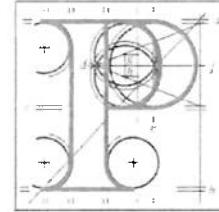


Our Case Number: ABP-316119-23



An
Bord
Pleanála

Anne Mc Elroy & Anthony Costello
229 Landen Road
Ballyfermot
Dublin 10
D10 X584

Date: 08 March 2024

Re: DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station, and Hesuton Station to Glasnevin
County Dublin and County Kildare

Dear Sir / Madam,

An Bord Pleanála has received your recent letter in relation to the above mentioned case. The contents of your letter have been noted.

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 relation to this matter please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Lauren Griffin
Executive Officer
Direct Line: 01-8737244

RA03

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Case Number: ABP-316119-23

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AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
05 MAR 2024	
Fee: €	Type: _____
Time: 11.51a	By: Handl

Date: 5.3.2024

5.2.6. Ref 010 – Anne Mc Elroy & Anthony Costello
Submission Location – Landen Road, Ballyfermot

In relation to the response to my submission. It is my opinion that my complaints and objections were addressed unsatisfactorily. In actuality, it is my opinion that language such as 'mitigate' and 'manage' were utilised which confirm my concerns are both relevant and guaranteed outcomes of the project.

The general tone of the document suggests the project is progressing regardless of objections and any compensation discussed relates to compulsory purchase order only which must be claimed from a third party. The impact of works prior, during and post project completion will have lasting affect on our property and personal wellbeing with no compensation discussed and managing mitigation is simply not sufficient.

I repeat my objections to any changes my neighbour (CIÉ/IE) wants to implement which negatively impact my quality of life, health, safety, property and financial position.

1. Summary of Issue Raised – Not given adequate time to read and understand all the documentation relating to the project.

While it is stated that 6 weeks is the minimum timeframe required, and 7 weeks were provided, it must be noted that we are pensioners who have no experience in reading documentation such as that provided. This resulted in us seeking external advice which took time. Finding a suitable advisor was difficult as we found people were unwilling to advise against a public body. The suggestion that the project team were available to assist is irrelevant in my opinion as obviously, they would be biased in favour of my neighbours objectives.

My opinion remains unchanged, I feel we were not provided enough time to digest the implications thoroughly or seek advice.

2. Summary of Issue Raised – Concerns regarding construction noise and disturbance, operational noise due to increased frequency of trains and closer to the boundary, removal of trees as a noise buffer.

During construction phase there is an acknowledgement of predicted noise increases resulting in mitigation measures which will be managed. This confirms my initial concern of increased noise and disturbance. Cambridge dictionary defines the word 'mitigate' as a verb to make something less harmful, unpleasant, or bad. Not totally prevent. This infers an effort will be made to reduce impact, not to ensure the status quo is maintained. The provision of a community liaison channel again does not reassure me as a natural bias toward the project progression would be present.

During what is referred to as the operational phase, again, the word mitigation is utilised broadly. This infers an expected increase in noise will occur which attempts will be made to reduce, not guaranteed.

The trees are to be removed and replaced by a noise barrier. Firstly the trees provide a far more appealing vista than that of the rail works. Secondly they provide privacy and further more it is my opinion that they act as a barrier to attenuate sound. The reference to foliage being a negative source of noise pollution in terms of rustling is insulting as we are discussing it in comparison to construction woks, heavy machinery, and increased frequency of train travel in closer proximity to the boundary.

A noise barrier, again, is a mitigating measure. 'Once mitigation measures are implemented for the Project, it is anticipated that overall noise levels will be reduced compared to the situation without the project in place, meaning a slight positive impact.' The word anticipated is used. Cambridge dictionary defines the word anticipate as a verb to imagine or expect that something will happen. This again does not guarantee. Furthermore, I have concerns as to the size and visual impact a noise barrier will have in comparison to my current view.

3. Summary of Issue Raised – Security concerns regarding the rear of the house during construction and operation.

The word management is used again on this point. Cambridge dictionary defines the word management as a noun, the control and organization of something. This can infer both good and bad management practices. 'The contractor will take ownership of the CEMP once appointed and will be responsible for providing appropriate security provisions during the construction works including site security measures and prevention of access to neighbouring properties.'

This to me means my neighbour is no longer taking responsibility for security of the site. Therefore, any problems I may experience, I must contact a third party. It is my opinion that a contractors function is to make money, therefore, expecting them to manage something that does not make money, such as security, will result in a substandard result.

4. Summary of Issue Raised – The visual impact of the tree removal and privacy.

'CIÉ/IE acknowledges that there will be a loss of vegetation to facilitate the Project. At this particular location, the mitigation drawings indicate vegetation losses as required to facilitate the project and there is no scope for replacement planting.'

