Berkley Road will in close proximity to a major construction site. During construction of the western vent shaft, the site will be within 3.5 metres of our home (Appendix 5.3, Figure 8-38 Mater Station Stage 2 - Commission TTM Phase 1).

We are concerned about the impact on our living conditions, health, our enjoyment of our home and the impact on working from home. We note the extended duration of the construction phase and the possibility that our personal circumstances may change over that period.

Western Vent

There are inconsistencies in the documentation with regard to the location of the vent - drawings in the relevant Appendix would suggest the site of this shaft is outside no 18 Berkley Road, but the text of the EIAR refers to it being outside no's 20-21 Berkley Road. Again, clarity would be helpful but in either case, the secondary construction site will be within 3.5 metres of our home for extended periods of time.

Remedy Sought

- a) That the western vent shaft be relocated to the Metro side of Berkeley Road.

Working Hours

Given the scale of the works and the extended duration of the construction project, to request working hours of 07.00-19.00 weekdays and 0700-13.00 hours Saturdays for almost a decade is unreasonable and would place an intolerable burden on us and the local community in terms of health impact and disruption. 5.1 *Outline CEMP* indicates that site set-up and shutdown takes place within this 7-7 window whereas the *EIAR Non-Technical summary (7.1.1 Working Hours)* indicates that these hours are exclusive of site preparation time. Once more, TII need to provide clarity on this point to allow for consideration.

Remedy Sought

- b) A restriction on the types of work that can be conducted on weekends or early mornings/late evenings with stricter conditions around noise etc. applying at those times.
- c) That site set-up and shut-down is undertaken between 7 and 7 pm

Noise pollution

The EIAR is clear the impact of the construction programme, especially noise, will be significant despite the use of mitigation measures. The independent advisors (RINA) estimate that Nos. 19-22 will experience noise levels of 75-80 (significant or very significant) for 15 months]. Exposure to noise at this level for more than 40 hours per week is considered damaging to hearing. It is also the case that noise pollution is not just a matter of volume as focused on by the EIAR but a matter of tone, frequency, longevity etc.

The Environmental Protection Agency Act 1992, Environmental Noise Regulations 2002 and EU Directive 2002/49/EC would all seem to apply to various degrees, and there is a particular obligation on local authorities under the Directive to make action plans to reduce ambient noise. It is noted that various mitigation measures are identified (but not necessarily promised) in documentation and that an Airborne Noise and Ground Noise Mitigation Policy is included in the suite of documents. However, this latter document is vague and wholly inadequate in terms of assuaging our concerns.

We note that the provisions made for rehousing residents impacted heavily for extended duration by works seem inadequate.

Remedy Sought

- d) Constant monitoring of noise levels on site with results made publicly accessible via a website or otherwise provided to residents.
- e) That the Railway Order be subject to the full and total implementation of all applicable noise pollution legislation, both national and European, at all times during the construction and operational phase. There should be a requirement to provide a plain English document detailing the challenges and responses in this regard, while a regular regime of environmental inspections by DCC should be set at the beginning of the project and residents should be notified of same.
- f) The Airborne Noise and Ground Noise Mitigation Policy put forward by TII should be subject to review by a liaison committee including representatives from the local community. This document, as currently framed, does not address our concerns and should be rewritten to clearly reflect the obligations that are imposed by legislation, identify how best practice approaches to noise management will be implemented and provide greater clarity around measures such as the potential need for rehousing.
- g) Comprehensive and meaningful provision for rehousing residents agreed through consultation with affected residents.

Air Quality

National Policy Objective 64 of the 2040 Project Ireland 2040 National Planning Framework is to “improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas”. In a submission to the Clean Air Strategy as part of the public consultation, the Public Health Institute of Ireland stated that they “would strongly recommend that the Department adopts WHO recommended emission standards and benchmarks for air quality in Ireland. No level of air pollution is considered safe and so WHO emission standards provide a gold standard against which air quality in Ireland should be compared.”

These standard values are focused on the protection of human health, but the Railway Order contents itself with references to measures that “should” mitigate the worse effects rather than stronger language that would guarantee that the measures will be effective and “will” mitigate impacts.

Remedy Sought

- h) Constant monitoring of air pollution levels and results made publicly accessible via a website or otherwise provided to residents. There should be discrete, measurable obligations that form part of the planning permission. Air quality monitoring standards for the Mater stop construction should be brought in line with WHO recommended emission standards and benchmarks.
- i) In respect of any and all breaches of noise, light or air quality standards, the PPP Co./contractor should be subject to significant financial penalties that are used to compensate residents
- j) That electric vehicles are used to minimise noise and air pollution in the area.

