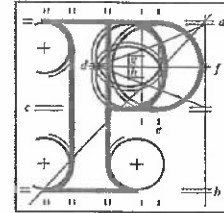


Our Case Number: ABP-314724-22

Your Reference: Vincent Harrison and others



**An
Bord
Pleanála**

Marston Planning Consultancy
23 Grange Park
Foxrock
Dublin 18
D18 T3Y4

Date: 23 January 2023

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 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 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

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64 Marlborough Street
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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

12th January 2023

Our Ref. 22115

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

ABP Ref. NA29N.314724

Formal submission

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our client's:

- Vincent Harrison, no.1 Coke Oven Cottages, Royal Canal Way, Dublin 11
- Stephen, Alex, Robin and Lauren Smith; and Sheila Boyd, no. 2 Coke Oven Cottages; Royal Canal Way, Dublin 11
- Francis Mackey and Jacqueline McElhinney, no. 3 Coke Oven Cottage; Royal Canal Way, Dublin 11
- Nessa Winder, no. 4 Coke Oven Cottage; Royal Canal Way, Dublin 11

to make a further submission to An Bord Pleanála in respect of the proposed Metrolink referenced in the statutory notices as the "*Application by the National Roads Authority (operating as Transport Infrastructure Ireland for the Railway (Metrolink – Estuary to Charlemont via Dublin Airport) Order (2022)*". This submission should be read as an addendum to our original submission from November 2022 and addresses the noise impact of the construction and operational phases of the proposed development on the Coke Oven Cottages. Our clients concerns relating to all other issues raised in the original submission remain, and this submission should not be considered, in any way, as forming a submission that replaces in any way our original submission.

We have enclosed confirmation of the original fee of €50 having been paid for the making of a submission (as specified in the statutory notice) back in November. The Board have confirmed that no additional fee is required to accompany this submission.

Following the extension to the consultation period, and the extension of the deadline for submissions to the 16th January 2023, our clients requested that we review in greater detail the impact of the works to the Maynooth to Connolly station line to the rear of their properties, and how this would impact upon their properties at nos. 1 to 4 Coke Oven Cottages, both during construction and in the operation of this railway both in the short and long term. It was notable that very little detail was provided in terms of the nature and extent of the exact works, with one section provided just to the west of the new station, where retaining works were required adjacent to the Glasnevin cemetery.

We noted in our original submission that the interlinked works with the existing main line will require the western commuter line (that backs onto the Coke Oven Cottages) to be closed for a period of 21 months. Section 5.10.6 of the EIAR indicates that the train track will be lowered by c. 2m although the alignment drawings provide no detail as to where and along which stretch of the railway this reduction will occur. A drawing is noted as indicating as proposed earthworks to the rear of the Coke Oven Cottages. No detail is provided as to the nature and extent of these earthworks.

We note that the EIAR states that the construction working hours differ at this location due to the interface with existing Iarnród Éireann infrastructure and live railway line and will require working to be carried out on a 24 hour a day, seven days a week basis for some activities.

We respectfully submit that such working hours are completely unacceptable on this stretch of railway to our clients and the need to uphold their residential amenities during the construction process. Whilst the EIAR states that the planning of such works will take consideration of sensitive receptors, in particular any nearby residential areas, there is a lack of clarity provided as to how such intrusive works would be managed to mitigate negative noise impacts in relation to Coke Oven Cottages. This is deeply concerning to our clients.

The impact of the construction phase of the lowering of the track in terms of the construction phase on Coke Oven Cottages were identified as set out below within Appendix A13.7 of the EIAR. This sets out that the Predicted Construction Noise Level at the Coke Oven Cottages will be 69dB. This Appendix identifies the Construction Noise Threshold at the Coke Oven Cottages as being 65dB between 7am and 11pm all days of the week, and only decreases to 55dB between 11pm and 7am.

Chapter 13 of the EIAR, and entitled Airborne Noise and Vibration identifies that one of the gardens to the rear of Coke Oven Cottages was selected as one of the noise monitoring locations (Table 13.29, ID UT39) and Table 13.31 identifies that Coke Oven Cottages was one of the vibration monitoring locations (VM01).

