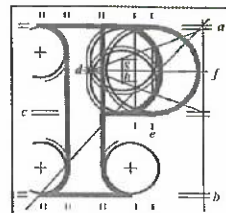


**Our Case Number:** ABP-314724-22

**Planning Authority Reference Number:**

**Your Reference:** KW Real Estate ICAV



**An  
Bord  
Pleanála**

Stephen Little and Associates  
26/27 Upper Pembroke Street  
Dublin  
Dublin 2

**Date:** 06 December 2022

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

Dear Sir / Madam,

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

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

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

Please be advised that copies of all submissions/observations received in relation to the application will be made available for public inspection at the offices of the relevant County Council(s) and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://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

<b>Tell</b>	<b>Tel</b>	(01) 858 8100
<b>Glao Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

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



An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902.

Our Ref. 18050

24 November 2022

**RE: "RAILWAY (METROLINK – ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER 2022" – ABP REF. NA29N.314724**

**AREA 306 – ST. STEPHEN'S GREEN**

Dear Sir / Madam,

This submission is made by Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2 D02 X361, on behalf of our Client, KW Real Estate ICAV on behalf of KW Irish Real Estate Fund VII ("KW Real Estate ICAV"), with a registered address of No. 94 St. Stephen's Green, Dublin 2.

This submission is made in respect of the published application for the "Railway (Metrolink – Estuary to Charlemont via Dublin Airport) Order 2022" made by Transport Infrastructure Ireland (TII) to An Bord Pleanála on the 30 September 2022 (ABP Ref. NA29N.314724 refers). We note that the Railway Order application is currently on public display, with submissions invited up to 25 November 2022.

The submission relates to the Shelbourne Hotel, Nos. 27 – 34 St. Stephen's Green North and No. 12 Kildare Street owned by KW Real Estate ICAV. It lies within Area 306 (C-D) of the proposed Metrolink alignment, between Leinster Street South to the proposed new St. Stephen's Green Station located adjacent St. Stephen's Green East.

Our Client remains wholly supportive in principle of TII's Metrolink Project and welcomes the opportunity to formally comment upon same. The existing Shelbourne Hotel along with the rest of Dublin City Centre, is expected to benefit from the development of the Metrolink scheme in the long run. The purpose of this submission is to inform An Bord Pleanála on behalf of KW Real Estate ICAV of the importance of Shelbourne Hotel as a **Key Stakeholder** and property in regard to this Metrolink Railway Order application.

The main concern in terms of the Shelbourne Hotel relates primarily to the potential impacts of Metrolink on the ongoing and successful operation of the Shelbourne Hotel during the construction phase of the Metrolink Project. Our Client is seeking to ensure that the construction of Metrolink Project will be undertaken with minimal disruption to the renowned historic Shelbourne Hotel and its guests and visitors.

It is also incumbent on the TII to ensure that any potential direct or indirect adverse impacts in respect of noise, vibration or pedestrian and vehicular accessibility to the hotel during the construction and operational phase of Metrolink Project is appropriately mitigated through design.

Our Client has made a significant investment in the external and internal conservation, repair and refurbishment of the Shelbourne Hotel in recent years to ensure that it remains an iconic City destination. It would be totally unacceptable to our Client that potential impacts arising during the construction or operational phases of the Metrolink Project would undermine the investment expended to date to ensure that the historic architectural quality of the building is maintained in excellent order and that the best quality experience is delivered to the hotel's local and international guests.

We can confirm that some of the lands owned by KW Real Estate ICAV are identified as being permanently acquired to facilitate proposed Metrolink. Out of an abundance of caution the statutory fee of €50.00 accompanies this submission, as it is not entirely clear whether the fee exemption applies to substrata lands.

## 1 SUBMISSION LANDHOLDING / SITE CONTEXT

KW Real Estate ICAV, No. 94 St. Stephen's Green, Dublin 2 control the lands which currently accommodate the existing and operational Shelbourne Hotel as illustrated in Figure 1 below.

This historic building and its use significantly pre-date the enactment of the Planning & Development Act, 1963. The Local Government (Planning & Development) Act 1999, provided a firm legal basis for 'Protected Structures' in Ireland.

