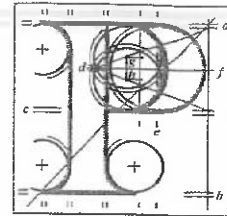


Our Case Number: ABP-314724-22



An
Bord
Pleanála

District 7 Community Alliance
c/o Tony Kelly
16 Saint Josephs Street
Dublin 7

Date: 16 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 (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

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



District 7 Community Alliance: An alliance of 7 resident associations in North Central Dublin made up of 1500 households and 200 businesses

AN BORD PLEANÁLA	
LDG- <u>060361-23</u>	
ABP- _____	
10 JAN 2023	
Fee: € <u>0</u>	Type: <u>cancel</u>
Time: <u>15.30</u>	By: <u>land</u>

An Bord Pleanála

64 Marlborough Street

Dublin 1

D01 V902

16, St Joseph's Street

Dublin 7

25th November, 2022

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

Dear Sirs,

I enclose a submission regarding the proposed Mater Station as part of the MetroLink project. This submission is made on behalf of the residents and businesses in the area around the Mater Station who, as a community, have come together under the District 7 Community Alliance. The Alliance has been in existence for over two years and acts as advocate for the community. Given the areas the Alliance represents, it is uniquely placed to speak on behalf of those living and working around the proposed Mater Station.

As a community, we welcome the development of the MetroLink project which will bring benefits to our community, to Dublin and to the country as a whole and look forward to its timely delivery.

We do, however, have concerns in relation to the proposed works as they affect our community. These are outlined in detail in the enclosed submission, but we would like to draw attention to three key concerns.

In order to keep local residents informed of developments and ensure buy-in and support from the community, **we request the establishment of a Mater Station Liaison Committee** to ensure continuous communication and consultation with local residents before, during and after the construction phase to address concerns in advance of proposed works and also as particular issues arise. These are addressed in Section 3.2 of the enclosed submission. The Liaison Committee should also allow for local input into the reinstatement, restoration and improvement of the Park, public realm and visual amenity of the area.

The local community is unanimous in its view that **the design of the station is out of character with the surrounding architecture** and also **wishes to have the Four Master Park restored as far as possible to its original appearance**. To that end, we request local input into these proposals through the Mater Station Liaison Committee. See Section 3.1 of the enclosed submission.

Finally, we are of the view that the development of the Mater Station offers an opportunity to rejuvenate the area around the Mater Station and Four Masters Park. To that end, **we request that provision be made for the establishment of a Community Fund** to be used to improve local amenities. While Section 3.3 outlines some possible proposals in this regard, we envisage that other public benefits may emerge through the deliberations of the Mater Station Liaison Committee.

We look forward to engaging with the NTA, TII and Dublin City Council on the above and on the establishment in the first instance of the Mater Station Liaison Committee which we consider to be an essential first step in engaging with the local community.

I enclose the relevant fee of €50.

Yours sincerely,

Tony Kelly

Chair

District 7 Community Alliance



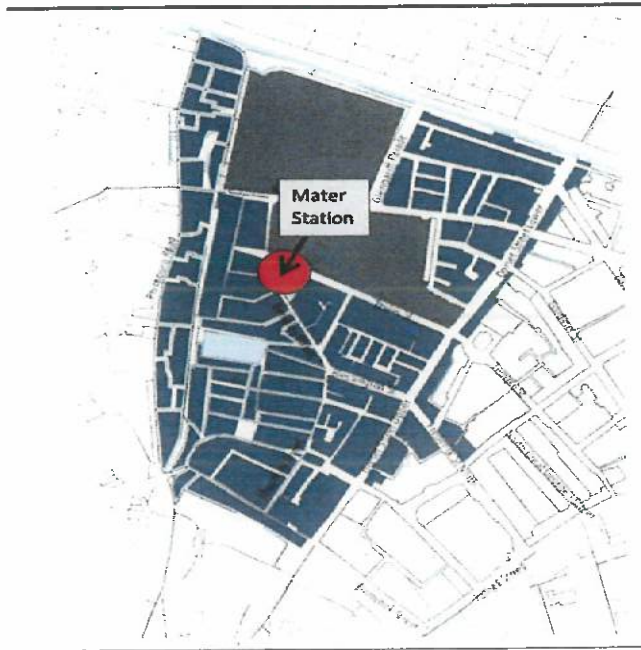
District 7 Community Alliance - Submission on MetroLink



Berkeley Road Area Residents' Association Street Party 2022

1. Introduction

This submission is made on behalf of the residents and business associations which together constitute the District 7 Community Alliance. It represents some 1,500 homes and 200 businesses covering all of the communities living in the area immediately around the proposed Mater Station.



This area is roughly coterminous with Inns Quay Wards A and B, it is bounded on the south by Dominick Street Upper, on the east by Dorset Street, on the north by the Royal Canal and on the west by Phibsborough Road.