Light Pollution

An increased amount of light in the evening and at night is related to sleep deprivation, stress, anxiety, fatigue and other health problems. The construction compound and vent shaft will be presumably brightly lit to allow work during winter evenings. Again, as residents, our health is being jeopardised without any consultation or consideration.

Remedy Sought

- k) Planning permission conditions to ensure that there is no over-illumination, glare or light clutter on site and that lighting impacts be minimised with any and all floodlights turned off immediately at close of allowable construction period. Details of what measures will be taken in this regard should be provided to residents.

Vermin

- l) Plan for vermin management communicated to residents likely to be impacted
- m) Provision made for rehousing during construction phases where there is a risk of vermin infestation

Structural Impact on Property

Number 19 Berkley Road is typical of the residential housing stock in the area in that it is a two-storey red brick Victorian terrace house which, in keeping with the construction methods of the time, was built without deep foundations.

The consequences of tunnelling, boring, blasting, and other heavy construction work in such close vicinity to the house is a cause of great concern. Again, it is important to stress that we will be exposed not only to the main construction works but a subsidiary project that will involve piling works and would seem to be significant in and of itself.

Remedy Sought

- n) Given the proximity of our house to the construction site, much greater clarity is required as to the structural risks being imposed. An obligation should be placed on the authorities bring forward this project to cover the reasonable costs of securing independent legal and engineering advice.
- o) A requirement of planning should be that some form of insurance bond should be lodged for 19 Berkley Road and other similarly affected properties. This would be drawn on in the event that remedial work is necessary following construction and during the operation of the Metrolink and would protect residents in the event that the construction company cannot or will not compensate residents for damage. This should be separate to any other insurance that may be entered into by the PPP Co./contractor. Given issues that have emerged with regard to defective building works with serious health and safety implications (mica, apartment defects) and lack of redress for those impacted, we feel it is critical given the scale of this project, that individual homeowners are reassured that they are completely protected in the case of loss or damage.

Access

It appears that Construction Site B may impinge on pedestrian access to our home from Berkeley Road. The construction schedule suggests that Site B will be in operation for an extended period over two phases of the project. As well as personal access, this may make it difficult to arrange waste collection, meter readings, social or business visits, etc.

Further, street parking outside the property will be permanently lost because of the project. This is a future cost that must be borne by us as residents and which will create difficulties for both for social and business visitors.

Remedy Sought

- p) That planning permission should make provision for unfettered street access to 19 Berkley Road at all times and set out how waste collection, visits etc will be facilitated over the course of the construction period.

3. Location and Design

While the station itself is underground, there is considerable (as summarized at 4.9.2.3) above ground development including:

- Main station entrance with canopy, escalators and stairs
- Ventilation and air intake grills;
- Firefighting lifts (Intervention Shaft) one at each end of the station;
- Passenger lifts; and
- Emergency exits, one at each end of the station end with a 'pop up' opening at ground level.

The EIAR explicitly states at 4.9.23 that "The station facilities at ground level will be integrated with the existing urban environment." As can be seen from the photomontages provided on the Railway Order application, this is not the case. The Mater station and associated infrastructure is obtrusive and unsympathetic to the Architectural Conservation Area within which it is sited.

The design of the proposed development is entirely out of character with the general appearance and character of the existing Victorian streetscape and the façade of the Mater Hospital. The industrial design and materials proposed are quite different to the surrounding buildings. The station and various associated work are extremely visually intrusive and will be the dominant feature of the Eccles Street/Berkley Road intersection. It will irreversibly affect a unique and beautiful streetscape.

Figure 1 View towards St Joseph's Church from Berkeley Rd/Eccles St



Figure 2 View of Mater Hospital and Masters Park from Berkeley Rd/St Joseph's Church