The unattended noise monitoring undertaken to the rear of one of the Coke Oven Cottages indicated background noise levels as follows:

Unattended Location	Daytime dB L _{Aeq,16hr}	Daytime dB L _{A90,16hr}	Night-time, dB L _{Aeq,8hr}	Night-time, dB L _{A90,8hr}	dB L _{den}	Attended Location	dB L _{Aeq,15min}	dB L _{A90,15min}	dB L _{den}
UT39	57	42	52	38	60	AT37	52	47	55

It is notable that this survey was not undertaken at the façade of the nearest noise sensitive receptor and therefore are misleading in terms of the existing noise environment of the Coke Oven Cottages that are located in a quiet environment. The only background noise of note is perpetuated by the trains that generally pass in each direction every 30 minutes or so currently apart from at peak commuting times when there are trains every 10-15 minutes for a period of an hour. Current noise levels are therefore considered to be significantly lower than indicated within the EIAR.

This is reflected in Table 19 of Appendix 13.1 that sets out in more detail the results of the noise survey, which was undertaken between the 16th May and 22nd May 2019. The correctness and robustness of these survey results must be questioned given the fact that they were undertaken over three and a half years ago.

Survey date	Daytime			Evening	Night-time		L _{den}
	L _{Aeq,16hr}	L _{day}	L _{A90,16hr}	L _{evening}	L _{night}	L _{A90,8hr}	
16/05/2019	56	57	42	54	50	39	58
17/05/2019	57	58	44	57	50	39	59
18/05/2019	56	57	42	55	50	39	59
19/05/2019	56	57	40	55	51	38	59
20/05/2019	57	57	42	57	55	38	62
21/05/2019	57	58	42	56	51	36	60
22/05/2019	57	59	41	55	51	37	60
Average	57	57	42	56	52	38	60

It is notable that background noise levels during the day were generally measured in the range of 40-42dB L_{A90,16hr}. It is notable that background noise levels at night were very low at between 37 and 39dB L_{A90,8hr} that were reflective of some of the lowest background noise levels surveyed along the project. The predicted noise level impacts of the construction phase are indicated as follows within Appendix 13.7 of the EIAR.

	Weekday 7am-7pm	Weekday evening 7pm – 11pm	Saturday morning 7am-1pm	Saturday evening 1pm – 11pm	Night 11pm – 7am
Impact at Coke Oven Cottages of Track Lowering	Moderate to significant	Moderate to significant	Moderate to significant	Moderate to significant	Significant to very significant

However, these do not appear to tally with other documentation within the EIAR. Our clients note with particular concern that Table 13.63 within Chapter 13 of the EIAR as set out on page 99 entitled "Glasnevin – Track

Possession Works – Potential Night Time Significant Construction Noise Impacts”, that relates to track alignment and track lowering works to the rear of the Coke Oven Cottages specifies that the predicted magnitude of impact at Coke Oven Cottages (referenced in Table 13.63) is “*Very Significant to Profound*” (see excerpt below).

ID	Description	Night-time (23:00 – 07:00)	CNL	Night-time (23:00 – 07:00)
38	Coke Oven Cottages	SS	65 - 70	Very Significant to Profound

Appendix A14.6 sets out noise mitigation measures and policy being proposed, that may include additional measures such as noise insulation, temporary rehousing, or soft interventions. We respectfully submit that it is deeply disappointing that for the clarity of our clients, the mitigation measures that will apply to the residents of Coke Oven cottages will only be known 6 months prior to commencement of construction works as set out under section 3.1 of Appendix 14.6. This would seem unreasonable that our clients can therefore not comment upon them under this submission.

We respectfully submit that given the very significant to profound construction impacts the highest degree of mitigation would be required for the residents of Coke Oven Cottages.

It is clear that the proposed night time work will far exceed the 10dB change that is indicated as justification for rehousing and other mitigation measures. The noise impact will be an increase of c. 28-31dB in background noise levels at night. Such levels of noise generated by the proposed works necessitate the strongest possible construction mitigation measures as it will make living in the cottages, even for a short period of time, during construction, untenable.

In addition it is clear that due to the very nature of the night works they would also require floodlighting that will result in light pollution of the Coke Oven cottages. This is again completely unacceptable.