The Alliance includes the Berkeley Road Area Residents Association, the Broadstone Basin Residents Association, BLEND, the Leo Street and District Residents Association, and the Nelson Street, Inisfallen Parade and Mountjoy Street Residents Associations, along with the local businesses.

It is therefore uniquely placed to represent the views of local residents and businesses in the immediate vicinity of the proposed Mater Station who, while supportive of the MetroLink project, wish to ensure that the construction and operation of the Mater station will not negatively affect our quality of life, health, wellbeing, or enjoyment of local amenities and property, both during construction and after completion.

In addition, we sincerely hope that the construction provides an opportunity for the rejuvenation of the area that can be undertaken in parallel, particularly the reinstatement of the Four Masters Park, traffic-calming in the Berkeley Road area, public realm improvements and a revitalisation of

neighbouring areas and communities in Broadstone, Mountjoy and Dorset Street.

Like other communities who will be similarly affected during the lifespan of the MetroLink project, we appreciate the potential benefits the Metro may bring to the area and to the city, generally. We are confident the construction of the Mater station will be supported locally should community concerns be addressed.

For the purposes of this submission, these concerns have been organised thematically under 3 broad headings:

- *Design;*
- *Construction;*
- *Community Gain.*

In keeping with current national and local development and planning policies, we make the following observations to ensure that the proposed development and construction does not:

- i) injure the residential and commercial character of the Berkeley Road area,*
- ii) undermine the amenities of property in the vicinity of the Mater station, nor*
- iii) compromise the safety, health or wellbeing of local residents.*

As such, where observations are found to be of merit, we ask that the issues raised and remedies requested here serve as the basis for formal commitments, obligations and planning conditions that may be required of the applicant, project sponsor and/or scheme contractor prior to, during and after construction.

2. Need for Greater Clarity and Community Consultation - Request the Establishment of a Mater Station Liaison Committee

We feel it is important to note that the period allowed for submission of observations in relation to this Railway Order, although it might be in line with statutory requirements, is completely inappropriate and **it is against the principles of planning consultation to expect local residents with no technical background or knowledge to be able to review a submission of this size and complexity in the period provided.**

At an overall level, we observe a **general lack of clarity** around the responsibilities of the applicant and delivery teams in terms of communication and consultation with the local community over the course of the project. This also includes the proper demarcation of responsibilities between the applicant, the Scheme Contractor and other parties involved such as TII and Dublin City Council.

We also observe a **lack of specificity** with regard to the applicant's formal obligations to the local community (e.g. around vibration monitoring, emissions and air monitoring, to name but a few), and particularly the lack of obligations that pertain to specific worksites such as, in our case, the Mater station (e.g. the nature of the reinstatement of the Four Masters Park and all adjacent areas of public realm that might be impacted by the works).

Finally, we note that **the restoration and rejuvenation of the area after the development of the Mater station is vital to the proposal being acceptable to the local community.**

These issues could be addressed by requesting the applicant to agree a comprehensive plan for community liaison on aspects of the development before construction begins, potentially as part of any detailed design, planning, and procurement strategy planned for 2023¹.

¹ <https://www.oireachtas.ie/en/debates/question/2022-07-12/277/#>

To provide for appropriate ongoing review of operations on site in conjunction with the local community, we ask that **a Mater Station liaison committee be established to liaise between the applicant, the building contractor and the local community to ensure all and any issues that arise before, during and after construction are resolved in a coordinated and consensual manner.**

Membership of the committee could include local community members (e.g. reps from Berkeley Road Area and District 7 Community Alliance), elected representatives of Dublin City Council, and representatives of the applicant and the applicant's team. The committee will act as a liaison with the local community in relation to ongoing monitoring of the Mater station construction.

3. Observations

- 3.1 Design;
- 3.2 Construction;
- 3.3 Community Gain.

3.1 Design Context - Mater Station



Image of Four Masters Park

Despite its size, the Berkeley Road area is one of considerable architectural and cultural significance, particularly in the context of the development of Dublin City by the Gardiner Family during the 18th and 19th centuries. The area is mainly Victorian in character, but it also includes Georgian, Edwardian and modern buildings of interest.

The Mater Hospital, Berkeley Road, and the residential streets behind it², all stand on the location of the 'Royal Circus', a grand residential development proposed by the Gardiner Family which, although never built, is still visible on maps from the period 1790 - 1830.

In the place of the 'Royal Circus' stands the 1831 Mater Hospital building, *"a grand edifice, which dominates much of the vista along Eccles Street*

² Goldsmith Street, Geraldine Street, O'Connell Avenue, Sarsfield Street, and Vincent Street North.

and makes a significant contribution toward the diversity of architectural heritage in this area”³.

Directly opposite the old Mater building is the Four Masters Park, which includes the protected structure The Four Masters Memorial, a 19th-century Celtic cross, and beyond St. Joseph’s Church, also a protected structure.