Buildings were constructed at this site dating back to the 18<sup>th</sup> century. Nos. 32 – 34 St. Stephen's Green (the Hotel) dates from c. 1768. The hotel use was established in 1824. The main hotel building at Nos. 27 – 31 St. Stephen's Green and No. 12 Kildare Street were extensively re-modelled c. 1866 / 67 as a grand hotel.

Major contemporary refurbishment and extension works were carried out to the hotel some years ago under DCC Reg. Ref. 0882/03. More recently (DCC Reg. Ref. 2416/15) the external façade of the hotel has undergone considerable repairs to conserve and enhance the Protected Structure's external façade and brickwork in accordance with best conservation practice. There has also been a recent decision by Dublin City Council to grant permission for further internal refurbishment works at ground floor level, under DCC Reg. Ref. 4100/17, to improve hotel operations, while observing best conservation practice.

### 1.1 Subject Site

The Shelbourne Hotel is located at Nos. 27 – 34 St. Stephen's Green North and No. 12 Kildare Street. The most notable feature of this site from a planning perspective is the Shelbourne Hotel's landmark status as a building of cultural, architectural and visual importance within the city center, which dates back to the 18<sup>th</sup> century.

The hotel building is a Protected Structure, set within a Conservation Area that encompasses the surrounding streets and St. Stephen's Green.

The existing main entrance to the Shelbourne Hotel on St. Stephens Green North and the entrances to the ballroom and spa are located c. 60m north of the proposed new MetroLink Station at St. Stephens Green East. The MetroLink tunnel is located beneath the eastern edge of the hotel property.



Figure 1: Extract from Google Maps with Shelbourne Hotel outlined indicatively in red (Overlay by SLA).



## 2 DUBLIN CITY DEVELOPMENT PLAN

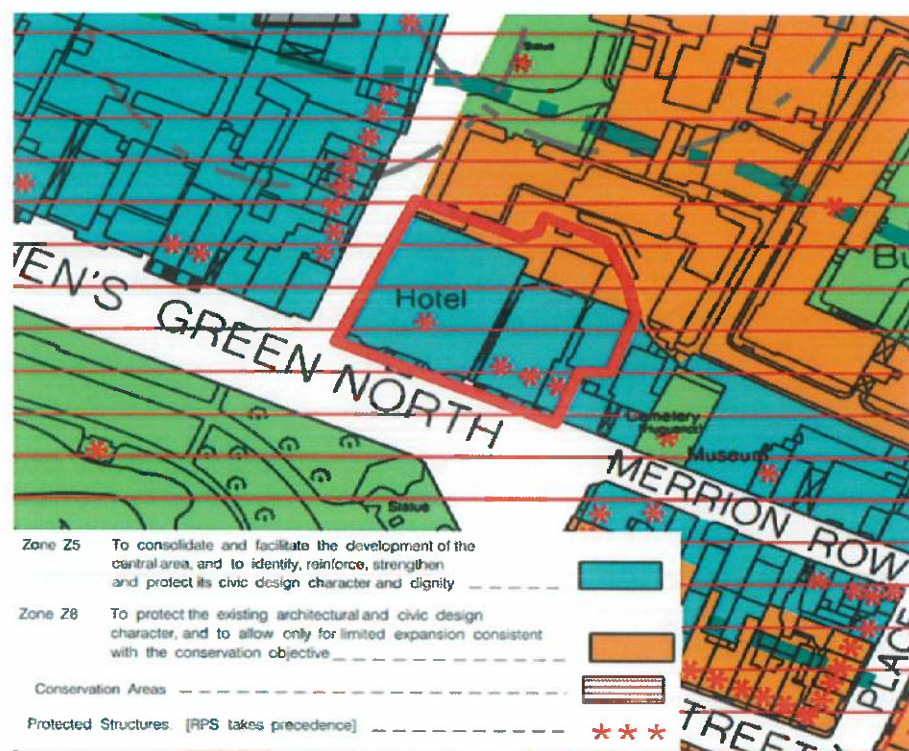
The Dublin City Development Plan 2016 – 2022 (“the Development Plan”), which came into effect on the 16 October 2016, is the statutory plan governing the subject property at this time. There are no further local statutory plans governing planning in the area of the Shelbourne Hotel. The Development Plan is therefore the principal local planning policy document of relevance.

Dublin City Council is currently in the process of preparing the new Dublin City Development Plan 2022 – 2028. The new Development Plan will come into effect on 14 December 2022.

