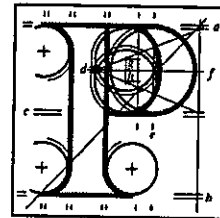


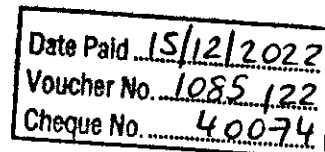
Our Case Number: ABP-314724-22

Your Reference: Farrier Technology Limited



**An
Bord
Pleanála**

Downey Planning
29 Merrion Square North
Dublin 2



Date: 15 DEC 2022

Re: Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]
Motrolink. 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 cheque refund of €50 is enclosed.

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

RA05

Tell	Tel	(01) 858 8100
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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

FAO An Bord Pleanála,
64 Marlborough St,
Rotunda,
Dublin 1.
D01 V902.

28th November 2022

RE: SUBMISSION TO THE DRAFT RAILWAY ORDER (METROLINK – ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER

Observer: Farrier Technology Limited

Dear Sir/Madam,

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Railway Order for the Metrolink Project - Estuary to Charlemont via Dublin Airport (2022). This submission is made on behalf of our clients, Farrier Technology Limited, and relates to the Metrolink route and its relationship with Prospect House 2 and 3 Prospect Road, Glasnevin, Dublin 9.

Please find the following enclosed:

- A copy of the Submission prepared by DOWNEY;
- A copy of a cheque (€50)

We hope the particulars are in order, and DOWNEY respectfully request that An Bord Pleanála consider the concerns and issues raised by Farrier Technology Limited when assessing the Draft Railway Order 2022 (Metrolink - Estuary to Charlemont via Dublin Airport).

Yours sincerely,

Catherine Norris MIPI
Associate Planner
For and on behalf of Downey Planning

AN BORD PLEANÁLA	
LDG-	<u>059566 22</u>
ABP-	_____
28 NOV 2022	
Fee: €	<u>50.00</u> Type: <u>cheque</u>
Time:	<u>11.29</u> By: <u>connor</u>

DOWNEY

29 Merrion Square, D02RW64

Submission to the Draft Railway Order (Metrolink - Estuary to Charlemont via Dublin Airport) Order

**Prospect House,
No. 2, 3 Prospect Road,
Prospect Road
Glasnevin, Dublin 9**

Observer: Farrier Technology Limited

November 2022

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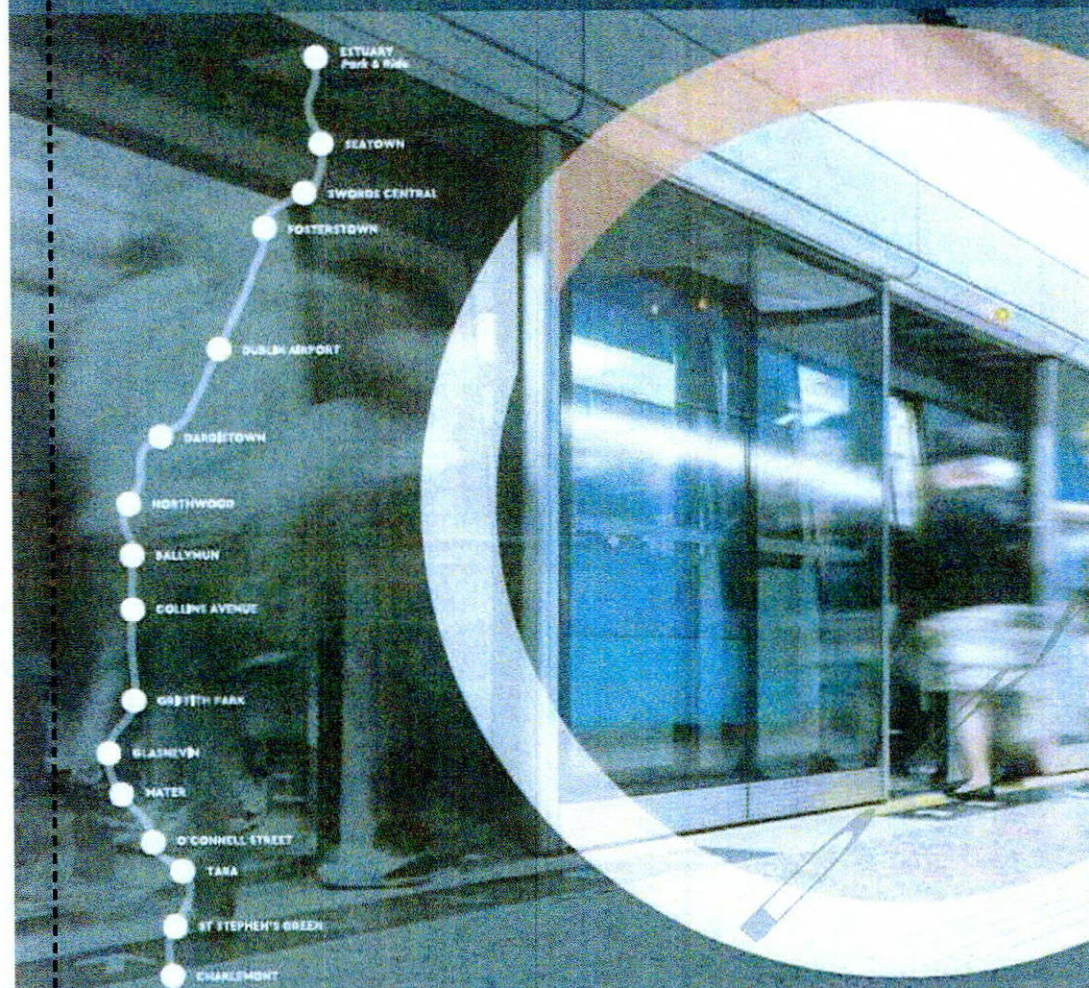
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Downey Planning Document Control			
	Name	Date	Version
Prepared by	Sean Slevin (MIPI)	23/11/2022	V1_DRAFT
	Sean Slevin (MIPI)	24/11/2022	V2_DRAFT
Approved by	Catherine Norris (MIPI)	24/11/2022	V3_FINAL