Four Masters Memorial Cross in Four Masters Park

3.1.1 Design Observations:

The area represented by the Residents’ Association is mostly zoned under Objective Z2 of the Dublin City Development Plan 2022-2028, the guiding principle of which is “to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area”⁴.

It is our view that the station design, particularly its prominence and elevation, and construction materials, is out of character with the surrounding architecture, and not in keeping with this Objective.

³<https://www.buildingsofireland.ie/buildings-search/building/50060278/mater-hospital-eccles-street-dublin-7-dublin>

⁴ See also the Project Ireland 2040 National Planning Framework which states as Policy Objective 60 “To conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance”



Proposed Streetscape

Additionally, the Dublin City Development Plan 2016-2022 states that it is the policy of Dublin City Council to “to protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence⁵”.

It is our view that the quality of the streetscape, particularly its relationship with Berkeley Road and the view to the old Mater Hospital, will be compromised by the following aspects of the new Mater station:

- Voluminous design and obtrusive orientation of the station;
- Excessive use of bollards;
- Excessive hard landscaping and construction of a ‘plaza’;
- Construction materials and colour scheme of the station and ancillary buildings are inappropriate and do not enhance the architectural quality of the streetscape;
- The proposed single access to the station (these could be moved south to provide dual access to/from Eccles Street and Berkeley Road to/from the proposed station box from the south. The access canopies could then be located within the area currently finished in tarmac adjacent to St Joseph’s church thus avoiding unnecessary intrusion in the Four Masters Park. This would allow for the retention of much of the historic railings as well as restoration of the Four Masters cross to its original location);
- Proposed location of ventilation shafts, lifts and other structures (e.g. skylights) along Berkeley Road (which could also be moved to a

⁵ Dublin City Development Plan 2016-2022

location similar to that noted above in relation to access points), and their design and materiality which is not in keeping with the visual heritage of the existing buildings;

- The proposed relocation of the Four Masters Cross is inappropriate and consideration should be given to its reinstatement to its original location as noted above.

Furthermore, the removal of 50 mature trees from this relatively small area is excessive, unnecessary, at odds with Government climate action and biodiversity policy, and would represent a significant environmental and visual amenity loss to the local area.

The Planning Report states that *“tree planting will ... be relatively immature and will not enclose the Park or contribute much to the definition of the two adjoining streets for at least a period of approximately 7-10 years”*.

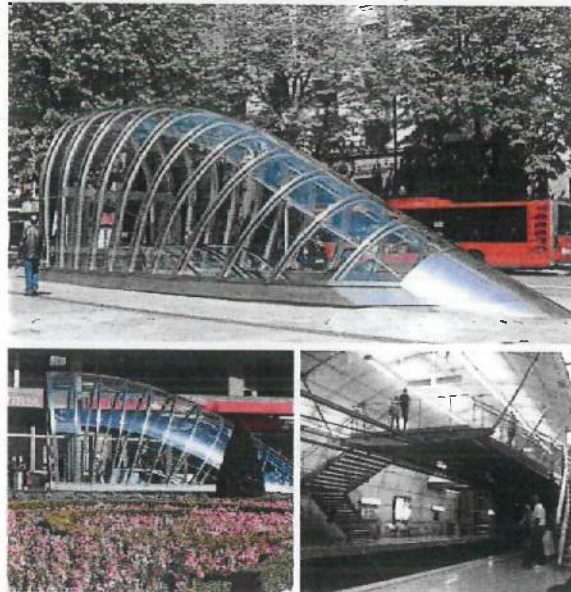
In light of this, proper consideration should be given to protecting existing mature trees where possible, as well as reinstating mature trees that must be felled with mature specimens.

We do not believe that there are any technical barriers or difficulties preventing consideration of the above matters which will in turn result in the nearly full reinstatement of the Four Masters Park, its environs and the vistas to and from local protected structures after construction and ask that local residents, for whom views are an amenity of their property (and who have not had access to any studies of the visual impact assessment), be consulted on the above aspects.

There are many examples of modern underground stations with a much smaller elevation, visual impact and footprint above ground. Other similar projects have also incorporated design contests for station canopies to promote local acceptance⁶.



110 St. Cathedral Parkway Subway Station by LHP Architects - New York⁷



Compact metro canopy designs - Bilbao⁸

⁶ <https://sfbayca.com/2015/04/17/bart-presents-options-for-market-street-canopies/>

⁷ source: <https://www.lhparch.com/news/2018/9/7/110-st-cathedral-parkway-subway-station-reopening>

⁸ <https://weburbanist.com/2011/05/27/modern-metro-14-of-the-worlds-coolest-subway-stations/>

Potential remedies include:

- 1) A station design that is more visually appropriate for a metro station in a very small urban small park surrounded by Victorian buildings;
- 2) Relocating the station access points south to a location adjacent to St Joseph's church (already part of the proposed CPO for the project) and providing dual access onto Eccles Street and Berkley Road perpendicular at ground level to the station box underground so it is less disruptive and allows for full reinstatement of the Four Masters Park;
- 3) Also removing the unnecessary 'light wells' as the use of artificial light in all areas underground will be unavoidable even during day time hours in order to comply with accessibility and health and safety requirements for the operation of MetroLink;
- 4) An undertaking to conduct a design contest for the above ground station canopy to promote local acceptance;
- 5) We note that the Metrolink Stephen's Green Station and ancillary buildings are surrounded by trees which serve to soften the visual impact. However, given the small area of the Four Masters Park it is unlikely that the visual impact of this station design and its ancillary buildings will be sufficiently softened by the trees.