### 2.1 Land Use Zoning

The Shelbourne Hotel, as shown in Figure 2 below, is largely zoned Objective ‘Z5’ which seeks: -

*“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design, character and dignity”*



**Figure 2:** Land use zoning for The Shelbourne Hotel— Extract from Map E of the Dublin City Development Plan 2016 – 2022 with Shelbourne Hotel outlined indicatively in red (Overlay by SLA).

The hotel is also partially zoned Objective ‘Z8’ – to the rear (north) of the hotel which seeks: -

*“to protect the existing architectural and civic design, character, and to allow only for limited expansion consistent with the conservation objective”*

Other specific objectives shown on zoning map, which apply to the hotel, include its designation with a ‘Conservation Area’, a ‘Zone of Archaeological Interest’ (RMP DU018-020), and that it accommodates a number of protected structures.

Significant investment has been made by the current owner in the conservation, repair and refurbishment of the Shelbourne Hotel as an iconic heritage and visitor destination in the City, in accordance with the aforementioned zoning objectives for this site. Out Client is anxious to ensure that this investment in the Shelbourne Hotel as a successful going concern and local historic landmark is not undermined by the MetroLink Project works or operation.

## 2.2 Protected Structure

As shown in Figure 2 above, the red asterisk denotes a protected structure under the current Development Plan, as contained with the Record of Protected Structures. Located under Appendix 24 of the Development Plan, Table 1 below outlines the Protected Structures on site as follows: -

RPS Ref. No.	Number	Address	Description
RPS No. 7778	No. 27-33	St. Stephens Green North	Shelbourne Hotel
RPS No. 7779	No. 34	St. Stephens Green North	House

**Table 1:** List of Protected Structures on site - Appendix 24 of the City Development Plan 2016 – 2022.

The entire property is a protected structure, listed under Table 1, and is a representative of the architectural and cultural heritage significance placed on these buildings.

The status of 'protected structure' means that a higher level of attention paid to the undertaking of works that may directly or indirectly affect the historic fabric, integrity and special character of the structure (both interior and exterior).

There are Guidelines produced by the Department of the Environment and Local Government, entitled *"Architectural Heritage Protection, Guidelines for Planning Authorities, October 2011"* which set out best practice guidelines.

The potential significant impact of any proposed MetroLink works on the Shelbourne Hotel (historic building and use) and its setting as a protected structure will need to be taken into account in terms of the construction and operational phases of the MetroLink Project.

## 2.3 Conservation Area

As shown in Figure 2 above, the environs of St. Stephen's Green including the subject property, are designated as part of a Conservation Area. Depicted on the Development Plan zoning map as a red cross hatching, the subject site lies wholly within this designation.

The primary purpose of the Conservation Area objective is to protect the character of St. Stephen's Green area as a whole, including the main streets leading from it. The Shelbourne hotel building makes a significant positive contribution to the character of this particular area.

Again, the potential significant impact of any proposed MetroLink Project works on the Shelbourne Hotel (historic building and use) and its setting as a protected structure in a designated 'Conservation Area', will need to be taken into account in terms of the construction and operational phases of the MetroLink Railway Order application .

## 2.4 Draft Dublin City Development Plan 2022 – 2028

As noted above, Dublin City Council is currently in the process of preparing a new Dublin City Development Plan 2022 – 2028. The new Development Plan will come into effect on 14 December 2022.

The context of the subject site in planning policy terms will not change when the new Dublin City Development Plan 2022 – 2028 comes into effects. The land use zoning remains the same (Objective Z5) and the Shelbourne Hotel remains listed as a Protected Structure and within a Conservation Area.

### 3 METROLINK PROPOSALS RELATIVE TO THE SHELBOURBE HOTEL

We have reviewed the MetroLink Draft Railway Order and associated drawings and documentation which set out the proposals to construct a metro system from Estuary in Swords to Sandyford connecting Dublin Airport and Dublin City Centre.

This submission relates to the proposed new underground station at St. Stephen's Green East and the construction of the tunnel to the north of the station, under the Shelbourne Hotel property.

The existing main entrance to the Shelbourne Hotel on St. Stephens Green North and the entrances to the ballroom and spa are located c. 60m north of the proposed new MetroLink Station at St. Stephens Green East. The MetroLink tunnel is located beneath the eastern edge of the hotel property (See Figure 3 below).