METROLINK

Integrated Transport. Integrated Life.

Draft Railway Order 2022



Draft Railway Order
Metrolink
Estuary to Charlemont
via Dublin Airport



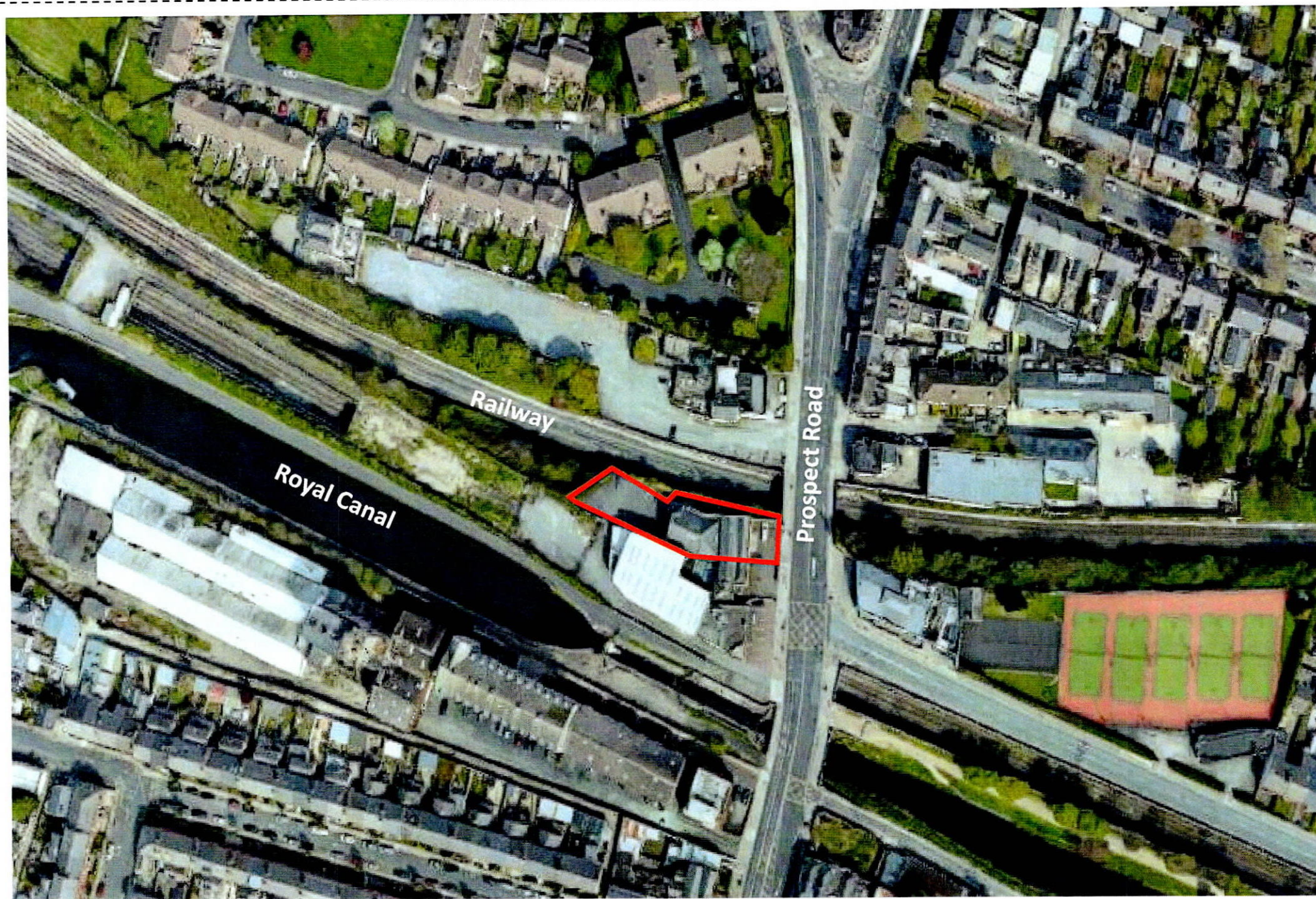
EXECUTIVE SUMMARY

This submission is made by DOWNEY, on behalf of our client, Farrier Technology Limited, to An Bord Pleanála in response to the consultation on the Metrolink Draft Railway Order 2022, which is currently on public call for submissions.

The proposed development of the Metrolink is "to provide a sustainable, safe, efficient, integrated and accessible public transport service between Swords, Dublin Airport and Dublin City Centre" with a proposed station to be developed at lands within Glasnevin situated north of the Royal Canal along the R135 at Cross Guns Bridge in conjunction with the redevelopment of An Iarnród Éireann railway station as an interchange point.