Overall, we believe that, **in the interests of visual amenity**, and safety, local residents have a right to influence what local streets will look like and the priorities for their design.

3.2 Construction Context - Mater Station

The Berkeley Road Area is primarily a residential area. From older residents who have spent a lifetime in the area to families raising young children here, it is a diverse, multi-generational community like many inner city areas.

Given the planned duration of the construction period, it is possible that some local residents may never get to enjoy the benefits of the completed Mater station and Metrolink service. Residents will suffer the possible impact of vibration, dust and noise including the possible damage to their health and their properties. They will lose years of enjoyment of the area, and many will lose the amenities of their property, through restricted access, loss of views, noise and air pollution during its construction, without any return.

This scale of impact is true for both the Berkeley Road residential communities and business communities.

In addition, the Mater station is only one of many significant developments taking place in the local area, all of which will have significant impact on the level of traffic and emission experienced by the Berkeley Road community in coming years. These include BusConnects Ballymun CBC (which includes development around NCR/Blacquiere Bridge), the redevelopment of Dalymount Park and the Phibsboro Shopping Centre (Part 8 Planning due to be submitted by July 2023⁹), the potential development of Des Kelly site on the North Circular Road¹⁰, the development of the Old Bakery site at Cross Guns¹¹, the redevelopment of James McSweeney house on Berkeley Street¹², the major works associated with the nearby Glasnevin Metro station.

As such, the impact of the construction of the Mater station and ancillary MetroLink infrastructure in the area, in terms of traffic and emissions,

⁹ <https://www.dublincity.ie/news/dublin-city-council-chooses-design-redevelopment-dalymount-park>

¹⁰ <https://planning.agileapplications.ie/dublincity/application-details/150413>

¹¹ <https://www.pleanala.ie/en-ie/case/309345>

¹² <https://www.carronandwalsh.com/projects/james-mcsweeney-house-berkeley-street-dublin-7/>

cannot be considered in isolation from the broader context of development in the vicinity.

Our observations in relation to the impact of construction on both residents and businesses are noted below.

3.2.1 Construction Impacts

3.2.2 Accessibility & Parking

Due to its city centre location, the vast majority of properties affected by the construction of the Mater Station do not have either driveways or garages and residents rely entirely on the availability of on-street car parking facilities to park their vehicles.

Due to its proximity to the Mater Misericordiae University Hospital and the Mater Private Hospital, many of the local businesses provide services related to healthcare, such as medical consultants, pharmacies and other aftercare.

For these businesses, many patients and visitors are unable to rely on public transport due to mobility issues and, as such, **accessibility for such visitors is a key issue in the Berkeley Road area**. For example, there are two medical consultant clinics, a physiotherapy clinic, and a neurology consultant clinic who provide services for mobility impaired patients. The Healing House on O'Connell Avenue also provides services for wheelchair users and post-operative patients, who need access to parking.

Furthermore, as noted in the introduction, the Berkeley Road area is a multigenerational area, with a mix of both elderly residents and families, some with children.

The Dublin City Development Plan 2016-2022 states that it is the policy of Dublin City Council ***“to improve facilities and encourage relevant transport agencies/transport providers to provide for the needs of***

people with mobility impairment and/or disabilities including the elderly and parents with children¹³

In addition, the Dublin City Development Plan 2016-2022 MT027 states that it is the objective of Dublin City Council: *“to renew restrictions on the use and cost of on-street parking and change them, as necessary, in order to discourage commuter parking, and to facilitate short-term parking for shopping, business and leisure purposes at appropriate locations”*.

It is not clear that these policies and objectives have been considered fully or sensitively in the current scheme.

Under the current scheme, there is a cumulative loss of approximately 34 parking spaces in the Berkeley Road area (*“20 on-street parking spaces will be lost on Eccles Street, while approximately 14 spaces will be lost on Berkeley Road”¹⁴*), with a long-term negative impact predicted. However, it also states that *“this impact will be removed following completion of Construction Phase”* (see “Mitigation Measure”, pg. 258 in the same volume). It is not clear whether this means that the parking spaces will be reinstated or is simply a boilerplate response unrelated to local “Mitigation Measures” for Berkeley Road and Eccles Street.

During construction, there will also be approximately 200 people working on site at the Mater station at any one time with peaks of considerably larger workforce on site. Given current pressures on parking (in an area in which many households in the area do not own a motor car¹⁵), it is unclear how resident parking and access to parking for short-term medical visits or services will be maintained during construction or if it has been considered at all. There are also concerns that a considerable amount of car parking for residents will be eliminated after completion of the works in an area already lacking such facilities.