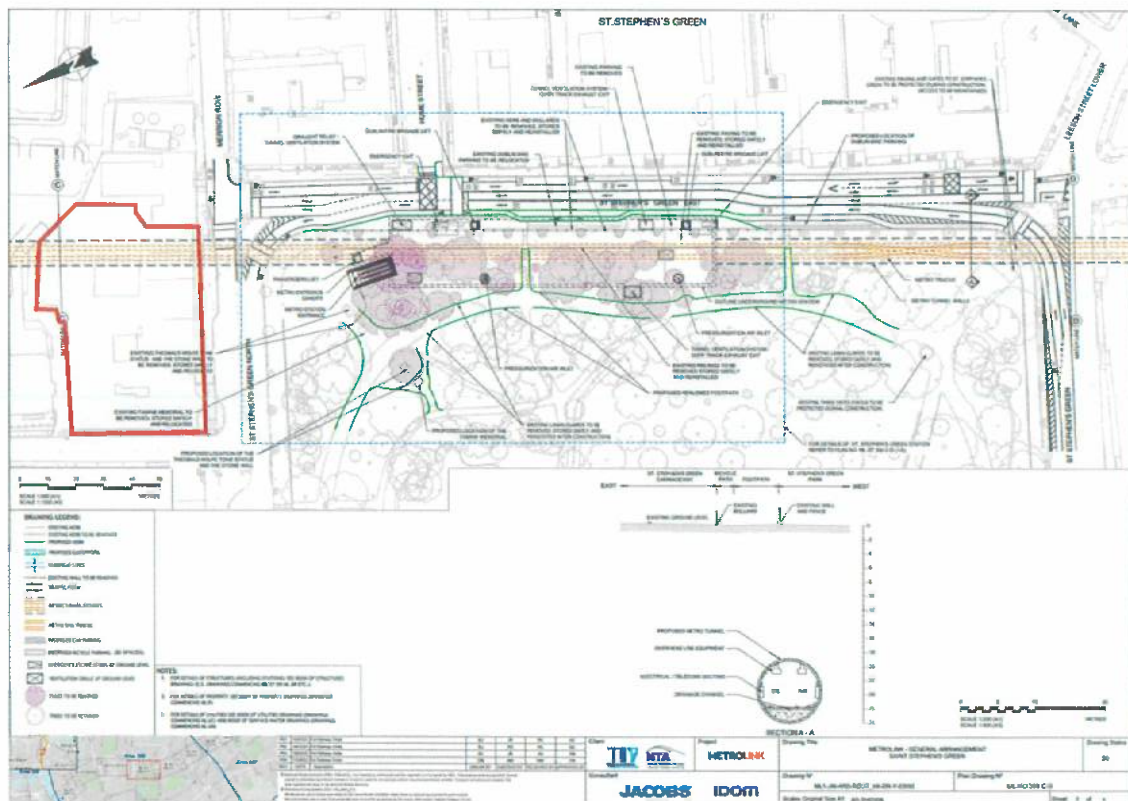


Figure 3: Location to the St. Stephen's Green MetroLink Station relative to the Shelbourne Hotel (outlined in red – Overlay by SLA).

