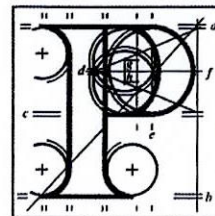


**Our Case Number:** ABP-314724-22



**An  
Bord  
Pleanála**

Management Company Board on behalf of the Court  
17 The Court  
Dalcassian Downs  
Dublin 11

**Date:** 07 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 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 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>Tel</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**  
 LDG- 059250-22  
 ABP- \_\_\_\_\_  
**21 NOV 2022**  
 Fee: € 50.00 Type: cheque  
 Time: 9.50 By: hand

17 The Court  
 Dalcassian Downs  
 Dublin 11  
 21<sup>st</sup> November 2022

The Secretary  
 An Bord Pleanála  
 64 Marlboro Street  
 Dublin 1  
 DO1V902

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

Dear Sir/Madam

On behalf of the 48 apartment owners at the Court, Dalcassian Downs, Dublin 11 we, the Management Company Board, wish to make a formal submission in relation to the Railway Order application in respect of the Metrolink Project as referenced above. The Metrolink Project will severely impact on the residential community at The Court, Dalcassian Downs during the construction phase of a minimum period of 6 years. Details of the level of disruption will be outlined throughout this submission.

Our submission will be structured in the following manner:

- (1) History of Metro North proposal
- (2) Glasnevin Station
  - (a) commentary on claimed justification for station location
  - (b) impact on residential community at The Court Dalcassian Downs
  - (c) traffic disruption and other impacts during and post construction
- (3) General comments on Metrolink including necessary mitigation measures
- (4) Compliance with Railway Order conditions
- (1) METRO NORTH PROPOSAL

We will commence our submission by setting out some background information and facts in relation to the original Metro North proposal.

An Bord Pleanála approved the original Metro North proposal in late 2011. Unfortunately the permission expired in 2021. Under that proposal there were 16 stations proposed from Belinstown to City Centre which is the same number being proposed for the Metrolink Project. We believe that there would be no impediment to a further application being made to An Bord Pleanála to extend the permission for a further period to facilitate approval from Government to proceed in respect of the Metro North proposal. This would mean that there would be a Metro from the airport to the City in a much quicker time scale than envisaged under the Metrolink proposal. It should also be noted that acquisition of property in the



vicinity of Drumcondra Railway station, which was to be a Metro station under the Metro North proposal, has already been completed. Indeed the cost of property acquisition for the latter proposal equates to €23.2 million together with expenditure of €61.6 million on external consultancy fees. Information released in December 2021 by the National Transport Authority revealed that a total of €163.6 million has been spent to date on the Metro North Project. Is this colossal sum now all to be wasted?

## **(2) GLASNEVIN STATION**

### **(a) commentary on claimed justification for station location**

One of the main reasons cited to justify the selection of a station at Glasnevin is the proximity to the Maynooth and Western lines. However to the best of our knowledge capacity and accessibility issues still exist at Connolly station which has only 7 platforms. Unless there is a large capital investment at that location then pushing ahead with any Project makes no sense regardless of station locations.

It has been claimed by TII that trip indicator/trip demand for a station at Glasnevin is greater than for a station at Drumcondra. We do not accept this for the following reasons:

- Increasing use of Croke Park stadium for sporting and concert events surely justifies a Metro station nearby.
- In terms of residential development, there are plans to construct over 1600 residential units in the grounds of Clonliffe College on Clonliffe Road which proposal was approved by An Bord Pleanála towards the end of 2021. The expanded population in the Lower Drumcondra Road area will require access to a proximate Metro station whereas there is little land available near the proposed Glasnevin station to facilitate residential development now or in the future so one wonders where the trip demands will emanate from.
- In addition and in relation to educational establishments, St Patricks College in Drumcondra and All Hallows College in Church Avenue, both now part of DCU, create a bigger demand for student transport usage than the Glasnevin station option which has no similar facilities anywhere nearby.
- It has also been acknowledged that during the previous public consultation phase that the Drumcondra Metro station location fared better than the Glasnevin Station location under the headings of landscaping, visual effect, archaeology, architectural issues and cultural and heritage items.