Beyond a high-level mention of *“car sharing”* and *“transporting workers to site via min-buses”*, there are insufficient details in relation to the provision of transport or car-pooling for people working on the Mater site (also a

¹³ Dublin City Development Plan 2016-2022

¹⁴ Table 9.147: Summary of Mitigation Measures in Construction Phase, pg 258 in Chapter 9: Traffic & Transport of Volume 3 – Book 1.

¹⁵ 2016 Census Small Area Population Statistics

policy/objective in the Dublin City Development Plan) or how the extra parking and traffic and access difficulties created by the current proposals in the Berkeley Road area will be resolved.

Remedies Sought: A detailed proposal on how the limited parking access in the area can be protected for vulnerable visitors and local residents, to be agreed in consultation with local residents and businesses, as part of a broader traffic impact assessment and travel management plan.

In addition, a detailed proposal should be required from the applicant and its agents, including the scheme contractor, on how site workers and site visitors will travel to the site (e.g. park & ride, etc), in keeping with DCC policies on sustainable travel and development - again to be agreed in consultation with local residents and businesses.

Similarly, consideration should be given to consultation with other public bodies (DCC, etc) in relation to parking enforcement, and parking provisions for residents.

Lastly, the applicant should be requested to clarify the intended final layout of Berkley road including the reinstatement of public road infrastructure, including footpaths, cycle lanes and short term and resident car parking spaces to at least the existing numbers and provision if not improved.

3.2.3 Traffic & Travel

Given the duration of the project, **it is not enough that the Scheme will provide, upon its completion, enhanced provision for pedestrians and cyclists in the area through the development. It is certainly unacceptable that the safety of pedestrians may be compromised during the length of the project.**

The Dublin City Development Plan 2016-2022 MT027 states that it is an objective of Dublin City Council: *“to require Travel Plans and Transport Assessments for all relevant new developments and/or extensions or alterations to existing developments”*.

While traffic modelling is included in the current proposal, it is unclear if these include consideration of other developments in the local area. Furthermore, **it is not clear that the current proposals provide an**

assessment of the nature and extent of the impact of the development on the wider transportation system, particularly pedestrians, but also cyclists and other road users.

While consideration is given to pedestrian ‘comfort’, we are unaware of any assessments of the safety impact for pedestrians on the reallocation of road space on Berkeley Road (e.g. closure of pavement on Park side). Additionally, there is a potential pedestrian safety risk with the location of the proposed Station entrance on the corner of Berkeley Road / Eccles Street, rather than locating it, as suggested previously, on Eccles Street, which will be pedestrianized.

In terms of liveability for local residents, taking car traffic away from Berkeley Road, and the disruption to bus routes in the area, has the potential to increase the need for private car use in the area and the current proposals will inevitably lead to residents being effectively landlocked in traffic and in very close proximity to a very large amount of heavy construction traffic. Additionally commuter traffic impacted by any restrictions on Berkeley Road proper are likely to have a knock-on effect on residential streets, such as Geraldine Street, Goldsmith Street and adjacent streets, with displacement of traffic, exacerbating existing issues with local streets being used as a rat-run.

Finally, the importance of meaningful engagement with the Mater / Berkeley Road area (and knowledge of local context) cannot be understated if there is to be public confidence in the assessments and modelling provided. The current approaches taken to assess impacts on the area, including accessibility and pedestrian or vehicular safety, have relied mostly on desk-based methodologies rather than observing accessibility issues in context or talking to the people who live here.

Remedies Sought: A detailed contextual assessment of the effects of the proposed development during the period of construction on **pedestrian and vehicular safety in the vicinity of the construction site** is sought, to include assessment of walkability and impact of increased parking pressure and traffic displacement in the neighbouring residential streets.

3.2.4 Economic Impact on Local Businesses

Again, due to its proximity to the Mater Misericordiae University Hospital and the Mater Private Hospital, many of the local businesses provide services related to healthcare, such as medical consultants, pharmacies

and other aftercare. Other businesses, including coffee shops, service both visitors to the area and the local residential community.

These businesses and their customers are likely to be heavily impacted during construction, through the reduction of parking spaces and reduction of access by visitors. The Dublin City Development Plan 2016-2022: states that it is the policy of Dublin City Council to: *“promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as. Dublin 1, 7 and 8¹⁶.”*

It is difficult to see how local businesses can remain open due to the impact that the noise levels (ranging from very significant to moderate) will have on these buildings due to the piling works and excavation. This is especially true of the businesses from 12-22 Berkeley Road, who are going to be directly affected by the construction works for varying periods ranging from 4 to 11 months.

Given the duration of the construction, the removal of parking spaces and vehicular access, the scale of the impact on local businesses is likely to be economically significant. Indeed, without some form of material intervention, it is hard to see how many will survive. This outcome will be a huge loss to the local community and contrary to the stated objective of economic regeneration in the area.