The Metrolink proposes to develop a Glasnevin Metrolink Station on land including our client's land interest resulting in the permanent land take of the properties. Within this context, the purpose of this submission is to ensure that our client's land interests are correctly reported within the Draft Railway Order to ensure that the scheme can be designed accordingly, including in relation to the environmental baseline, associated assessment of environmental effect and any mitigation required. The summary of our submission is provided as follows:

- 1) Our client is long-term owner of the above-listed property which is currently used for a range of office business uses, including our client's existing business use (Farrier Technology Limited – Bytech)
- 2) These lands are centrally located within the Dublin City Area being located alongside Quality Bus Corridors (QBC) and zoned 'Z3 - Neighbourhood Centres' in the Dublin City Council Development Plan (2017 to 2022) and also have the capacity to attract a range of different uses on the site, outside of the office sector.
- 3) Owing to this potential, our client Farrier Technology Limited is seeking to expand their existing operations on the site, proposals for which are currently being determined by An Bord Pleanála (Ref. ABP 312150-21).
- 4) Notwithstanding our client's concerns about the proposed location of the Metrolink Station and impact on their property in principle, this representation seeks to ensure that:
 - a. Our client's land interests are accurately reported in the draft Railway Order on client's interest to ensure accurate reporting of impacts and decision taking to come; and
 - b. Open communication, strategy and regard to issues including the time needed to source alternative facilities with a similar offering, including relocating long-term business premises and findings a new source of long-term rental income, well in advance regarding the Metrolink Land Acquisition Strategy 2022 and prior to the finalisation of the Railway Order.



1.0 INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Railway Order for the Metrolink Project - Estuary to Charlemont via Dublin Airport (2022). This submission is made on behalf of our clients, Farrier Technology Limited, and relates to the Metrolink route and its relationship with Prospect House 2 and 3 Prospect Road, Glasnevin, Dublin 9. It is submitted on behalf of client, Farrier Technology Limited, Prospect House, 2-3 Prospect Rd, Dublin in relation to their property at 2-3 Prospect Road.

The proposed Metrolink project has legal implications to consider, as the largest infrastructure project in Ireland's history. Under the Transport (Railway Infrastructure) Act 2022 (As Amended), upon the finalization of the Railway Order, Transport Infrastructure Ireland will be authorized to acquire any lands or rights on or under any land that are situated on the proposed route of the Metrolink.

The Metrolink proposes to develop the Glasnevin Metrolink Station on land includes our client's land interest. Within this context, the purpose of this submission is to ensure that our client's land interests are correctly reported within the Draft Railway Order to ensure that the scheme can be designed accordingly, including in relation to the environmental baseline, associated assessment of environmental effect to ensure accurate reporting of environmental impacts and any required mitigation, including through the separate Compulsory Purchase Order (CPO) process.

The fee payable (€50) for the submission of this observation has been provided with this submission.

2.0 OVERVIEW OF THE DRAFT RAILWAY ORDER

On 30th September 2022, governed by Section 37 of the Transport (Railway Infrastructure) Act 2001 (as amended and substituted) ("the 2001 Act" hereinafter) and proposed within the definition of Strategic Infrastructure Development (SID) under Section 2 of the Planning and Development Act 2000 (as amended) ("the 2000 Act" hereinafter), the National Roads Authority (operating as TII) submitted the Draft Railway Order for the Metrolink Project - Estuary to Charlemont via Dublin Airport [2022] ("the proposed Project" hereinafter) to An Bord Pleanála.

With an objective to *"provide a sustainable, safe, efficient, integrated and accessible public transport service between Swords, Dublin Airport and Dublin City Centre"*, the proposed Project seeks to deliver the construction of a fully segregated, high-capacity, and high-frequency automated railway and metro between Estuary Station and the Park and Ride facility, north of Swords via Dublin Airport to Charlemont Station; with approximately 18.8km length which is mostly underground. The proposed Project comprises 16 new stations along the alignment comprising of Estuary Station at surface level, four stations at Seatown, Swords Central, Fosterstown and Dardistown in retained cut, and Dublin Airport Station along with the remaining ten stations which will be underground.

The proposed Project has been designed to interchange with existing and future elements of the transport network. The key interchanges are as follows:

- Dublin Airport;

- The Western Commuter Line also known as the Maynooth Line (formerly the Midland Great Western Railway) and the South-Western Commuter Line also known as the Kildare Line (formerly Great Southern and Western Railway) at Glasnevin Station;
- The DART at Tara Station;
- Luas Lines (at O'Connell Street, St Stephen's Green and Charlemont Stations); and,
- The Dublin Bus network and the future BusConnects network.

Temporary elements to the proposed Project, will comprise of Construction Compounds, Logistics Sites, and Tunnel Boring Machine Launch Sites, which are essentially to facilitate the construction phase of the development. This encompasses 34 construction compounds, including 20 main Construction Compounds at each of the proposed station locations, the portal locations, and the Dardistown Depot Location, as well as 14 Satellite Construction Compounds located at other locations along the alignment. Main logistics sites will be located at Estuary, near Pinnock Hill east of the R132 Swords Bypass and north of Saint Margaret's Road at the Northwood Compound. There will be two main tunnel boring machine (TBM) launch sites, with one located at DASP which will serve the TBM boring the Airport Tunnel and the second located at the Northwood Construction Compound which will serve the TBM boring the City Tunnel.