We would request that, if night time works are required, due to the operational nature of the railway line, then it is inherently required that the strongest mitigation measures are employed. The use of acoustic screens during construction will not adequately address our clients concerns.

Our clients are also concerned in relation to the vibration impacts of the construction phase as a result of the construction works immediately adjacent to their property boundaries. Our clients are concerned in relation to the impact of this on the structural integrity of their properties and would request that irrespective of all other matters raised in this submission that a full structural survey, by a mutually agreed third party, of each of their properties is undertaken prior to the undertaking of works adjacent to their properties.

We request the Board, to attach suitable conditions, irrespective of other issues raise in this submission, to address our clients reasonable concerns in relation to noise and vibration impacts as a result of both the construction and operational phases of the proposed development.

It is incumbent that the highest possible noise attenuation standards are applied at each of our clients' properties to ensure that they are not disenfranchised in terms of their residential amenity during the construction process.

Operational phase

It is notable that no assessment of the implications of the change in the operational phase from a cumulative impact perspective was undertaken in relation to the Coke Oven Cottages. The new station will generate and has the potential to increase train traffic and certainly train speeds incurring different noise levels to the rear of Coke Oven Cottages as they brake to stop and accelerate away from the new station.

The change in noise levels will have a long term and negative noise impact on the residents of the Coke Oven Cottages and has failed to be adequately considered or mitigated for by the applicant. As outlined above the level of train services will likely increase as a result of the new Glasnevin station, and would result in noise levels being more noticeable to residents.

There is a need to erect suitable acoustic screens above the existing boundary wall, to mitigate noise during the operational phase of the proposed development, along the length of the boundary with the Coke Oven Cottages.

Reduction in property values

We respectfully submit that the land subject to the application, and our clients lands that are negatively impacted should be considered in terms of any potential mitigation, or any future potential CPO procedure as being zoned for residential purposes.

For all the reasons as outlined above, the material reduction in our client's residential and visual amenity and the profound negative impact of the proposal on their properties, we respectfully submit that the subject proposal would have a material and significant reduction in the value of property adjoining and close to the application site both in the short and medium term during construction but in the long term also.

Conclusions

We respectfully submit that as well as the inherent need to uphold reasonable and safe access to our clients' properties both during the construction and operational phases of the project, as set out under our original submission, there is a need to ensure that the construction and operational phases

During the construction phase our clients concerns, is that any permitted development unless the proposed development is managed in a controlled and reasonable manner will have a profoundly negative impact on their residential amenity. This is compounded by the fact that a number of residents are over 70, and that one of the daughters of the residents, who is 16, and is on the autistic spectrum disorder and therefore is more susceptible to noise impacts.

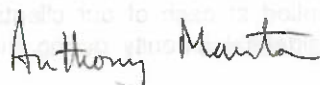
The current proposal does not achieve any of these aims and there is a need to significantly control construction times and noise levels, with suitable noise monitoring, with absolutely no night time works. We believe this is a reasonable and considered approach to managing the construction phase of the development.

The works will also compound the negative noise impacts in the long term that would be compounded by the loss of any trees. We respectfully request that suitable acoustic screening is provided to mitigate the operation phase of the main line trains accelerating and breaking out of and into the new proposed station. Without such screening it will have a profound negative effect on the residential amenity of the residents of Coke Oven Cottages.

It is incumbent on the Metrolink project and An Bord Pleanála to review precise noise and vibration mitigation for Coke Oven Cottages prior to making a decision on the Metrolink proposals.

We trust that An Bord Pleanála will give due consideration to all matters raised in this submission.

Yours faithfully,

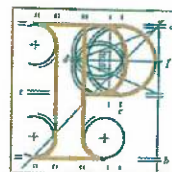


Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

Appendix – Letter of acknowledgment from An Bord Pleanála of our original submission

Our Case Number: ABP-314724-22

Your Reference: Vincent Harrison and others



**An
Bord
Pleanála**

Marston Planning Consultancy
23 Grange Park
Foxrock
Dublin 18

Date: 07 December 2022

Re: Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]
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Executive Officer
Direct Line: 01-8737247

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