Remedies Sought: An economic assessment on the effects of the proposed development on local businesses and consideration of potential methods to ameliorate any negative impacts, including their inclusion in Community Gain projects during and after construction.

3.2.5 Health Impact on Local Residents: Air Quality

As stated throughout, the Berkeley Road area is primarily a residential area. As such, any potential negative health impacts to residents caused by the construction should have the highest priority. It is our view that this is not the case with the current proposals.

¹⁶ Dublin City Development Plan 2016-2022 CEE22

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”*.

The national commitment to this objective is also reflected in the Clean Air Strategy that is currently being developed by the Department of the Environment, Climate and Communications. The outcome of this policy is likely to produce changes in the air quality monitoring standards over the lifetime of the proposed development in the Berkeley Road area. It would be prudent to have these higher quality standards reflected in the Metrolink Proposals.

Currently, air quality monitoring cited in the Metrolink proposals use EU standards, for example No2 Annual Limit Value of 40 µg/m³, as an air quality limit, which were based on the 2005 World Health Organisation Air Quality Guidelines. However, these are acknowledged as being no longer in line with available scientific evidence and, as such, EU standards are currently being revised¹⁷ to bring them closer in line with the 2019 World Health Organisation limits (No2 Annual Limit Value of 10µg/m³ - a quarter of the limit monitored by Metrolink).

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”*¹⁸.

These standard values are focused on the protection of human health and, in the interests of public health and residential amenity, but also given the volume of development in the area, and the current poor levels of air quality in the area, higher standards reflecting the National Policy Objective should be the aim.

Worryingly, while the Metrolink proposals - S16 Air Quality - offer some suggestions regarding mitigation measures around dust and emissions (*“liaison with local authorities and community groups”*; *“traffic should be monitored to ensure construction vehicles are using the designated haul routes”*), many of these commitments are normative (*“should be”* rather

¹⁷ https://environment.ec.europa.eu/publications/revision-eu-ambient-air-quality-legislation_en

¹⁸ <https://publichealth.ie/consultation-response-a-clean-air-strategy-for-ireland/>

than positive (“will be”). From the perspective of the local community, these do not provide sufficient reassurance, nor does ex ante modelling whose assumptions, where stated, are open to question at best.

In effect, there are no measurable, discrete obligations around Air Quality, in terms of emissions and dust in the Berkeley Road area, to which the contractor can be held. They also explicitly state that “*there are no statutory guidelines regarding the maximum dust deposition levels that may be generated during the Construction Phase of a development in Ireland*”.

We have noted that the construction and development of the Mater station is just one of a number of developments taking place in the local area. Prior to any of this development taking place, the Phibsborough area has been identified as having poor air quality by the Clean Air Together¹⁹ project developed by the EPA in partnership with An Taisce’s Environmental Education Unit.

In addition, given the healthcare focus of businesses and facilities in the area, including the medical consultants and pharmacists identified above, as well as the Mater Hospitals, any compromise on air quality standards will necessarily entail compromising the health of vulnerable patients and users of these services.

Remedies Sought: At a minimum, in the interests of public health and residential safety, local monitoring and mitigation of air quality should be agreed with the local community and these should consist of discrete, measurable obligations to be regularly disclosed to the public required as part of the grant of planning permission. It is also strongly recommended that air quality monitoring standards for the Mater station construction should be brought in line with WHO recommended emission standards and benchmarks.

3.2.6 Construction Impact on Residential Property and Other Structures

The bulk of the residential housing stock in the area consists of one and two storey red brick Victorian terraces built towards the end of the 19th century and, in keeping with the construction methods of the time, were

¹⁹ <https://www.cleanairtogether.ie/>

built without foundations. Similarly, the protected structures such as St. Joseph's Church are likely to have substantially smaller foundations than their modern equivalents.

It is very difficult to predict the consequences of tunnelling and boring in proximity to this type of property, particularly Victorian houses without proper foundations. While the Metrolink proposals have made provision for the provision of surveyors' and engineers' reports for houses directly above the tunneling area, the provision for re-housing or compensating residents heavily impacted by construction appears to be limited to properties which are **estimated** to exceed relevant criteria.

Previous work in the area has resulted in negative impacts to houses - of a similar scale and structure - necessitating the employment of engineers, architects and surveyors, at homeowners' own expense, in order to protect their properties. In previous developments in the area, properties built on similar foundations were damaged, despite warnings from local households, who then struggled to get redress.

The demarcation of properties included in vibration monitoring strategies is insufficient and the proposed strategy and measures does not provide any clarity on surveillance of properties that lie in close proximity to the works but just outside the 30m monitoring zone nor any details of how liaison with home owners will be undertaken or in what regularity.