This confirms that there will no longer be a pleasant, green, tree lined view beyond my boundary wall. This will impose a negative impact on my view, privacy, security, and the atmosphere in my garden.

The view from the rear of my home will be of a rail works or noise barrier as opposed to mature trees. Conversely, workers during and post works along with rail passengers will have clear view to the rear of my home. There will also no longer be bird singing from the nested birds in the trees.

5. Summary of Issue Raised – Not consulted on security cameras which will have full view of the rear of the property.

I raised this issue to further demonstrate the nature of my neighbour in terms of the tone of the response and overall project management thus far.

This camera was installed with no consultation or communication. It was initially installed with a loud speaker which played a loud warning to intruders informing them the Gardaí had been contacted. This warning would sound unexpectedly during the night time. The camera was initially installed with a camera that appeared to be pointed away from my home, however, it has been updated to what appears to be a dome shaped camera.

I have no idea what direction that camera is pointing or if it can be manoeuvred and focussed to different positions by an operator. It poses a concern to me as I find it a visual interruption to my tree lined boundary. It is also a privacy and security concern as I have no idea if it is monitored, manoeuvrable or accessible by anybody.

6. Summary of Issue Raised – Concerned about disturbance of animals (birds, rats, mice, cats, foxes, badgers) that may migrate closer to the property.

'The appointed contractor will have responsibility for prevention and management of pests and vermin.'

Again, my neighbour is relinquishing responsibility to a third party. I question the reliability of allowing a third party, whose function is to make money to manage something that does not make money. I object to all wildlife being described as 'pests and vermin'. Both bats and badgers along with their homes are protected under legislation. There are also protections on when hedges can be trimmed to ensure birds nests are not disturbed. Rats, mice, foxes and stray cats will be driven towards our property. It is my opinion that once they migrate to our property they will become our problem.

'The CLO will carry out

communications activities, such as:

- To provide information to local residents about progress of the project,
- To explain control measures being put in place,
- To inform the local community about works likely to cause disturbance and/or works planned to take place outside of core working hours.
- Mitigations regarding the above issues. '

The appointment of a Community Liaison Office again does not reassure me as I would expect they would be biased in favour of project progression. The duties outlined appear to state the community will be spoken to. They do not state a two way communication. For example, they do not state they will solve, or even address residents complaints or concerns.

7. Summary of Issue Raised – Concerned about impacts to property and its value, including disturbance to structural integrity of the property, future development potential, future resale and reduced value. Additional concerns about the impact on the overall quality of life for months/years to come due to disturbance. Concerned about damage/disturbance of a shed at the rear of the property.

'Soil anchors will be a substantial distance below ground level and will get deeper as they advance under the rear garden.'

What exactly is considered substantial?

'No adverse structural impacts to the property are anticipated as a result of these works. Soils anchors are unlikely to affect typical domestic extensions or garden structures. No adverse structural impacts to the garden shed or its contents are anticipated as a result of these works. The proposed condition survey will include the shed.'

Again, the word anticipated is used along with unlikely. Cambridge dictionary defines the word unlikely as an adjective meaning not probable or likely to happen. This is not a guarantee. Furthermore, I will be expected to make myself and my property available for a condition survey.

'CIÉ/IÉ will own the soil anchors installed underneath the property. If any future development is proposed at the property, CIÉ/IÉ will need to be consulted to ensure that it will not interfere with the soil anchors. This does not necessarily preclude development potential in the future, but it does mean the anchors will have to be taken into consideration.'

This will have an impact in terms of feasibility and cost should I seek to build on my own property. I would have to seek expensive engineers reports for any project. Given communications to date with my neighbour, it is my opinion that accessing them to consult on any future project on my property will be impossible or at best, extremely difficult. The anchors will be prohibitive. The ownership of the property will be a further complication should I wish to sell my home in the future.

All of the above indicates my objections are reasonable. My property value, development potential, resale potential, insurability and structural integrity will all be under question where currently they are not.

Compensation is again referred to in terms of the CPO in relation to the anchors. This does not compensate for the length of time the works are to be carried out, the possible damage and interference to my property, resale value, development potential, view to the rear, usability of the garden, security,

privacy, pollution, disturbance and impact to health or quality of life. Nor does it refer to the future impact of increased traffic in terms of trains and workers to the rear of my property.

I repeat my initial objections and concerns. The responses from CIÉ/IE have confirmed that I am correct in my assertions. The tone of communications have been to date, that this project is progressing regardless of my concerns which I find obtrusive. My position is that my neighbour wants to take my property, reduce my property value, prevent future development, impact my resale value, impact my insurability, decrease my quality of life, reduce my enjoyment of my garden, carry out works during unsociable hours, reduce my privacy and security, and expects me to seek compensation from a third party solely for the anchors. This is beyond intrusive.