#### Proposed Works

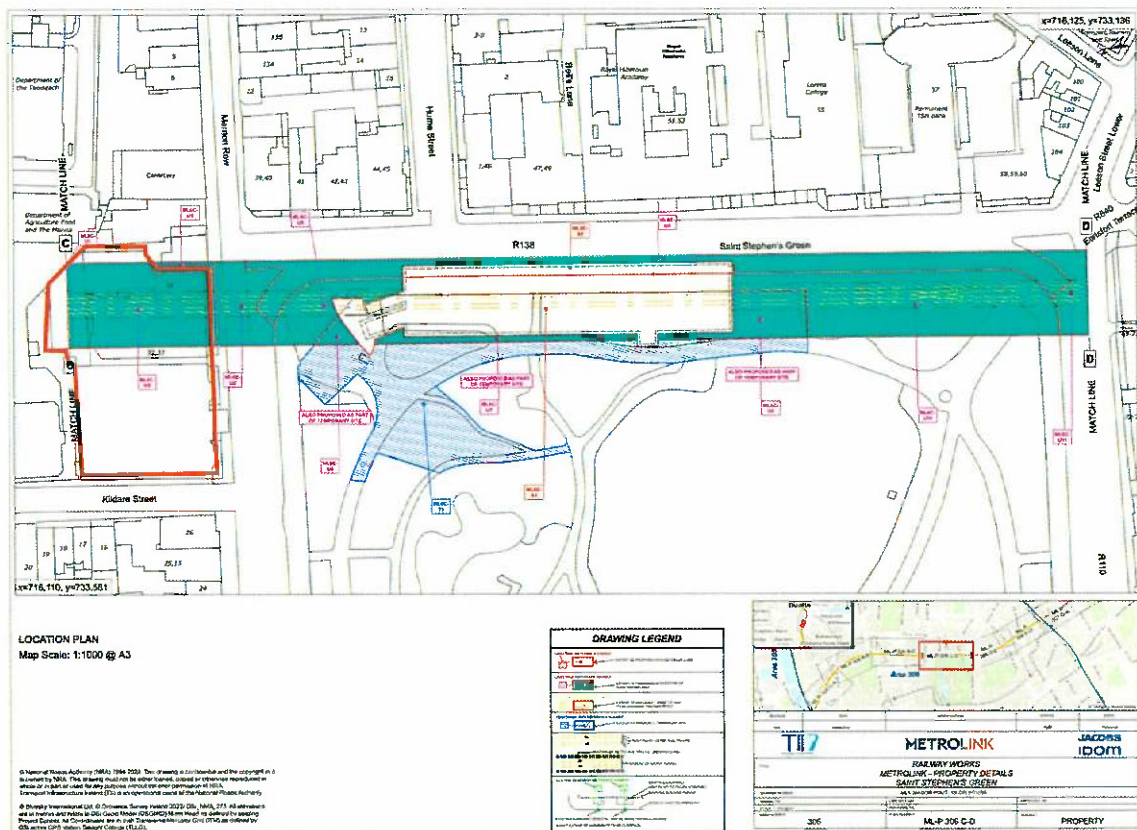
The works to be carried out associated with the proposed St. Stephens Green MetroLink Station, as set out in the First Schedule: Railway Works and Works Authorised by the Railway Order, broadly include: -

- Construct a metro line approximately 360m in length consisting of a double line of railway.
- Construct an underground station.
- Construct surface structures to underground station comprising of entrance canopy, pressurisation air inlet, escalators and lifts, emergency tunnel exhaust vents and emergency escape stairs.
- Remove and realign footpath inside St. Stephen's Green.
- Remove and relocate existing Wolfe Tone and Famine Memorial statues and separating wall at entrance of St Stephen's Green.



- Remove and reinstall existing bollards, kerb, lighting columns and paving along St Stephen's Green East.
- Remove and relocate existing Dublin Bike Parking further south on St Stephen's Green East.
- Remove existing parking along St Stephen's Green East.
- Construct services and carry out utility diversions and connections.

The Third Schedule: Substrata Land which May Be Acquired of the Draft Railway Order sets out that TII will require the substratum lands identified on the plans for excavation, construction, tunnelling, operation, maintenance etc. and *"may acquire compulsorily and use all or such part of the substrata of lands shown on the plans and specified in the Third Schedule as TII may require for the purposes of the execution of the authorised works and the operation of the railway or for purposes incidental or ancillary to those purposes"*



**Figure 4:** Location to the St. Stephen's Green MetroLink Station relative to the Shelbourne Hotel with substrata land take identified (outlined in red – Overlay by SLA).

### Construction Phase

A Construction Compound, approximately 6,000 sq. m in area, will be located in in the St. Stephen's Green Station area for the duration of the MetroLink Project. The main construction compounds will act as strategic hubs for core project management activities (i.e. engineering, planning and construction delivery) and for office-based construction personnel.



### Construction Phase Duration

The estimated construction programme for the St. Stephen's Green Station is expected to be approximately 9 years.