As stated above, modelling and prediction of the impact of this type of work is notoriously difficult, and it seems **irresponsible and unfair to restrict monitoring, support and potential compensation and redress to those local residents who are predicted or estimated to be affected** by the construction in terms of disturbance, vibration, noise, dust, etc. See Airborne and Groundborne Noise Mitigation Policy: *"To be eligible for support the owner/occupier must be in occupation of a private dwelling and the dwelling must be located where the predicted construction airborne noise is estimated to exceed the relevant criteria referred to in Appendix A."*

Given the difficulty in predicting the likely impact of construction on local property, it should not be the case that it is determined, through estimation or prediction, who will be impacted by the construction before the development has taken place, nor should the possibility of engaging with

TII regarding damage be presumptively limited to an estimated cohort (nor should this determination be within the gift of the Scheme contractor).

Remedies Sought: In the interests of public health, residential safety and natural justice, clarity is required as to the scale of monitoring of properties and redress available for affected properties, particularly those where tunnelling is taking place directly under or near their homes. Detailed strategy on monitoring of properties in proximity to the tunneling works, detailed policies on rehousing, and details of provisions for homeowners without the means or capacity to engage surveyors or legal advice prior to, or during, construction are also required.

Prior to commencement of construction, comprehensive ‘no fault’ insurance should be put in place to protect households and residents in the area and details should be publicly provided.

In the interests of natural justice, we ask that any “statute of limitations” in relation to property damage claims by local residents, caused by construction, tunnelling or works related to the construction of the Mater Station, apply to the date when any damage becomes discoverable or manifest to property owners, rather than the date of construction activity which may be found later to have caused such damage. This is especially important in areas where properties have shallow foundations as settlement caused by tunnelling disruption, and subsequent damages caused by such settlement, may take some time²⁰.

Additionally any grant of planning permission should condition the provision of a community liaison structure by the applicant to investigate and address any damage caused to property in proximity to the tunneling works but outside the monitoring area.

²⁰ Gillarduzzi, A. (2014) Investigating property damage along Dublin Port Tunnel alignment. Proceedings of the Institution of Civil Engineers - Forensic Engineering 2014 167:3, 119-130

3.3.1 Community Gain Context - Mater Station

“While a tremendous amount of urban regeneration has lifted many areas of the new extended inner city, there remains a great sense of unevenness²¹”.

Notwithstanding its rich cultural and architectural significance, the area, like much of inner city Dublin, has historically been underserved by planning policy, with large parts suffering long-term consequences from both a lack of protection and enforcement. The effects of the uneven policing of planning regulations are visible in the Berkeley Road area. This is also true of enforcement with regard to traffic in the area (e.g. parking and speeding).

It is against this context that many of these observations on the Mater station’s construction are made. This development has the opportunity to break with the mistakes of the past by rejuvenating an area of immense cultural, architectural and historical significance, and rich potential.

Given the scale of upheaval in the area, and duration of the project, we believe that the NTA and TII should make provision, for the benefit of the local area, for a Community Fund which can be spent on improvements to the visual amenity and liveability of the local area.

This will be particularly critical in the context of the reinstatement of the Four Masters’ Park and the substantial impact to Berkeley Road residents and businesses.

As with previous observations, we are concerned with the lack of detail and clarity regarding the reinstatement of the Four Masters’ Park and public realm improvements to the area. The Railway Order states, with regard to the Park, that *“the surface features would be substantially reinstated as per the Project Description outlined above. The Park and its public realm surroundings will have been updated and improved, particularly in respect of the shared space to the front of the original hospital building, the refinement of the Park layout and the tree and plant species selection. ...*

²¹ Dublin City Development Plan 2016-2022

Upon completion of the proposed Project, the visual amenity of the area will be largely restored, much to its existing condition...

These commitments do not identify any objective criteria by which standards of “*substantial reinstatement*”, “*updated and improved*” or “*largely restored*” will be met, nor the agency responsible for determining whether the standard will be reached.