For all these reasons, the divergence of the Metrolink preferred route from the Metro North route, thereby necessitating a station at Glasnevin, has not been justified beyond transport impact. We believe there is also a deficiency in modelling assumptions and baseline data collation. We also believe that the plans and documentation as prepared fail to demonstrate that an adequate and compelling case has been put forward by TII in support of the significant deviation from the previously approved Metro North proposal which adequately fulfilled the main objective of the overall exercise which is to create speedy access to the City Centre from North County Dublin and Dublin Airport.



## **GLASNEVIN STATION**

### **(b) impact on residential community at the Court Dalcassian Downs**

The apartment development at The Court Dalcassian Downs was constructed around 1990 by Bovale Developments. The complex is well maintained and contains attractive gardens. It consists of 48 apartments of varying sizes in 3 blocks.

It is an extremely enjoyable place to live, located as it is, close to amenities like schools, shops, Griffith Park, the Botanic Gardens and the Royal Canal and within striking distance of the City Centre and the M1 and M50 motorways.

It was a major shock to our community in March 2018 to be told at 24 hours' notice that it was planned to build a Metro station adjacent to our property.

Since that time regular meetings have been held with residents and a number of in person and virtual meetings have been held with TII.

The major issues of concern to residents include the following:

- impact on quality of life
- parking disruption with the loss of 32 parking spaces
- health impacts on residents, especially young children and elderly people
- stress and anxiety leading up to and during construction
- reduction in natural light
- sleep disturbance
- noise and vibration
- dust and fumes
- vermin disturbance and encroachment
- reduction in property values
- potential damage to properties
- no view outwards because of proposed hoarding line directly outside the front doors and apartments of Blocks 1 and 2 along the edge of the construction site
- loss of amenity
- loss of shared communal green space
- restricted access for emergency services

## **GLASNEVIN STATION**

### **(c) traffic disruption and other impacts during and post construction**

The Court Dalcassian Downs is adjacent to Prospect Road which is an extremely busy roadway, footway and cycleway inbound and outbound for most of the working day. It is also close to St Vincent's Primary and Secondary schools and the local Creche. Assuming that the Core Bus Corridor proposals for Ballymun to City Centre and Finglas to City Centre are approved by An Bord Pleanála, it is expected that the route will become even busier with an increased volume of buses at frequent intervals and more cyclists using the route. According to the National Transport Authority, the aim of both corridor proposals is to improve walking, cycling and bus infrastructure on these key access corridors. It is claimed that these projects will enable and deliver efficient, safe and integrated sustainable transport movement along the corridors.



It has been acknowledged by TII in their Railway Order application that "50-100 traffic movements a day" will arise at Glasnevin Station during the construction phase of the Metrolink Project which is higher than at any of the other station construction sites. With the level of disruption that is likely because of the 6-year construction phase of the Project, it is difficult to see how the aims of the CBC projects can be achieved during that time which will have the effect of turning people off the use of public transport.

Allied to this and in terms of national use of public transport, the closure of the nearby Midland Great Western Railway line for 21 months as part of the Metrolink construction Project is sure to turn people off from using public transport to access Dublin City. Some of these regular commuters may never return to using the rail network. All the more reason why siting a station at the proposed location is not a good idea.

In relation to other impacts and as referenced above there are a whole range of issues that are of concern to residents at The Court. Mitigation measures are listed in the documentation submitted with the Railway Order application. However these measures of their nature are designed to reduce the impact rather than eliminate particular problems. Issues like noise, vibration, dust dispersal will impact differently on individuals depending on their psychological makeup. It is unquestionably the case that a number of residents will suffer extreme stress and anxiety in the lead up and during the construction phase of the Project. This is not something that can be prevented by TII and proposals to deal with this are set out in Section 3 later in this document, under the heading of General Comments on the Metrolink Project including Necessary Mitigation Measures.