Description AZ& Compounds / Logistics / Other Structures	Estimated Construction Programme (Months)	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10
		Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter
		1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
Northwood Portal	90										
Northwood Station Compound/Deep Station	84										
Ballymun Station Compound/Deep Station	99										
Collins Avenue Station Compound/Deep Station	99										
Albert College Park Shaft Compound/Deep Station	63										
Griffith Park Station Compound/Deep Station	105										
Glasnevin Station Compound/Deep Station	102										
Hater Station Compound/Deep Station	105										
O'Connell Street Station Compound/Deep Station	99										
Tara Station Compound/Deep Station	105										
St Stephens Green Station Compound/Deep Station	105										
Charlemont Station Compound/Deep Station	102										

### Working Hours

The Tunnel Boring Machine (TBM) is expected to operate 24hrs a day. Otherwise, working hours will be 07:00 hrs to 19:00 hrs (Monday to Friday), 07:00 hrs to 13:00 hrs (Saturday) no works Sunday / Public Holidays, including annual and extraordinary events.

## 4 POTENTIAL IMPACTS ON SHELBOURNE HOTEL

The potential for adverse indirect impact on the Shelbourne Hotel is likely to arising during the construction phase of the MetroLink Project. The following sets out our Clients primary concerns in relation to same.

### 4.1 Noise & Vibration

The Shelbourne Hotel was indicated as Noise Sensitive Location (NSL) as part of the assessments carried out relating to Ground-borne and Airborne Noise in the Environmental Impact Assessment Report (EIAR) submitted with the Railway Order. The following provides a brief overview of the predicted impacts identified: -

Construction Phase	
Predicted Ground-borne Noise during TBM Passage	Noticeable to all and disturbing to some
Predicted Ground-borne Noise during Mechanical Excavation	No Significant Impact
Predicted Vibration during TBM Passage	No Significant Impact
Predicted Vibration during Construction Mechanical Excavation	No Significant Impact
Predicted Blasting Vibration Levels	No Significant Impact
Predicted Blasting Air Overpressure Levels	No Significant Impact
Summary of Residual Impacts during Tunnel Boring	<b>Described as a Temporary Impact which is Significant</b> <b>Mitigation proposed is "advanced public consultations and stakeholder engagement"</b>
Operational Phase	
Predicted Ground-borne Noise during Railway Operation	No Significant Impact
Predicted Ground-borne Vibration during Railway Operation	Not Significant

Table 2: Summary predicted impacts identified in the EIAR.

Specific Ground-borne Noise and Vibration Mitigation is states as being: -

- **Noise Insulation:** This is the provision of secondary glazing to the windows of affected habitable rooms. Additional ventilation provision might be necessary to allow the windows to be kept closed whilst maintaining the appropriate number of air changes in the room. Secondary glazing increases noise attenuation and this can provide a material improvement to the internal noise environment.
- **Temporary Rehousing:** Where construction noise levels are such that noise insulation will not provide sufficient attenuation to prevent disturbance or interference with activities or sleep, then the occupants can be temporarily re-housed away from the construction site.

On review of the mitigation measures set out in the EIAR, noise insulation and temporary re-housing is proposed for all sensitive receptors. The mitigation measures do not differentiate between a residential or a hotel use for example.

While the tunnel boring may be temporary as it passes in proximity and beneath the Shelbourne Hotel the 'residual impacts' as set out in the EIAR are naturally a concern for our Client.

The mitigation measures set out in the EIAR do not appear to differentiate between the types of sensitive receptors along the MetroLink line.

Our Client would have significant concerns in relation to the practical application of the proposed mitigation measures in the context of the Shelbourne Hotel.

Secondary glazing would not be appropriate on the Shelbourne Hotel given that it is a Protected Structure. Such works are likely to significantly detract from the character of the building even in a temporary scenario. Furthermore, such mitigation measures may not be implementable due to the potential impact on the historic protected fabric of the building.

Temporary Rehousing is not considered feasible for a hotel of such significance in Dublin City centre. Even if it were, rehousing guests / visitors would have a significant impact on the operation of the Shelbourne Hotel.

Our Client is a Key Stakeholder and early engagement with both TII and future Contractor is requested to ensure the short to medium term operation of the Shelbourne Hotel is not unduly impacted by noise and vibration during the construction phase of the MetroLink Project.

## 4.2 Conservation / Architectural Heritage

The Architectural Heritages Chapter of the EIAR submitted with the Draft Railway Order identifies that there will be a significant indirect impact on the Protected Structures on the northern side of St. Stephens Green (which include the Shelbourne Hotel).