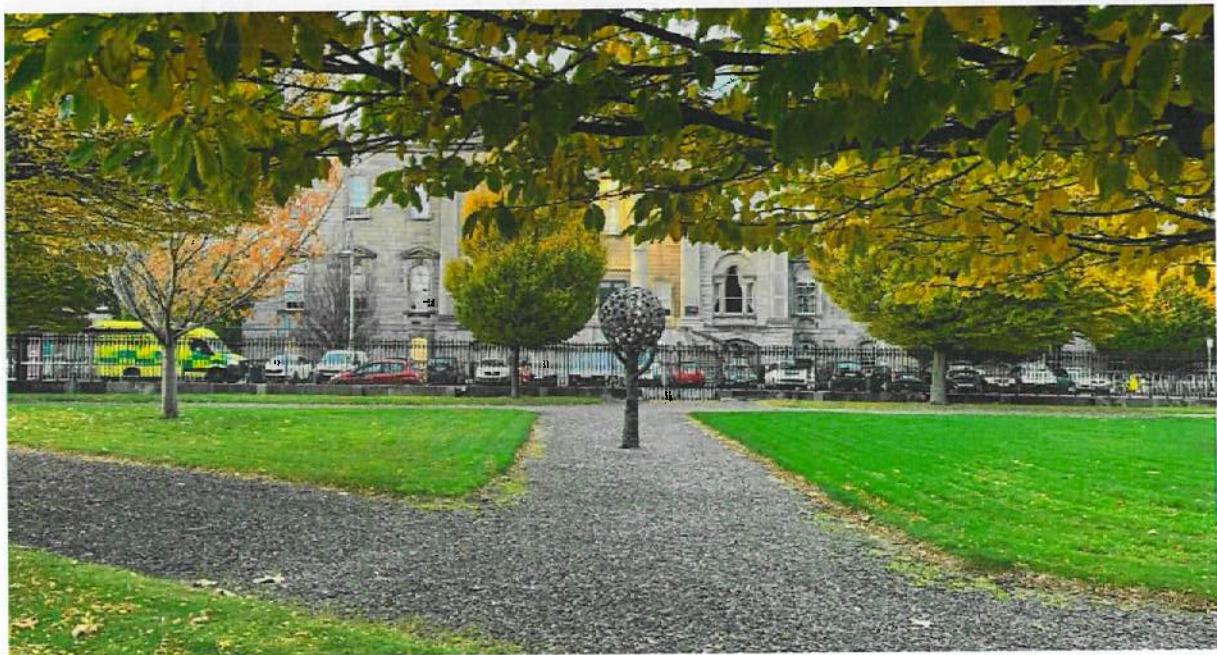


Figure 3 View of Mater Station location from Berkeley Road



This is contrary to good planning as identified in the EIAR itself, while the impact on residents in 18-22 Berkeley Road is especially pronounced as the station is just a few metres away and positioned in the direct line of front windows, thus having an extremely negative impact on the visual amenity of the area and house.

- While reinstatement of a portion of the park is welcome, it noted that the plan does not make provision for planning mature trees so it will be approx. 7-10 years after planning that the park will resemble the layout in the landscape diagrams.
- There are no images of the Metro when closed so it is not clear whether the large canopy overhang on the Metro will provide a level of shelter which will be sufficient to encourage street drinkers to congregate.

- The risk of noise pollution from the crossing located outside no. 21 Berkeley Road is of concern.

Remedies Sought

- a) A station design that is more visually appropriate for a metro station in a small urban park surrounded by Victorian buildings. There are numerous examples of station design that are much less obtrusive than what is proposed and more in keeping with what residents understood to be an “underground station”.
- b) Relocating the station entrance further into the park so it is less disruptive and respects sight lines/views along Berkeley Road
- c) Minimising above ground station infrastructure by removing the ‘light wells’ which will allow more green space, and using artificial light in the station;
- d) A requirement to plant equivalent mature trees to those that will be cut down as part of the construction process in order to soften the impact of the station.
- e) Removal of crossing outside no. 21 Berkeley Road or mitigations sufficient to address noise pollution concerns

4. Restoration & Operation

Given the scale of upheaval and duration of the project, it is essential that funding should be set aside to benefit the local area and restore Four Masters Park to the greatest extent possible once the construction period is complete.

There is a lack of detail and clarity regarding the reinstatement of the Four Masters’ Park following the construction period, with no indication of which body will be responsible for the park upkeep and security. There will be much greater access to the park area than there is currently, which while potentially positive does raise some concerns about anti-social behaviour. The difficulties experienced at some Luas stops highlights the risks in this regard and it is noted that most DCC parks are closed at night for security reasons. We also have concerns about future possible noise pollution from buskers and similar activities.

Remedy Sought

- a) A dedicated Community Fund should be established to ensure improvements are delivered in relation to the visual amenity and liveability of the local area
- b) DCC to manage the park area following construction
- c) No licences to be granted for buskers
- d) No licences to be granted for events without the specific approval of the local Residents Association

Oral Hearing Request

We wish to request an oral hearing.