In conclusion under the heading of impacts, it is a fact that apartments at the Court will be rendered unsaleable during the construction phase of the Metrolink. Indeed apartments are already being put up for sale as their owners are very concerned about the potential negative effect on property values and are trying to get ahead of the Project so to speak. The matter of compensation for individual owners during construction, therefore, needs to be adequately addressed by TII and this issue will be further alluded to later in this document.

### **(3)GENERAL COMMENTS ON THE METROLINK PROJECT INCLUDING NECESSARY MITIGATION MEASURES.**

Having examined the various documentation, we consider that the following mitigation measures and conditions need to be applied by An Bord Pleanála should it be decided to grant the Railway Order:

- environmental limits need to be prescribed in specific conditions and in general at particular locations and at specific times of day.
- specific mitigation measures are required to be included in detailed design eg screening and limitations on working hours etc.
- conditions must be imposed regarding monitoring schemes for the major measurable impacts(eg noise, vibration, settlement, dust, air quality etc).These need to be outlined and implemented before construction starts. Information from these monitoring schemes should be readily available to all stakeholders.



- a means for obtaining a technical response in a speedy manner to enquiries and concerns for those affected, needs to be devised.
- conditions need to be applied requiring TII to set up a complaints procedure and dispute resolution process relating to all significant impacts. This to be agreed and implemented before construction commences.
- conditions need to be imposed requiring TII to operate an adequate Property Protection Scheme to ensure that property owners who sustain damage to their properties will have the issue rapidly addressed. In this regard TII have stated that owners may avail of their own professional service provider but at their own expense. We believe that this is manifestly unfair and reasonable costs incurred by owners should be reimbursed by TII.
- the issue of noise generation during construction is a major problem. We believe that the following matters need to be covered in order to give absolute clarity: noise profiling, when noise is likely to happen, duration of same, exceedances of the limits set, full access to noise monitoring equipment, confirmation that a noise complaints procedure and response protocol will be established.
- the issue of vibrations is also a major issue. A protocol and oversight process similar to noise monitoring is required for this
- in relation to dust generation, conditions imposed for this need to be explicitly outlined and enforced including the covering of materials stockpiled and exposed to wind and the use of water misting or sprays to dampen down dust.

We believe that An Bord Pleanála also need to impose specific conditions relating to the following items with regard to the impacts of the construction of the Glasnevin Station adjacent to The Court, Dalcassian Downs:

- As stated earlier in this document, the grounds of our complex are a particular feature and conditions need to be applied to ensure that the protected railings and the grounds are restored to a high standard, post construction.
- As proposed, the hoarding line fronting Blocks 1-18 and 19-36 The Court is right up against the ground floor apartments and regardless of whether viewing panels are inserted a loss of natural light will arise for the entire construction period of 6 years. TII should be conditioned to move the hoarding back to alleviate the extreme physical and psychological discomfort resulting from a close up hoarding line.
- As proposed, the location of the Bentonite silos and filtration plants within the construction site will lead to a large loss of natural light to residents. TII should be conditioned to move these temporary structures as far back as possible from the apartment blocks.
- TII have indicated that they are in discussions with Dublin City Council with a view to extending the pay and display parking scheme which operates in the main Dalcassian Downs housing estate to residents of the Court whose 32 car parking spaces will be removed during the construction phase. No consultation took place with the Management Company Board prior to these discussions taking place between TII and Dublin City Council. This is contrary to the principles set out in the guidance document issued by DEPR in January 2019, in relation to public consultation.