TII carried out numerous public consultations on the Preferred Route over an eight-week period from the 26th of March 2019 to the 21st of May 2019. While extensive pre-planning consultations took place, a detailed assessment of the individual properties affected has not yet taken place. The Railway Order Process 2022 is a Draft Order, should the route be approved by An Bord Pleanála, further detailed design will be submitted which will require further consideration and approval.

The statutory consultation period commenced on the 7th of October 2022, with a 6 weeks' timeframe for submissions, i.e., the closing date for submissions is the 25th of November 2022 at 5.30pm.

2.1 Specific works at Glasnevin Station

The Metrolink Draft Railway Order proposes to develop a station (Glasnevin Station) at our clients' land interest. To facilitate this, the acquisition of the lands will be a necessity to accommodate for this development under separate Compulsory Purchase Order proceedings. A description of the proposed development to occur on lands including our clients' land interest at Glasnevin station is described as follows:

'The proposed Project will deliver a metro station at the location (named Glasnevin Station) that will interchange with the Kildare and Maynooth commuter lines. This will be delivered as a standalone station. The future development of land above or surrounding the station, station lands or over the tunnel alignment will be subject to separate planning, assessment, and consultation processes' (pp. 79 of the Planner Report submitted as part of the Draft Railway Order [2022] submission to An Bord Pleanála).

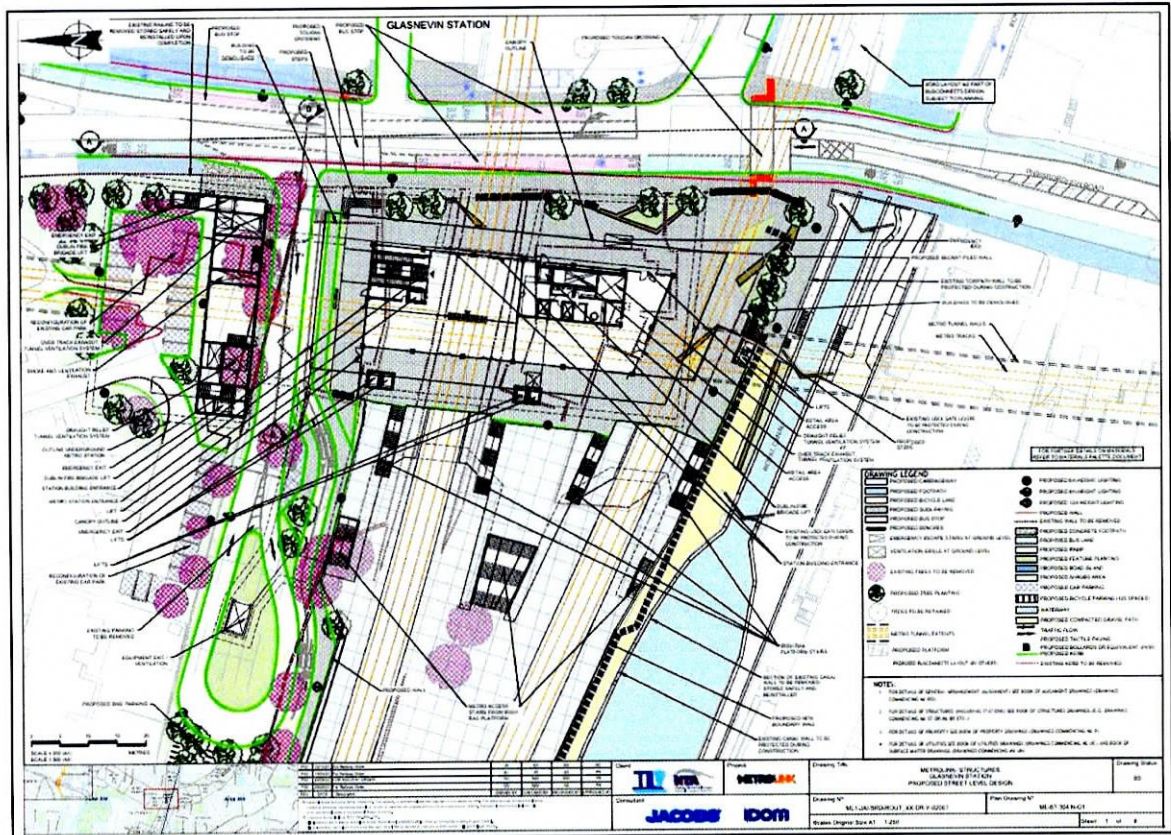


Figure 1: Proposal plans for Glasnevin Metrolink Station (Obtained from Draft Railway Order 2022)

Glasnevin Station will become a new multi-interchange station within Phibsborough, which will link the Metrolink, the two existing Iarnród Éireann Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car and active modes of transport. The proposed tunnel for the Metrolink is to run under the parallel alignments of the heavy railway lines. The station box is to be constructed under both the Western Commuter and the South-Western Commuter Lines. It will have 5-levels, which will comprise of not just Metrolink but also Iarnród Éireann platforms. Access to the station will be via Prospect Road. In order to facilitate these construction works; it will require the demolition of the existing structures on the site which includes our client's land interests at 2 - 3 Prospect House, Prospect Road.



