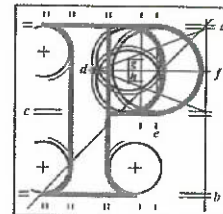


Our Case Number: ABP-314724-22

Planning Authority Reference Number:



**An
Bord
Pleanála**

Caitriona and Ciaran Byrne
Saint Anthony's
Seatown West
Swords
Co. Dublin
K67KA66

Date: 07 December 2022

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 (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 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.

Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

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Caitriona and Ciaran Byrne
Saint Anthony's
Seatown West
Swords
Co. Dublin, K67KA66

November 24, 2022

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

Re: Submission to Application

ABP Reg. Ref: NA29N.314724
Applicant: National Transport Authority (TII)
For: Estuary through Swords, Dublin Airport, Ballymun, Glasnevin
and City Centre to Charlemont, Co. Dublin (Metrolink)

Preamble:

We support in general the concept of the metro scheme, the objectives of the overall scheme and appreciate that the scheme will bring benefits to the wider city and the environment.

Notwithstanding this, we have concerns regarding elements of the proposed scheme, in particular the lack of privacy to our property, anti-social behaviour and the level of baseline information and assessment carried out in relation to noise and vibration.

We request that An Bord Pleanála (ABP) take into consideration the points raised in our submission.

1. Open Space Design

Anti-Social Behaviour

- 1.1 Best practice design for public open space dictates that all areas in the public domain have a specific function and should not just be 'space left over'. Public and communal open space should be directly overlooked by surrounding buildings and activities.

- 1.2 Open Space should be positioned so that buildings front onto and overlook the public domain. Public Open Space should avoid layouts which expose blank gable walls or rear gardens directly onto the public realm.
- 1.3 These Best Practice measures are supported in the Fingal County Development Plan (the "FCCDP") which states that *'Open spaces must be designed to a high specification. Great emphasis must be placed on the quality of open space and details of the proposed landscaping, hard and soft, of these spaces will be required at the planning application stage. Public open spaces should be overlooked and designed in such a way that anti-social behaviour is reduced through passive surveillance [...]*
- 1.4 The Open Space proposed on Drawing No. ML1-JAI-ARL-SC01_XX-DR-Y-00003 (Drawing title *Estuary-Sea town Landscape Layout*) does not conform to best practice and is contrary to the FCCDP..
- 1.5 We attach drawing no. ML1-JAI-ARL-SC01_XX-DR-Y-00003 referred to above, and have included mark ups which illustrate:
- a. The specific Open Space area of concern (area shaded in red, and black dotted line)
 - b. The location and orientation of adjoining properties, which highlight that this Open Space will not be overlooked, and will instead be exposed to gable walls and rear gardens
- 1.6 We are concerned that the current design which has not taken into consideration Best Practice and with the absence of passive surveillance will result in anti-social behaviour.

Privacy

- 1.7 The applicants acknowledge that residents closest to Open Space would view the intervisibility as a reduction of their privacy. Notwithstanding this acknowledgement, no apparent meaningful measures are proposed for residents directly adjoining the proposed open space.
- 1.8 It is unclear from the information provided in the planning application and associated drawings, what boundary treatments, if any, are being proposed for the southwest boundary of the Open Space which adjoins our property and rear garden. There is no apparent proposal for screening or fencing. The boundary of our rear garden which directly adjoins the proposed Open Space consists of a dwelling built up against our boundary wall that is under compulsory purchase order for the metro north (is therefore due to be demolished) and hedging. A lack of appropriate screening will result in an unacceptable intrusion of our privacy.
- 1.9 The potential for the proposed Open Space to increase anti-social behaviour and reduce privacy and residential amenity is contrary to the Zoning Objective and Vision set out in the FCCDP for this area. Zoning type, Objective and Vision are summarised in the table below.

Zoning	RS' Residential:
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Objective	Provide for residential development and protect and improve residential amenity
Vision	Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

2. Noise

Lack of Sufficient Information

2.1 It is our opinion that the EIAR submitted does not identify and describe adequately the direct and indirect significant impacts on the environment. It appears that the document is deficient and inadequate in terms of the statutory requirement for:

- the description of the likely significant effects of the project on the environment;
- a description of the required mitigation measures

2.2 AT50 Attended Noise Monitoring is the most representative of all noise monitoring locations for our property. AT50 is situated at a Cul-de-sac at end of Seatown West, bordering roundabout linking R132 and R125.

2.3 The baseline noise recorded at this location is set out in the EIAR and detailed in the Table below.

Attended Location	dB LAeq,15min	dB LA90, 15min	dB Lden
AT50	59	61	62

2.4 It would appear that this attended survey only recorded day-time measurements. There is an absence of information on baseline night-time (2300-0700) levels relative to this location.

2.5 Having regard to the location of our property in proximity to the above ground section of the Metro Scheme, and taking into consideration the proposed operating hours of the Metro (05:30 and 00:30 for 365 days per year¹), it is not acceptable to carry out a noise assessment for properties in this location without the appropriate baseline information for the operating hours associated with the development.

2.6 Furthermore, it is stated in the EIAR that '*Due to the nature and duration of the proposed Project, even where all reasonable measures have been taken to reduce noise levels, at some locations residual levels mean widespread community disturbance or interference with sleep is likely to occur. In such circumstances, TII will consider whether the provision of further Noise Insulation (NI) or Temporary Rehousing (TRH) will be appropriate at locations where eligibility for either has been established.*'. It is imperative that residents who are likely to be subject to interference with sleep must be identified at this stage of the planning process. It is

¹ late night or overnight services may run on an occasional basis to facilitate night-time travel during busy holiday periods or special events. (EIAR Section 6.4)

also submitted that definitive satisfactory mitigation measures to reduce any identified significant impact are set out at this stage. It is unacceptable that such assessment and mitigation measures are detailed after an EIA has been carried out.

- 2.7 It is also stated in the EIAR that *'The outline CEMP will encompass a Noise and Vibration Management Plan (CNVMP) which will be formulated for the construction phase and used by all contractors based on the mitigation measures outlined in this chapter, in Chapter 14 (Groundborne Noise & Vibration) and the outline CEMP (Appendix A5.1). The CNVMP will be a live document. **This will involve a detailed investigation of potential noise and vibration impacts associated with each construction compound. The assessment will identify through modelling and calculation, predicted construction noise levels, identification of potential exceedance of CNTs, identification of required noise mitigation measures specific to each work area to minimise noise and vibration impacts so far as is reasonably practicable***'. It is again unacceptable that such assessments and mitigation measures are proposed to be carried out post-consent.

We respectfully request that An Bord Pleanála request Further Information from the applicant which would:

1. Provide for revised plans and particulars in relation to the Open Space referred to above, ensuring that a safe-by-design approach is taken to avoid anti-social behaviour and to ensure residential amenity is not negatively affected.
2. Provide revised noise and vibration surveying and assessment to ensure that all potential significant effects of the Metro Scheme are addressed during the planning process and appropriate mitigation are detailed in the EIAR for any such significant impact, such as interference with sleep, as referred to by the applicant.

Yours faithfully,

Caitriona and Ciaran Byrne

Attachment: Landscape Map including mark-ups