The Court Management Company Board conducted surveys over 5 consecutive working days in October 2022 of parking availability in the main estate. This survey revealed that at 5pm and 7.30pm on each day there were insufficient available spaces that could cater



for displaced residents of The Court when Metrolink construction commences. It is also the case that when major sporting events and concerts take place in Croke Park and the soon to be redeveloped Dalymount Park, there will be even less space available in the main Dalcassian Downs estate.

We believe that imposing Court resident parking on the residents in the main estate will cause resentment among those residents when currently the relationship between both sets of residents is extremely friendly.

Accordingly we believe that An Bord Pleanála should impose a condition in the Railway Order that alternative parking for displaced residents at the Court must be provided in a cordoned off area within the adjoining construction site. In this regard consideration should be given to utilising "vertical rotary parking systems" which can be constructed over 2 or 3 parking spaces and are operated via touch screens, apps or chip technology. Such systems are widely used in Europe and could be assembled and then disassembled by TII and used elsewhere by them.

- As referenced earlier, we believe that TII should be conditioned to arrange and fund counselling services for those individuals at The Court, Dalcassian Downs, whose lives will be negatively transformed and who may wish to avail of counselling services. It should not be a matter for individuals to have to fund the help that they may feel they need.
- We also believe that TII should be conditioned to fund some form of basic health screening at regular intervals to ensure that the underlying physical and mental health of residents does not deteriorate discernibly during the 6 year construction phase. If TII are confident that no health issues will arise, then they should not oppose this suggestion.
- For those individuals who may wish to be temporarily rehoused during the construction phase, a scheme to cater for this possibility needs to be drawn up.
- Finally, we believe that TII should be conditioned to provide compensation for individual owners at the Court Dalcassian Downs during construction to cater for the fact that their apartments will be virtually unsaleable during the lengthy and disruptive construction phase.

#### **(4) COMPLIANCE WITH RAILWAY ORDER CONDITIONS**

We now wish to turn to the important subject of construction contract oversight of the Metrolink Project. In the documentation that we have examined there are copious references to contractors being obliged to adhere to the conditions laid down in the Railway Order. It is assumed that TII will apply sanctions or penalties for breaches of this arrangement. This is all very well but complications will arise if the Project falls behind schedule which is very likely. In that scenario it will benefit both parties if there are exceedances in working hours and traffic activity for example such that the Project gets back on schedule. The question needs to be asked as to which organisation will be overseeing adherence to conditions set down in the Railway Order? It will not be a matter for Dublin City Council planning enforcement section as they have no role in the oversight of major infrastructural projects.



We believe that the Environmental Protection Agency or some such body should be directed to oversee the compliance issues. The EPA already has national oversight of activities relating to water, waste water, waste, air, noise, radiation and chemicals. It makes no sense for An Bord Pleanála to lay down a range of conditions with TII self-administering the compliance issues as that approach is fundamentally flawed and inequitable for obvious reasons and does not provide for any sanctions on the Project sponsor.

In the interests of transparency we also believe that a Local Liaison Group needs to be established by TII to include representatives of the various residents groups, contractor reps and TII reps. The Group should meet monthly, have an Independent Chair and have terms of reference agreed before it commences its activities. This should also be a condition of the Railway Order.

Consideration should also be given to the creation of a Community Gain Fund by TII that could benefit local businesses and residents whose lives will be disrupted for quite a long time during the construction phase of the Project. The fund could also be used for Public Realm enhancements in the area post construction.

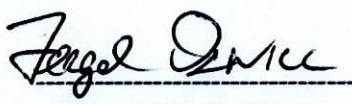
We would be grateful if you would give serious consideration to the contents of this submission which is made on behalf of the Court Management Company CLG, Dalcassian Downs, Dublin 11.

We also wish to formally request participation in the Oral Hearing which will undoubtedly be convened in respect of the Metrolink Project.

A cheque for €50, being the appropriate fee for a submission, is enclosed

Yours sincerely

  
Helen Keogh, Director

  
Fergal Olwill, Director

  
Charles Lowe, Director

COURT MANAGEMENT COMPANY CLG