Figure 2: Proposed Metrolink tunnel route and station via Glasnevin (Source: Metrolink.ie)



Figure 3: Virtual image of what Glasnevin proposed station is to look like (Source: Metrolink.ie)



Figure 4: Extract from Metrolink Property Books, with 1 and 2 - 3 Prospect House to be acquired with red outline (Site highlighted in Yellow)

Figure 5 shows that in order to facilitate the Metrolink project at Glasnevin station, it will be a requirement for Transport Infrastructure Ireland to acquire property and lands at the location. As a result, the client's subject site, 2 - 3 Prospect House, will be acquired to facilitate the infrastructure necessary to develop the Metrolink project upon approval of the Draft Railway Order.

3.0 PROPERTY LOCATION & DESCRIPTION

The overall subject land holding is approximately 0.1 hectares in size and falls within the functional area of Dublin City Council. The site provides a two-storey terraced office building with an unlisted, mock Georgian façade, surrounded by hard standing and car parking. The site is situated on a retaining structure over the Maynooth Railway line. It is bound to the north by the Dublin railway line, by the neighbouring Des Kelly Furniture unit and Royal Canal beyond. The Maynooth railway line runs south under the application site.

The subject site is accessed off Prospect Road, forming the eastern boundary of the site. Taken together, Prospect Road and Phibsborough Road provide one of the main arterial routes to the city to from the northern suburbs of Glasnevin, Cabra, Drumcondra, and Dublin Airport. The area is well-served by public transport and enjoys easy access to the City Centre, M1, N2, N3 and the M50.

2-3 Prospect House is owned by Farrier Technology Limited and occupied as a multi-let office building, that composes of multiple business tenants that occupy the office premises. It is occupied by Bytek Office Systems Limited, F&M Accountants, Avitor Limited, Viso Limited and Atum Consultants Limited. Farrier Technology Limited is responsible for the multi-let of the property. There is a wayfinding area situated to the south of the site, to the rear of 2 – 3 Prospect House, in which a car parking lot is situated.

In planning policy terms, the site is located within an area zoned in the current Dublin City Development Plan 2016 to 2022 as a 'Neighbourhood Centre' under zoning policy Z3. This zoning policy provides for development uses that are 'permissible' and 'open for consideration' for development in these areas. The site is also located within the Royal Canal Conservation Area, but the buildings on the site are not otherwise protected for their historic interest via listing or otherwise. It remains an unlisted building in the built-up area of Dublin. The wider area provides a mixed-use urban area, with a range of forms of development including established residential and commercial uses.



Figure 5: Estimated Development Zone of Proposed Metrolink & How Subject Properties fall under development zone



Figure 6: Street view of the subject lands, with approximate outlines of and 2 - 3 Prospect House

3.1 Current Use/Uses

2 and 3 Prospect House comprises of modern own door office buildings behind a mock Georgian facade. The building is presented in excellent condition throughout and conforms to a part open plan and cellular format. The entire property benefits from an impressive furnishment, with fully integrated computer network complete with comms room, fully fitted canteen & lounge area, boardroom, toilets, and shower facilities.

4.0 PLANNING CONTEXT

4.1 Dublin City Council Development Plan 2016 - 2022

The Dublin City Development Plan 2016-2022 (the 2016 Development Plan) is the relevant statutory plan for this particular area.

Zoning Objective Z3

The subject site is zoned “Z3 - Neighbourhood Centre” under the 2016 Development Plan – see Figure 7 below. Policy Z3 confirms that neighbourhood centres provide essential and sustainable support to existing residential areas by providing local facilities such as small convenience shops, hairdressers, hardware stores. The Plan confirms that these facilities should be maintained and strengthened, where necessary, to form a focal point for a neighbourhood within a 5-minute walking distance. As a consequence, the zoning objective seeks: *“To provide for and improve neighbourhood facilities.”*



Figure 8: Land Use Zoning Map Dublin City Development Plan 2016-22

Permissible Uses

Land uses that are considered to be generally acceptable within Z3 - Neighbourhood Centres include the uses listed below. These uses are acceptable subject to further assessment against the relevant policies, objectives, and standards set out under the Development Plan:

"Bed and breakfast, betting office, buildings for the health, safety and welfare of the public; car park, childcare facility, community facility, cultural/recreational building and uses, education, enterprise centre, garden centre, guest house, home-based economic activity, industry (light), live-work units, medical and related consultants, office (max 300 sqm), open space, part off-licence, primary health care centre, public service installation, residential, restaurant, shop (neighbourhood), training centre."

Open for Consideration Uses

Land uses that may be acceptable and are 'open for consideration' by the Planning Authority are listed below. These are also subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives, and standards set out in the Development Plan:

"Advertisement and advertising structures, civic and amenity/recycling centre, embassy residential, garage (motor repair/service), household fuel depot, internet café, media-associated uses, office (max 600 sqm), off-licence, petrol station, place of public worship, public house, take-away, veterinary surgery"

The subject lands are of high value due to the wide range of development opportunities that can exist on these zoned lands. It is able to facilitate a wide range of uses due to its prime location, being situated at the junction of the North Cross Bridge and has strong transport connections into the city centre and surrounding areas, including the motorway network of Ireland.

