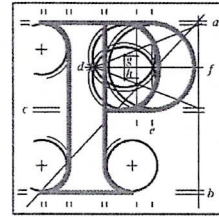
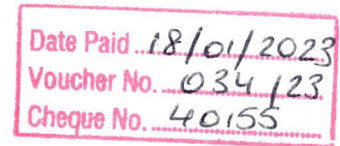


Our Case Number: ABP-314724-22



An
Bord
Pleanála

Grace Bible Fellowship
C/O Murna Melville
29 Pearse Street
Dublin 2
D02 E726



18 JAN 2023

Date:

Re: Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]
Metrolink. Estuary through Swords, Dublin Airport, Ballymun, Glasnevin and City Centre to Charlemont,
Co. Dublin

Dear Sir / Madam,

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

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

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

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

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
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1890 275 175
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bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

29 Pearse St. Dublin 2, Ireland. D02 E726

An Bord Pleanála
64, Marlborough Street
Dublin 1.

By Hand

AN BORD PLEANÁLA	
LDG-	<u>059468-22</u>
ABP-	
24 NOV 2022	
Fee: € <u>50</u>	Type: <u>cheque</u>
Time: <u>11.13</u>	By: <u>hervel</u>

24th November 2022

Re: Metrolink Railway Order Application and Supporting Documentation
Property Owner: The Trustees of Grace Bible Fellowship
Address: 29, Pearse Street, Dublin 2
Ref No: ML60-U24 and ML60-U27

Dear Sirs,

We have been served notice of the making of the above Railway Order Application. Having reviewed the drawings and documentation accompanying same, we wish to object to the confirmation of the Metrolink Railway Order Application and all of the supporting documentation to include the proposed Railway Works and Land Requirements, the Book of Reference, the EIAR and the Natura Impact Statement on the following grounds:

1. Warranties and Guarantees

The TII advised us of their intention to acquire the substratum of part of our property at 28a and 29 Pearse Street. We have requested that they advise us of the warranties and guarantees that will be in place to safeguard us in the event our property is damaged by the tunnelling work immediately adjacent to our site. They have failed to provide us with such information. We are justifiably concerned that such construction works may cause damage to our property.

We have therefore serious concerns regarding the lack of warranties, assurances and guarantees in relation to our property. If our building is damaged during the construction period or as a result of the construction work, we maintain that the Acquiring Authority should be responsible and should be prepared to give guarantees, assurances and warranties. It is not acceptable that the Acquiring Authority might delegate all responsibility to the contractor who will be appointed to undertake work on their behalf and that any damage that may arise during the construction period in relation to nearby property might be the sole responsibility of the appointed contractor. The TII can recover any outlay that they have to incur from their contractor under the terms of their contract. A property owner such as ourselves should not have to deal with a contractor that is not acting on our behalf.

We submit therefore that any permission granted by An Bord Pleanála in this matter should be subject to the provision by TII to An Bord Pleanála of such guarantees and warranties that will satisfy the Bord that we will be fully indemnified in respect of any costs which may be incurred by us in the event of damage to our property, including but not limited to all costs related to the repair or rebuilding of the

property and all costs related to relocation of our activities and those of our tenants in the event that we need to vacate the premises before or during such repair or reconstruction. We submit further that details of such warranties and guarantees should require that these be provided to us before construction begins.

2. Route Selection

In the event that such warranties, assurances and guarantees are not forthcoming we have serious concerns in relation to the route chosen for the Metrolink in our vicinity. We believe that the route does not need to come under our building or so close to it. An alternative route for this stretch could be (for example) below the railway line which is reasonably close by and we assume the substratum under that property is already available to the Acquiring Authority.

3. Supporting Information

The relevant part of our property is detailed at references ML60-U24 and U27 in the maps provided to us by TII. These show that the edge of the tunnel will be directly below the corner of our building, and the substratum that they seek to acquire will extend up to 10 metres beneath our building. Our building is 7 storeys over basement, and was built in 2018. It is occupied and used 7 days a week.

We attach hereto copies of the email correspondence between ourselves and TII in this matter.

4. Additional Grounds of Objection

We reserve the right to include other grounds of objection and to elaborate on the above listed grounds of objection and to tender these at the An Bord Pleanála Oral Hearing which we request be held.

We will continue to review the application documents and are engaging our own experts to assist in this process. There may be additional matters which we will require to be addressed by the Board in its assessment of the Railway Order and we look forward to the opportunity to engage further on these issues at an oral hearing.

Please address correspondence to me, Murna Melville at Grace Bible Fellowship, 29 Pearse Street, Dublin 2. I also enclose a cheque for our fee of €50.00.

Yours faithfully,



Murna Melville

Trustee and Building Manager

Grace Bible Fellowship

29, Pearse Street, Dublin 2

For and on behalf of The Trustees of the Grace Bible Fellowship

From: Murna Lappin
Sent: Wednesday 16 November 2022 15:45
To: Metrolink Information
Cc: Phil Melville Email; Keith McConnell; Harry Caulfield
Subject: Re: Your Ref CAP_ML_0660_27

Dear Linda,

Many thanks for your reply of 11 November to my enquiry.

I am glad to note that you are aware of and have factored in our basement into your plans. We will be very happy to facilitate your proposed survey. Please contact me at 086 3177757 to arrange this.

I note that you have identified the risk of damage to our property as extremely low. Nevertheless, if it did occur it could be a major cost to us, not just in relation to repair but also potentially the cost of relocating our activities and those of our tenants if that should be necessary prior to and/or during the repair work.