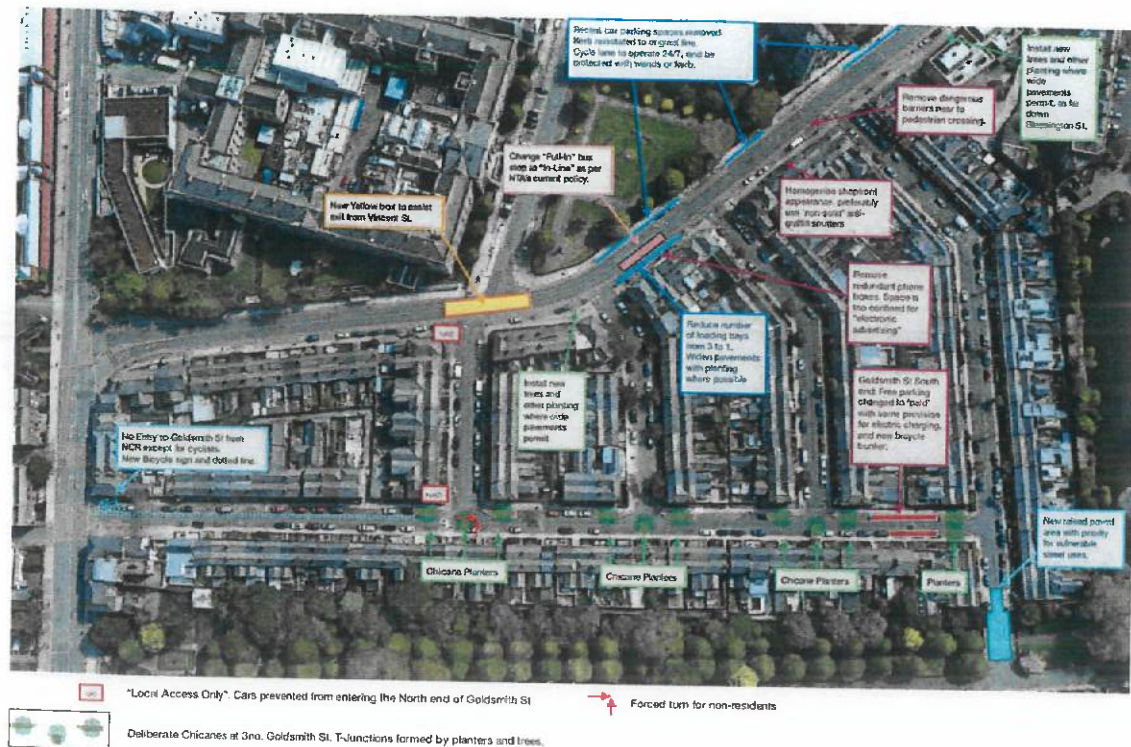
Equally, the applicant’s submission is unclear on the final finishes, with many CGIs and artist impressions of the finished works showing discrepancies between different sections of the proposals. The applicant’s submission is also unclear in relation to who will be ultimately responsible for carrying out improvements to the area.

Given this lack of central coordinating responsibility for the Community Gain elements of the developments, and the dispersion of the Community Fund, we believe **it is crucial that the Mater Station liaison committee discussed in Section 2 of this document will be responsible for guiding the reinstatement, restoration and improvement of the Park, public realm and visual amenity of the area.**

As part of the District 7 Community Alliance, the Berkeley Road Area Residents’ Association and the Blessington Basin Residents Association have developed a number of proposals in relation to the improvement of the local area more broadly, including traffic calming, greening of the area, which we believe will be vital to ensuring local support for the project.

Examples of these proposals are provided below:

Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order 2022

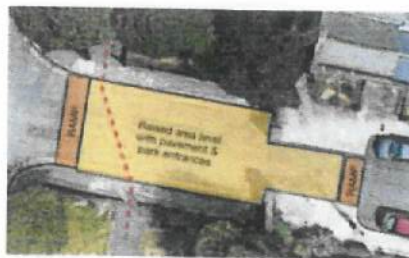


Berkeley Road Residents' Association - Streetscape and Local Area traffic calming proposal

Geraldine Street



- Narrow junction by widening footpaths
- Introduce aesthetically designed ramps
- Change surface to paving to highlight go slow zone



GREATER DORSET STREET TOGETHER PROJECT

District 7 Community Alliance - Public realm, traffic calming and greening projects for Berkeley Road Area

Railway (Metrolink–Estuary to Charlemont via Dublin Airport) Order 2022

Blessington Street



- Located on axis with Blessington Basin from O'Connell Street
- Has high volume of pedestrian and cycling traffic
- Businesses with outdoor space needs adjoin
- Large centres of employment nearby e.g. Mater Hospital
- Speeding is highly problematic. Only one pedestrian crossing
- Unnecessarily wide road space for cars



GREATER DORSET STREET TOGETHER PROJECT

District 7 Community Alliance - Public realm, traffic calming and greening projects for Berkeley Road Area

Blessington Street



- Ideal opportunity for placemaking.
- Planting potential that ties in with 'Botanic Way' concept



GREATER DORSET STREET TOGETHER PROJECT

District 7 Community Alliance - Public realm, traffic calming and greening projects for Berkeley Road Area

Berkeley Road/St and Mountjoy Street



GREATER DORSET STREET TOGETHER PROJECT

District 7 Community Alliance - Public realm, traffic calming and greening projects for Berkeley Road Area

Remedies Sought:

- i) In recognition of the severe upheaval caused to local residents and businesses by the proposed project, a Community Fund should be established, financed through development contributions by TII/the applicant, to be spent on the rejuvenation and enhancement of the Berkeley Road Area and environs.
- ii) Liaison committee discussed in Section 2 of this document will be responsible for the management and dispersal of the Community Fund.
- iii) Priority for local improvements should be given to proposals generated by the local residents (e.g. the District 7 Community Alliance proposals).
- iv) Such redevelopments should commence before the completion of the Metro and be completed prior to the opening of the station and, so far as possible, in parallel with its construction.