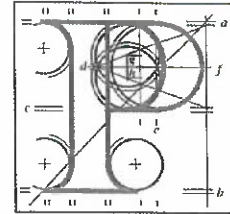


Our Case Number: ABP-314724-22

Your Reference: Declan Ryan



**An
Bord
Pleanála**

Marston Planning Consultancy
23 Grange Park
Foxrock
Dublin 18

Date: 13 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, there is no fee for an affected landowner, listed on the schedule, to make an observation on this case, therefore, a refund of €50 will be made to the credit/debit card used to make the online observation.

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,

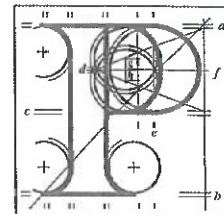
Niamh Thornton
Executive Officer
Direct Line: 01-8737247

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

Our Case Number: ABP-314724-22

Planning Authority Reference Number:



**An
Bord
Pleanála**

Declan Ryan
9 Harcourt Terrace
Dublin 2

Date: 06 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
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D01 V902	D01 V902

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

22nd November 2022

Our Ref. 22115

Re: Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022

Formal submission

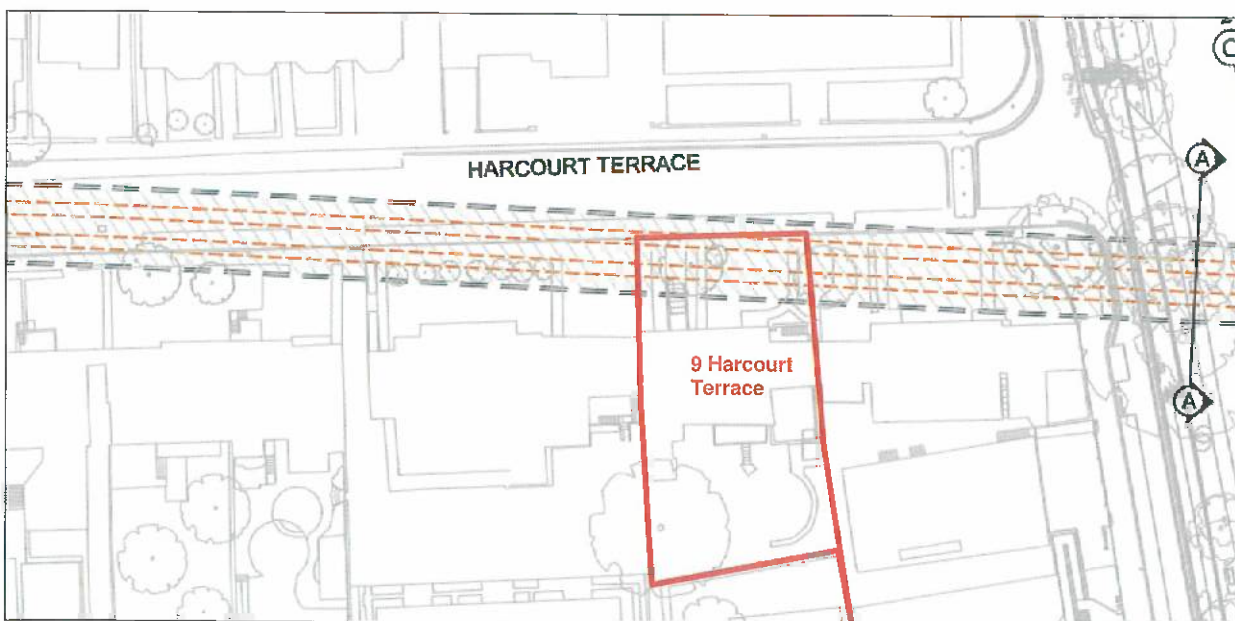
Dear Sir / Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18, are instructed by our client, Mr. Declan Ryan, 9 Harcourt Terrace, Dublin 2 to submit the following submission in relation to the Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022. We have enclosed payment for the fee of €50.00 for the making of this submission (as specified in the statutory notice).

Our client owns and resides at no. 9 Harcourt Terrace which is a Protected Structure (RPS 3569, NIAH 50110470). Harcourt Terrace is the only formally composed Regency Terrace in the city. The ten houses on the western side of the terrace were laid out with single storey annexes separating the pairs of houses. No. 9 is located close to the end of the terrace near the Grand Canal, and includes a pedestrian link to its rear. The main basis of this submission is to ensure the Structural Integrity of our clients' property is maintained both during the construction and the operation of the Proposed Development.