5.0 MATERIAL CONSIDERATIONS

The impact of the Metrolink proceedings have already been felt at the property of 2 – 3 Prospect House with our client refused planning permission by Dublin City Council as it was considered *would "inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project."* A first party appeal is currently being heard by An Bord Pleanála, having regard to the following particulars:

Reg. Ref. 3526/21: On the 12th of November 2021, Bytek Office Systems Ltd. were refused planning permission on lands at Prospect House, 2-3 Prospect Road, for proposed development consisting of the following:

The development will consist of:

- a) the demolition of the existing rear first floor balcony, and;*
- b) the construction of a three-storey extension, over parking level, to the rear of the existing building, comprising of: 584sqm of office space and 294sqm of media rooms and associated staff welfare facilities; 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level; a bin store and plant room at the lower ground floor; and, all associated engineering and site development works necessary to facilitate the development.*

The application was refused, with one of the reasons being that it was refused on the grounds that *'the application site forms a critical future Urban Transport Node comprising a rail interchange station with linkages to Bus Connects at surface level along the R108 (Prospect Road). Due to the proposed development being located on lands earmarked for acquisition and demolition, as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project'*.

A first-party appeal was submitted to An Bord Pleanála, in which a decision is still due.

The client's business has been impacted by the material considerations of the Metrolink in the submission of planning applications, to facilitate the growth of the business.

6.0 LEGAL CONSIDERATIONS

6.1 Metrolink Land Acquisition Strategy 2022

The Metrolink Land Acquisition Strategy is intended to be implemented by the National Roads Authority operating as Transport Infrastructure Ireland as the acquiring authority in respect of the proposed delivery of the Metrolink. In order to facilitate the delivery of the Metrolink, the acquisition of numerous lands and property interests in both private and public ownership will be a necessity. As a result, this will have an impact on the client's property due to the proposal of a Metrolink station being situated at the subject lands under 'Glasnevin Station'.

The acquisition strategy puts an emphasis on the early engagement with affected properties prior to the finalization of the Railway Order (Expected to be decided by 2023), in order to assess the full impact and needs of affected businesses and reach a pre-conditional agreement prior to the finalization.

TII state the following in regard to assistance to businesses whom are affected by the acquisition proposals:

"TII recognises the importance for existing businesses of being able to plan their relocations with as much advance information as is reasonably practicable in order to ensure a smooth transition of their operations from one location to another. Therefore, once TII has received approval to the Order, the necessary funding arrangements are in place and a notice to treat has been served, where practicable, TII will use reasonable endeavours to make arrangements to provide businesses with a longer period in which to relocate than the normal statutory process provides. In such cases, TII's overall aim will be to provide as long a period as possible, commensurate with the co-ordinated progress of the MetroLink works."

The client submits that they are aware and open to a clear communication line with Transport Infrastructure Ireland to accommodate these acquisition proposals but wants to ensure that regard is given in any communications to the matters raised in this representation including, in particular, the need for early and clear dialogue, communication and strategy discussions having regard to the particular land interests in question.

7.0 POTENTIAL IMPACT ON PROPERTY

The client has several concerns over the future of the site, due to the potential of direct and indirect impacts on the subject lands that will occur as a result of the Metrolink project. These will be addressed individually in the next sub-sections. This submission regarding the potential interest on our clients' land interest arising from the Metrolink is of particular interest to the reporting of environmental effects as part of Metrolink Environmental Impact Assessment Report (EIAR) Chapter 21 (Land Take).

7.1 Environmental Impact Assessment: Reporting of Environmental Effects

On behalf of our client's land interests we have significant concerns about the methodology for reporting of environmental effects as part of the EIAR as reported in Chapter 21: Land Take. Page 9 of the EIAR reports as follows with Table 21.2: Criteria for Baseline Categorization that follows reporting as follows:

"Properties in general are viewed as being very important to the individual owners and occupiers and are sensitive to acquisition. However, the baseline ratings for land take/properties are evaluated by means of their capacity to accept change taking into account its value at a community/societal level and the current use of the property. Table 21.2 outlines the criteria for baseline categorisation."

Table 21.2: Criteria for Baseline Categorization (EIAR Chapter 21, page 9 and 10)

Criteria	Baseline
Properties that have low capacity to accept change such as: - Hospitals and health care facilities; Educational facilities; - Community services buildings; - Churches and cemeteries; and 'Protected Structures'.	Very high
Properties that have capacity to accommodate limited change such as: - Habitable private residences; - Small local retailers; and - Parks and greenfield areas.	High
Properties that have capacity to accommodate a moderate degree of change such as: - Retail services; - Hospitality services including hotels, pubs and restaurants; - Green urban area; - Construction sites; - Sports and leisure facilities.	Medium
Properties that have a greater capacity to accommodate change such as: - Offices; - Industrial and commercial; and - Car park	Low

Properties that have a significantly greater capacity to accommodate change such as: • Non-habitable residential properties; • Brownfield land; and • Substratum: various properties situated above bored tunnel alignment	Very low
--	----------

We would like to register our significant concerns that our client's property – a significant major employer – is being considered in a category akin to a car park or, a level above, derelict land and vacant properties. There is no logic provided for the disposition of these categories or why other employment-generating uses such as retail, hospitality or construction services are ascribed as higher baseline sensitivity.

The National Planning Framework, the national spatial planning policy of Ireland, identifies that up to 40% additional jobs will occur in Dublin alone to 2040. This puts a pressure on finding suitable lands to accommodate the thriving businesses of the client particularly within the IT sector. It acknowledges the importance of employment, and that *"many sectors, but in particular those related to the information economy and knowledge development, tend to be very place specific"*. Dublin continues to drive much of the growth of the country as a whole.