Table 26.59: Potential Indirect Impacts During Construction at St Stephen's Green Station

Impact Reference	Affected Feature	Baseline Rating	Magnitude of Impact	Significance of Effect	Impact Assessment Prior to Mitigation
AH- 95	BH-495 to BH-501 and BH-509 to BH-517; St Stephen's Green Park and buildings on northern and eastern sides of St Stephen's Green	Very high	Medium	Very significant	During the construction of St Stephen's Green Station, the construction site will be directly to the front of the protected structures at the eastern end of the northern side of St Stephen's Green and those on the eastern side of St Stephen's Green and will detract from the setting of the protected structures. The magnitude of the impact will be medium, and the architectural heritage value is high. The impact will be very significant. On completion of the works the impact will be not significant.

Figure 5: Potential Indirect Impacts During Construction at St. Stephen's Green MetroLink Station as indicated in the EIAR.

It is acknowledged that the 'setting' in the context of the Protected Structures on the northern side of St. Stephens Green (which include the Shelbourne Hotel) will be reinstated. In this instance it is proposed to re-instatement of protected railing and new tree planting within the northwestern corner of St. Stephens Green.

It is incumbent on TII to ensure that during the construction phase of the MetroLink Project at St. Stephen's Green East that the operation of the Construction Compound does not have any adverse impacts on the operation of the Shelbourne Hotel. This would include orderly management of the compound to ensure it remains well maintained and does not detract from the setting of the Shelbourne Hotel whilst present. Our Client is a Key Stakeholder and early engagement with both TII and future Contractor is requested to ensure the setting of the Shelbourne Hotel in architectural heritage terms is not substantially undermined during the construction phase of the MetroLink Project.

### 4.3 Traffic

The results of the junction modelling set out in EIAR indicate that the main impact of the traffic management measures at St. Stephen's Green station will occur in the Weekday AM Peak Hour. The closure of Hume Street and subsequent diversion via Pembroke Street and Leeson Street (See Figure 6) will impact on the flow of traffic generally in the area.