I therefore repeat our request for information regarding the warranties and guarantees that you will have in place to cover such contingencies. As you have not referred to this in your reply, I wish to advise again that, as I indicated in both my emails, if satisfactory information is not provided in this regard we will have no option but to request An Bord Pleanála to make the grant of planning permission conditional on the provision of such information. Hopefully we will be sorted to our satisfaction as soon as possible.

Yours Sincerely,

Murna

On Fri, Nov 11, 2022 at 3:40 PM Metrolink Information <info@metrolink.ie> wrote:

Dear Murna,

From: Metrolink Information
Sent: Friday 11 November 2022 15:40
To: Metrolink Information; Murna Lappin
Cc: Phil Melville Email; Keith McConnell; Harry Caulfield
Subject: RE: Your Ref CAP_ML_0660_27

Dear Murna,

Please see response below from the MetroLink team:

Sincere apologies for the delay in reverting to you on this matter and thank you for alerting us to the discrepancy in the building layout of the planning map versus the current layout of your property post redevelopment. We can confirm that the information used to inform the Book of Reference for tag numbers ML60-U24 & ML60-U27 was based on the planning map lodged for planning application 2716/15 and as the acquisition at this location is substratum only, the legacy building layout on the planning maps for this property does not effect the extent of substratum take proposed.

With regards to the presence of a basement and the potential for any impact from the tunnelling works, our records indicate the basement level to be approximately 3 metres below ground level. With the tunnel depth at this location to be approximately 17 metres to the top of the tunnel from ground level, we assess the risk of damage to the property during construction as extremely low. Regardless, we would like to arrange an initial high-level survey as soon as possible to ensure we have a full account of the building characteristics and in line with other buildings with basements in proximity to the tunnelling works along the route, carry out more detailed structural surveys once the detailed designs for the project are developed prior to any construction works and to arrange for any ongoing monitoring of the building if deemed required once construction commences.

If this is acceptable, we will be in contact to arrange this initial survey at your convenience.

Kind regards,
Linda

From: Metrolink Information <info@metrolink.ie>
Sent: Friday 11 November 2022 15:37
To: Murna Lappin <murnalappin@gmail.com>; Metrolink Information <info@metrolink.ie>
Cc: Phil Melville Email <Phil_Melville@hotmail.com>; Keith McConnell <keith.mcconnell@goregrimes.ie>; Harry Caulfield <Harry.Caulfield@goregrimes.ie>
Subject: RE: Your Ref CAP_ML_0660_27

Hi Murna,

Thank you for your email.

I have been advised that a response will be issued early next week and a copy will be sent to everyone on this email.

The team are working through a significant volume of queries since the application was made on 30 September. We sincerely apologise for the delay in responding to you and can assure you we will be in touch early next week.

Kind regards,
Linda

From: Murna Lappin <murnalappin@gmail.com>
Sent: Thursday 10 November 2022 14:54
To: Metrolink Information <info@metrolink.ie>
Cc: Phil Melville Email <Phil_Melville@hotmail.com>; Keith McConnell <keith.mcconnell@goregrimes.ie>; Harry Caulfield <Harry.Caulfield@goregrimes.ie>
Subject: Re: Your Ref CAP_ML_0660_27

You don't often get email from murnalappin@gmail.com. [Learn why this is important](#)

Hi Linda,

I refer to our correspondence with your office on 7th Oct, and your response on 13th Oct.

To date we have had no response from Metrolink Design and Engineering Team regarding our concerns.

If we do not receive assurance from this team that they are aware of the existence our basement and that our basement or building will not be threatened or endangered by the tunnelling works and if we do not receive information regarding all relevant guarantees and warranties to that effect, we will have no option but to lodge an appeal against planning permission with An Bord Pleanála.

As previously requested, this information should be provided to me and to our solicitors (copied) immediately.

Kind Regards,

Murna

Murna Melville
Trustee of Grace Bible Fellowship

On Thu, Oct 13, 2022 at 6:03 PM Metrolink Information <info@metrolink.ie> wrote:

Dear Murna,

Thank you for your email.

I forwarded your correspondence to the MetroLink Design and Engineering team and await their response.

We will be in touch in the coming days.

Kind regards,

Linda

From: Murna Lappin <murnalappin@gmail.com>
Sent: Friday 7 October 2022 16:38
To: Metrolink Information <info@metrolink.ie>
Cc: Phil Melville Email <Phil_Melville@hotmail.com>; Keith McConnell <keith.mccconnell@goregrimes.ie>; Harry Caulfield <Harry.Caulfield@goregrimes.ie>
Subject: Your Ref CAP_ML_0660_27

You don't often get email from murnalappin@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of TII. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

For attention of the Secretary to the Board.

Dear Sir or Madam,

I am in receipt of your letter of 20 September 2022 to the Trustees of Grace Bible Fellowship, 29 Pearse Street, Dublin 2. (Your Ref CAP_ML_0660_27).

I wish to draw your attention to the fact that the planning maps attached (ML60-U24 and ML60-U27) are out of date. They represent the layout of our building prior to its redevelopment between 2016 and 2018.

In particular I would draw your attention to the fact that our current building contains a basement in the part of the building adjacent to Card's Lane and Spring Garden Lane, i.e., almost touching the line of the proposed tunnel.

I enclose a copy of the Grant of Planning Permission dated 12 August 2015 for this development, and copies of the Drawings which we received from the Architects following completion of the development.

I request that this information be passed to the relevant people in your design and engineering team, and that an assurance be provided to us that they are aware of the existence of this basement, that our building and basement will not be threatened or endangered by the tunnelling works, together with information regarding all relevant guarantees and warranties to that effect. This information should be provided to me and to our solicitors who are copied herein with adequate time for consideration before the deadline of 25 November 2022 for lodging an appeal to An Bord Pleanala.

Yours sincerely,

Murna Melville.

Trustee of Grace Bible Fellowship