This being the case, we'd suggest that TII consider the methodology applied to the assessment of environmental effects as part of the UK's High-Speed II project which is outlined as follows (our emphasis) and provides greater nuance on the way in which environmental effects are felt by commercial properties – to include the strength of the local economy and availability of alternative premises:

"The magnitude of effects was assessed based on the interaction between the magnitude of impacts (e.g., their spatial extent and duration) and the sensitivity of the receptor (essentially the ability of a business, economy or market to absorb adverse change or to respond to beneficial change) taking into consideration the strength of the local economy and the availability of alternative premises." (HS2 Phase 2a Environmental Statement, Environmental Statement Volume 1: Introduction and Methodology, July 2017, page 142).

This being the case, we would strongly recommend that the assessment of the sensitivity of the receptor is revised having regard to its ability to accommodate the change, including the availability of alternative premises.

7.2 Subject Lands: Environmental Baseline Description

The subject lands of Prospect House are lands that contain current high potential value, due to the location and accessibility to economic and social opportunities. The area is well served by public transport in the mode of rail, Dublin bus, walking and cycling options available. The lands have access to the motorway network of Ireland, with the M50 in reasonable proximity to the site.

The subject lands facilitates a range of office businesses, who have the potential to reach the surrounding city centre and residential communities in acquiring business opportunities and potential

customers. The wide range of uses make the lands a valuable option to promote and facilitate for sustainable development. These include:

- 2-3 Prospect House is owned by Farrier Technology Limited and occupied as a multi-let office building, that composes of multiple business tenants that occupy the office premises. It is occupied by Bytek Office Systems Limited, F&M Accountants, Avitor Limited, Viso Limited and Atum Consultants Limited.

The lands are well connected with surrounding modes of public transit, with access to a wide range of road networks. It is within reasonable distance to the city center, in which sustainable modes of transport can be availed of. The lands are situated in an area that has a strong proximity to potential surrounding customers, due to the location of the lands being situated within surrounding neighborhoods. It makes the subject lands a viable option as a location to lease from.

Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) Section 21.4 and Table 21.6.

7.3 Subject Lands – Future Potential

Having regard to the scenario where the Metrolink proposal does not proceed, it is reasonable to assume that the premises would continue on its current basis, or it is more realistic that it would grow further for the reasons set out in this section.

The subject lands are full of growth potential, due to location's proximity to the city centre and accessibility to surrounding transit options. The area is going through transit improvements in the form of BusConnects schemes which aims to improve the Quality Bus Corridors in conjunction with cycling lanes on the width of the roads. The area will promote sustainable development, through advances in sustainable forms of transit. This further increases the potential of these lands, particularly for businesses who are interested in having a sustainable ecological footprint. This leads to multiple development opportunities and interests rise as a result, in conjunction with the Z3 zoned lands which allow for a wide range of opportunities. This includes the following uses that are, according to the Dublin City Council Development Plan 2017 to 2022 either permitted in principal or open to consideration:

“Permitted in Principal: Bed and breakfast, betting office, buildings for the health, safety and welfare of the public; car park, childcare facility, community facility, cultural/recreational building and uses, education, enterprise centre, garden centre, guest house, home-based economic activity, industry (light), live-work units, medical and related consultants, office (max 300 sqm), open space, part off-licence, primary health care centre, public service installation, residential, restaurant, shop (neighbourhood), training centre.”

“Open to consideration: Advertisement and advertising structures, civic and amenity/recycling centre, embassy residential, garage (motor repair/service), household fuel depot, internet café, media- associated uses, office (max 600 sqm), off-licence, petrol station, place of public worship, public house, take-away, veterinary surgery”

In addition to this, the client of 2 – 3 Prospect House, has attempted to improve on the future potential of the premises but was refused permission on the basis of impact on the planned Metrolink Route.

The premises consist of multiple IT support companies who are experiencing considerable demand for their business services. The COVID-19 outbreak has led to an unprecedented change in working practices, with a considerable shift towards home working. This has resulted in a significant growth in IT technical support and customer care and in turn, a demand for the business provided by By-Tek which includes customer support, technical expertise, and IT services management. Businesses such as By-Tek are supported by the Government who, in their National Remote Work Strategy (January 2021)) confirmed that there is need: *"to ensure remote work is a permanent feature in the Irish workplace."* By-Tek need to expand to provide additional staff to meet this growing demand.

As a result of this considerable demand, By-Tek intended to address the growing demand by applying for permission to further develop their lands seen by the planning application submitted to Dublin City Council under Reg. Ref. 3526/21 and subsequent first party appeal to An Bord Pleanála Reg. Ref. ABP-312150-21, which is still pending a decision.

Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) 21.5 Predicted Impacts including 21.5.1 Do Nothing Scenario.

7.4 Subject Lands: Impact of Metrolink Scheme (Do Something Scenario)

The proposed Metrolink project has legal implications to consider, as demolition is a direct impact on the subject lands. Under the Transport (Railway Infrastructure) Act 2022 (As Amended), upon the finalization of the Railway Order, Transport Infrastructure Ireland will be authorized to acquire any lands or rights on or under any land that are situated on the proposed route of the Metrolink.

7.4.1 Construction phase impact

Our clients need early and constructive dialogue to work out construction phase impacts and timeframes on the property and business use for the reasons set out in the sections that follow, i.e. impact and disruption on business relocation and sitting tenants.