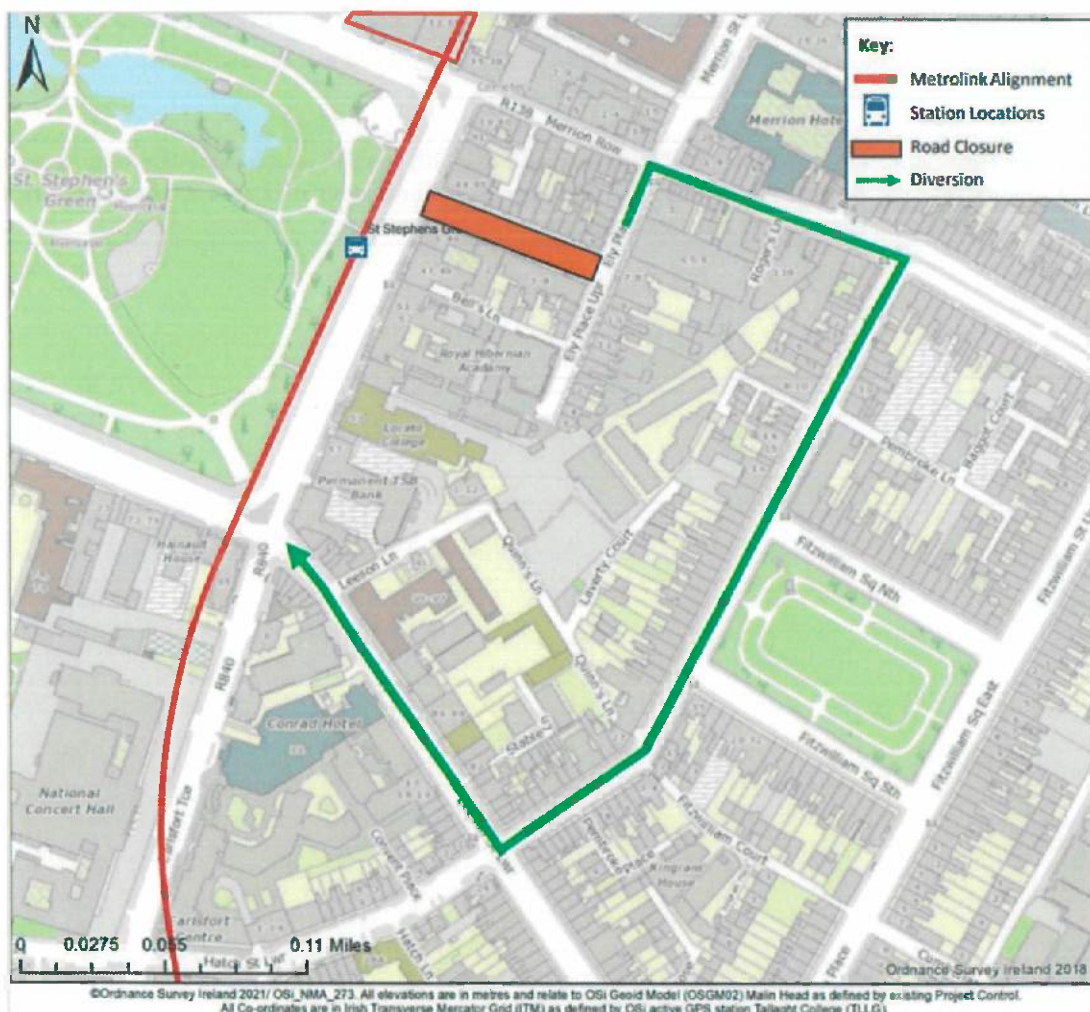


Figure 6: Road diversion for local access relative to the Shelbourne Hotel (outlined in red – Overlay by SLA).

### Parking & Loading

During the construction phase St. Stephen Green East will have a temporary layout which may in turn impact on the road layout on St. Stephens Green North once a detailed Construction Management Plan is put in place by the Contractor. The Draft Railway Order sets out in relation to parking and loading area impacts that: -

*"Parking and Loading Impact Temporary management measures have been developed to minimise the impact on parking and loading. Site specific mitigation measures will be developed through consultation with stakeholders, including local authorities, residents and business owners. These impacts should be monitored throughout the Construction Phase to assess if any disrupted bays can be reinstated."*

Our Client is a Key Stakeholder and early engagement with both TII and future Contractor is requested to ensure that the operation of the Shelbourne Hotel is not impacted by any temporary traffic arrangements implemented during the construction phase of the MetroLink Project.

Any amendments to the road layout on the junction of St. Stephens Green North and St. Stephen Green East are likely to have an impact on the operation of the Shelbourne Hotel. This needs to be fully considered prior to the commencements of works of the MetroLink Project at this location.

### 4.4 Air Quality & Dust

The Draft Railway Order sets out that an Air Quality Management Plan shall be prepared and submitted for approval to the relevant Planning Authority. The EIAR describes the impact on air quality during the construction phase as short to medium term, negative, localised and not significant.

Our Client is a Key Stakeholder and early engagement with both TII and future Contractor is requested to ensure that the operation of the Shelbourne Hotel is not impacted by dust or air quality arising from the construction phase of the MetroLink Project.



## 5 CONCLUSION

We would like to reaffirm that our Client, KW Real Estate ICAV, is wholly supportive in principle of the TII's MetroLink Project. The proposed St. Stephen's Green East Station is located c. 60m southeast of the Shelbourne Hotel and proposed tunnel passes beneath the eastern side of the property.

Having reviewed the Draft Railway Order it is evident that the construction phase of the MetroLink Project, in particular, will impact on the Shelbourne Hotel.

The purpose of this submission is to inform An Bord Pleanála on behalf of KW Real Estate ICAV of the importance of Shelbourne Hotel as a **Key Stakeholder** and property in regard to this MetroLink Railway Order.

The main concern in terms of the Shelbourne Hotel relates primarily to the potential impacts of MetroLink on the ongoing and successful operation of the Shelbourne Hotel during the construction phases of the MetroLink Project. Our Client is seeking to ensure that the construction of MetroLink will be undertaken with minimal disruption to the renowned historic Shelbourne Hotel and its guests and visitors.

It is also incumbent on the TII to ensure that any potential direct or indirect adverse impacts in respect of noise, vibration or pedestrian and vehicular accessibility to the hotel during the construction and operational phase of MetroLink Project is appropriately mitigated through design.

We would be grateful for a written acknowledgement of this submission in due course.

Yours sincerely,



Michael O'Sullivan,

Senior Planner

**STEPHEN LITTLE & ASSOCIATES**

24 November 2022