How will the Metro impact no. 9 Harcourt Terrace (a Protected Structure)?

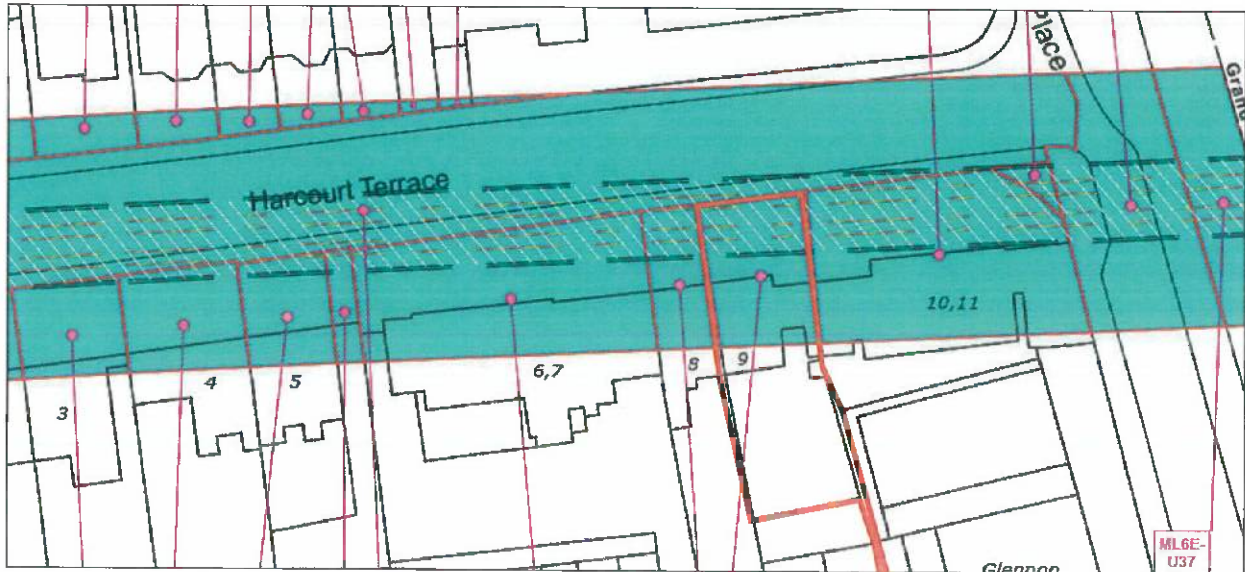
We note that the Metro tunnel alignment drawings (Drawing no. ML1-JAI-ARD-ROUT_XX-DR-Y-03095) (Plan Drawing no. ML-RO 306 E-O) indicate the extent of the Metro tunnel as passing under the front curtilage and entrance steps to our clients' property. Their property is located between the St. Stephens Green and Charlemont stations on the route.



Excerpt from Drawing no. ML1-JAI-ARD-ROUT_XX-DR-Y-03095 indicating the extent of the Metro tunnel relative to our clients' property at no. 9 Harcourt Terrace

The cross-section AA on this same drawing, which is located at the footpath along the northern side of the Grand Canal, indicates the top of the Proposed Metro tunnel as being c. 18m below ground level. We note that the nearest cross section to this to the north, at Earlsfort Terrace, on Drawing no. ML1-JAI-ARD-ROUT_XX-DR-Y-03094 (Plan Drawing no. ML-RO 306 D-E) also indicates the top of the Proposed Metro tunnel as being c. 18m below ground level. It is reasonable therefore to conclude that the top of the tunnel will pass c. 18m below the front of our clients' property.

Their property is indicated as Property ML6E-U33 within the Property Detail mapping (Dublin City Council) on Drawing no. ML1-JAI-BOR-ROUT_XX-DR-Y-01097 (Plan no. ML-P 306 E-O). The blue shading that indicates the extent of the proposed acquisition of substratum land indicates the majority of our clients' house as being within this area. Our client is significantly concerned about the legal implications of this matter, and on how this would impact upon the value of their property.



Excerpt from Drawing no. ML1-JAI-ARD-ROUT_XX-DR-Y-03095 indicating the extent of the Metro tunnel relative to our clients' property at no. 9 Harcourt Terrace

We note that there are no proposed utility diversions within Harcourt Terrace proposed as part of the Railway Order. We also note that there are no proposed construction compounds on Harcourt Terrace, with the nearest construction compounds being located at St. Stephen's Green and to the south of the Charlemont LUAS station.