7.4.2 Operational impacts: Relocation

The client, in ownership of 2 – 3 Prospect House, is concerned about the relocation of the business premises. The subject lands facilitate Bytek office Systems Limited, F&M Accountants, Avitor Limited, Viso Limited and Atum Consultants Limited as tenants of the premises. Due to the multi-let nature of these premises, it will be difficult to coordinate the relocation of these businesses due to a range of reasons such as accessibility, costs, disruption, location, time, and altered lease attributes.

The relocation of a business is a lengthy procedure for the current context of the premises, being made up of multiple tenants. The client is concerned about the timeframe that they will be provided with in facilitating the acquisition proposals of the Metrolink, and if they will be able to locate a site that provides the same convenience and high value economic and social functions of the subject lands.

7.4.3 Operational impacts: Impact on sitting tenancies

As with relocation procedures, the client is concerned about the loss of existing long-term tenants within the current facility and affects their future capacity in selecting a location. It is a difficult

procedure to co-ordinate a location that works for every individual business tenant within the premises. The result of this can be the potential loss of tenants, which directly can affect tenants and businesses on an individual basis.

The implication of this is that the lengthy process that is the Railway Order, the client is unsure about the future of their business premises. They are not able to develop the existing business premises any further, nor can they be secure that their land will be claimed through acquisition by Transport Infrastructure Ireland until the draft Railway Order is granted or refused by An Bord Pleanála within an undetermined date in 2023. The client asks of An Bord Pleanála in the instance of approving the Draft Railway Order, that a clear communication line opens regarding the property and land acquisition procedures, and how businesses will be assisted.

7.4.4 Communication with TII

The clients have received correspondence from Transport Infrastructure Ireland regarding the notice of the subject property being referred to within the Book of Reference documents submitted on behalf of the Draft Railway Order which would be submitted to An Bord Pleanála in due time.

There was a lack of clarity in regard to the communication about the timelines in which the subject properties will be affected prior to the potential finalization of the Railway Order. In order to facilitate the potential acquisition of the properties, as well as the relocation of the properties, a clear communication and timeline is a necessity in order for our clients to facilitate their next decisions in regard to the properties that are affected as a result of a potential CPO acquisition.

We would recommend for An Bord Pleanála to ensure, that if the Draft Railway Order is approved, to put an emphasis that the National Road Authority, under Transport Infrastructure Ireland, provide clear details about the interval stages of the project, and the expected timeframes for the duration of the initialization plans of the Metrolink, construction, monitoring and implementation stages of the project, particularly in regard to when lands will be required to be acquired.

Conclusion

Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) 21.5 Predicted Impacts including 215.1 Do Nothing Scenario.

7.5 Next steps and mitigation

The clients are seeking for clarifications within the next steps and ensure that if any action does occur as a result of the Metrolink, that mitigation measures are undertaken by Transport Infrastructure Ireland and An Bord Pleanála to ensure for the sustainable development of the Metrolink. DOWNEY submit that the necessary next steps and mitigation measures to undertake regarding the context of 2 – 3 Prospect House are as the following:

- Ensure for the accurate reporting within the EIA and supplementary documents submitted, including revisions to the methodology for the assessment, and for decision taking measures to be undertaken in the early stages of the project in the course where action is undertaken.

- Clear strategy and timelines for relocating business, through accurate timeline reporting and strong communication being provided.
- Open communication through other external processes that may have a direct and indirect impact on the client's site.
- Ensure for the preparation and implementation of the Construction and Environmental Management Plan (CEMP).
- Early communication with property owners who are affected by the potential implementation of the Metrolink project, and ensure that prior to construction, there support systems are set up to accommodate individual and business properties.

8.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Railway Order for the Metrolink Project - Estuary to Charlemont via Dublin Airport [2022]. This submission is made on behalf of our clients, Farrier Technology Limited and Independent Trustee Company Ltd, and relates to the Metrolink route and its relationship with Prospect House, 2-3 Prospect Road, Glasnevin, Dublin 9.

The submission is essentially to raise concerns regarding possible impacts of the Metrolink on the lands located at 2-3 Prospect Road, Glasnevin, Dublin 9. These concerns can be summarised as follows:

- 1) Our clients is a long-term owner of the above-listed property which are currently used for a range of business uses, including our client's existing business use (Farrier Technology Limited – Bytech) and associated long-term and secure tenants.
- 2) These lands are centrally located within the Dublin City Area being located alongside Quality Bus Corridors (QBC) and zoned 'Z3 - Neighbourhood Centres' in the Dublin City Council Development Plan (2017 to 2022) and also have the capacity to attract a range of different uses on the site, outside of the office sector.
- 3) Owing to this potential, one of our clients Farrier Technology Limited would like to expand their existing operations on the site, proposals for which are currently being determined by An Bord Pleanála (Ref. ABP 312150-21).
- 4) Notwithstanding our clients' concerns about the proposed location of the Metrolink Station in principal and their ability to find suitable alternative facility with a similar offering, the difficulties associated with moving businesses and the renewal of long-term rental revenue; this representation is seeking to ensure (a) accurate reporting of the impact in the draft Railway Order on client's interest to ensure appropriate decision taking to come; and (b) revision to the approach for the assessment of environmental effects on office premises; and (c) open communication well in advance regarding the Metrolink Land Acquisition Strategy 2022 and prior to the finalisation of the Railway Order.

In light of the above, DOWNEY respectfully request that An Bord Pleanála consider the concerns and issues raised by Farrier Technology Limited when assessing the Draft Railway Order 2022 (Metrolink - Estuary to Charlemont via Dublin Airport).