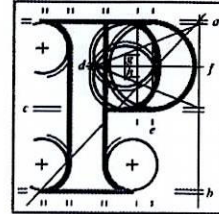


**Our Case Number:** ABP-314724-22

**Your Reference:** Owners Management Company



**An  
Bord  
Pleanála**

Corr  
3A Sycamore House  
Millennium Park  
Nass  
Co. Kildare  
W91 WN72

**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 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, however, the cheque of €50 which was provided as payment for this submission was not signed and so could not be processed by the Bank therefore no refund is due in this case.

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).

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

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LoCall 1890 275 175  
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Website [www.pleanala.ie](http://www.pleanala.ie)  
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64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

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

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

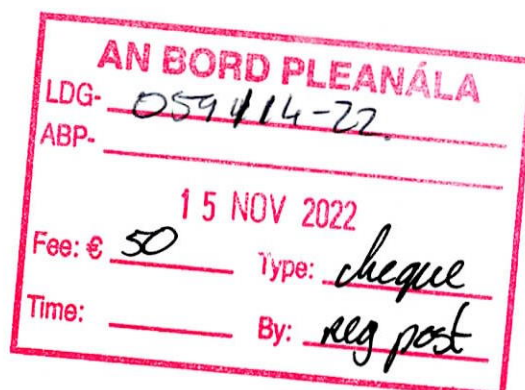
64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Our Ref: TC/JR

An Bord Pleanála  
64, Marlborough Street  
Dublin 1.

**Via Registered Post**



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14<sup>th</sup> November 2022

**Re: Metrolink Railway Order Application and Supporting Documentation**  
**Client: Townsend Apartment Management Company Limited by Guarantee (OMC)**  
**Address: C/O Cushman and Wakefield, 164 Shelbourne Road, Ballsbridge, Dublin 4**  
**Ref No: ML6O-A10**

Dear Sirs,

We act on behalf of the above client who has been served with notice of the making of the above Railway Order Application. Our client is the Owners Management Company for the College Gate property which has been included in the Railway Order Application. Having reviewed the drawings and documentation accompanying same, our client has instructed us to object to the confirmation of the Metrolink Railway Order Application and all of the supporting documentation to include the proposal Railway Works and Land Requirements, the Book of Reference, the EIAR and the Natura Impact Statement on the following grounds:

### 1. Project Need

As currently designed, this project is excessive and is leading to a significant overspending versus alternatives. The requirement in relation to increased use of public transport could be met in alternatives ways that would have been much less costly and at the end of the day, would have been better than the Metrolink as it is currently proposed.

### 2. Economic Analysis of Metrolink Versus Alternatives

The projected total budget cost of the Metrolink Project is extremely high versus other infrastructure capital projects. Analysis is showing that alternatives would have been able to deliver a similar or higher overall benefit and at a lower cost. Therefore, the economic cost benefit analysis on the Metrolink Project should mean that the project should not be progressed in its current form.

### 3. Route Selection

Even if one assumed that the Metrolink project was needed and it did stand up to economic analysis, the route chosen is flawed. Better alternative routes were available to the Designers.

### 4. Mitigation of Impacts on the Human Environment

In the case of the College Gate Apartment Complex and the Owners Management Company (i.e. Townsend Apartment Management Company Limited by Guarantee) the proposed impact mitigations put forward by the Acquiring Authority are seriously flawed and inadequate. The common areas of the complex and the overall property has been severely blighted since the route for the Metrolink



project was decided and it was clear that the College Gate Complex was within the preferred route for the scheme and would have to be demolished should the scheme proceed on foot of a Railway Order as submitted. It was open to the Acquiring Authority to step forward at that stage and immediately offer to fully deal comprehensively with all of the individual owners in the complex and the Owners Management Company with a comprehensive suite of measures. These would include an offer of adequate full compensation to each owner and other measures such as immediate advance payments to the Owners Management Company to upkeep the common areas. It would have been open to owners to sell at that stage to the Acquiring Authority, if they so choose.

This has not been forthcoming from the Acquiring Authority and the complex has remained blighted and the lives of the owners severely impacted since the route for the Metrolink was chosen. Contrary to what has been stated publicly, there is nothing in law to stop the Acquiring Authority in this case doing the right thing, that being to have stepped in immediately and dealt comprehensively with a suite of measures for the College Gate Complex including a full purchase offer for owners wishing to sell and move on with their lives.

The early negotiations optional proposal put forward by the TII is a totally unsatisfactory proposal and is deeply flawed in many respects. It is not an adequate mitigation offer. Mitigation is critical in relation to all impacts of a scheme.

#### **5. Time Frames and Funding**

There is a lack of clarity with regard to time frames and funding for the Metrolink Project. There is no clarity with regard to the approval process and how long this will take. While this is ongoing, the severe blight on the College Gate Complex will continue and the hardship placed on the owners and the Owners Management Company will continue. This is wrong.

#### **6. Oral Hearing**

All of the points raised above can be fully addressed at an Oral Hearing which we request be held in relation to the Metrolink project. The above is only a basic outline of some of the points that are relevant to our client and these points will be further elaborated on and additional points raised at the Oral Hearing, as more information becomes available.

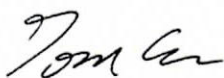
#### **7. Capital Gains Tax**

The Principle of Equivalence is being severely breached in the case of apartment owners who are investors and not in occupation. This is due to the anomaly of Capital Gains Tax being payable on compensation. The Acquiring Authority are aware of this matter but have not resolved it.

#### **8. 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 Board Pleanála Oral Hearing which we request be held.

Yours faithfully,



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**Tom Corr MAgrSc, FSCSI, FRICS, ACIArb**  
**RICS Registered Valuer**  
**PSRA Licence No. 003033-004513**  
Agronomist