We note that the Environmental Impact Assessment Report (EIAR) (section 14.2.1.2) indicates that groundborne vibration from construction and operation of the proposed Project has the potential to have an adverse effect on nearby sensitive receptors, such as no. 9 Harcourt Terrace. We would consider that any residential property on the alignment, and where that property is a Protected Structure, should be considered as a highly sensitive receptor. We note with interest that Protected Structures are not identified or referenced within Chapter 14 given the potential for vibration to impact upon the structural integrity of such protected buildings of architectural importance.

We would question the reasoning behind the EIAR stating that as the Tunnel Boring Machine (TBM) is moving through the lengthy construction process that its impacts are transitory, and should be considered with a lower threshold therefore. We note that the EIAR identifies the potential for the tunnel boring machine that will bore the tunnel under Harcourt Terrace has the potential to cause vibration and groundborne noise impacts within 100m of the under construction tunnel if not mitigated. The EIAR outlines that there is an inability to mitigate these noise and vibrations from the TBM at source.

We note that Table 14.28 identifies that the predicted groundborne noise during the boring is predicted to have a noise impact of 49dB, which is above the indicated 45dB level that will have a High Adverse Magnitude of Significant Impact that according to the EIAR will be noticeable to all and disturbing over a number of days. The EIAR indicates that the groundborne vibration during the TBM passage is not considered to be significant. However, we note that this has not been considered having regard to the fact that our clients' property is a Protected Structure.

We note that the extent and length of duration of the boring along the route within 100m of no. 9 Harcourt Terrace is unclear. The EIAR states only that it will occur for a very short period of days, and we would question this as a reliable basis for the assessment of the impact on our clients' property. The EIAR outlines that there are no effective methods to reduce groundborne noise or vibration at source. The only two mitigation measures appear to be solely based on temporary rehousing, or additional glazing, which would be inappropriate to be undertaken in relation to our client's Protected Structure.

Table 14.49 indicates the residual noise and vibration impact of the Proposed Development on no. 9 Harcourt Terrace. This is outlined as groundborne noise that will have a high adverse significant impact on the residential use of our clients' property for an undefined length of time. This from an EIAR perspective is defined as being a temporary impact, which is defined under the EPA guidelines as an effect that lasts for up to a year. Our client has profound concerns about the usability of their property during this length of construction period, and the impact of such a lengthy process on the structural stability and any potential damage of their property. The mitigation measures proposed fail to address these in any way.

The predicted groundborne impacts during the operation of the Project are predicted to be not significant. However, due to the continual nature of the impact, and change to the environment in terms of vibrations and noise, must be considered as being negative in the context of no. 9 Harcourt Terrace.

It is also notable that the airborne noise impacts will be occurring at the same time as the groundborne impacts and it is predicted that these will be moderate to significant during construction. The combination or cumulative impact of these issues, and other construction impacts, of adjacent works, will have a profound negative impact on the amenity and structural stability, and has the potential to cause damage to our clients' property.

Conclusions

We have set out under this submission our client's concerns relating to the impact on their property in terms of structural and other damage; and its structural integrity, and noise impacts that would negatively the amenity of the property during the construction and operation phase of the Proposed Development.


We respectfully submit that the groundborne impacts, in combination with air borne impacts will be unacceptable during the construction process, and it is critical that appropriate mitigation is achieved that does not disenfranchise the enjoyment and structural integrity and setting of our clients' property, which is a Protected Structure. Our client is concerned that any significant construction activity, particularly where the alignment is immediately adjacent to, albeit under the Protected Structure, has the potential to cause long term irreversible and costly damage to the historic fabric and structural integrity of their property.

We submit that the proposed development has the potential to and noting from recent tree clearance activity within the site will have negative impacts on the Protected Structure which will be detrimental to the existing fabric thereof and is contrary to National conservation policy as well as the conservation policies of the Dublin City Development Plan relating to Protected Structures.

It is critical that the Finalised Scheme will take into account the need to uphold residential amenity by way of noise and vibration impact, and seek to further mitigate the additional noise and vibration impacts and their potential impacts on our client's property in a manner that is appropriate for its status as a Protected Structure.

We would be obliged if you will acknowledge receipt of this submission in due course and we would be happy to furnish any further information that you may require to deal with this matter.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy