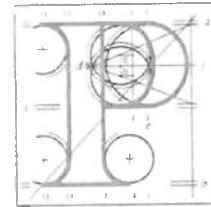


Our Case Number: ABP-316119-23



An
Bord
Pleanála

Marlet Property Group Limited
O'Connell Bridge House
27/28 D'Olier Street
Dublin 2
D02 RR99

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 the 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

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Lauren Griffin

From: LAPS
Sent: Thursday 7 March 2024 12:46
To: shaun.thorpe@marlet.ie
Subject: RE: ABP-316119-23 DART+ South West Electrified Heavy Railway Order 2023 - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin

A Chara,

The Board acknowledges receipt of your email, official acknowledgement will issue in due course.

Kind regards,

Lauren

From: Shaun Thorpe <shaun.thorpe@marlet.ie>
Sent: Thursday, March 7, 2024 12:10 PM
To: SIDS <sids@pleanala.ie>
Subject: ABP-316119-23 DART+ South West Electrified Heavy Railway Order 2023 - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

ABP-316119-23 DART+ South West Electrified Heavy Railway Order 2023 - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin

A Chairde,

Please see attached Marlet Property Group submission on ABP-316119-23 as per invitation in ABP letter dated 6th February 2023.

If you have any queries, or require further clarification, please do not hesitate to contact the undersigned.

Is mise le meas,

Shaun

Shaun Thorpe
Head of Planning



Marlet Property Group
O'Connell Bridge House,
27/28 D'Olier Street,
Dublin 2 D02 RR99
m: +353 85 807 5086
e: shaun.thorpe@marlet.ie

www.marlet.ie

This email, including any attachments, is confidential and may be legally privileged. The email, including any attachments, is to be read solely by the intended recipient(s). If you are not an intended recipient, please notify the sender by return email and then delete all copies from your system. If you are not a named addressee you must not use, disclose, disseminate, distribute, copy, print or rely on this email, including any attachments. Emails cannot be guaranteed to be secure or free from errors or viruses. Please note that I have no authority, either express or implied, to bind or be bound in any manner whatsoever and the existence of any contract is expressly denied. No contract shall exist until such time as a formal contract has been executed by both parties and a deposit paid. Nothing in this email or any other document issued by this office shall constitute a memorandum capable of satisfying Section 51 of the Land and Conveyancing Law Reform Act 2009.



Marlet Property Group Limited
O'Connell Bridge House,
27/28 D'Olier Street,
Dublin 2, D02 RR99

E info@marlet.ie

www.marlet.ie

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

7th March 2024
By Email & Post

ABP-316119-23 DART+ South West Electrified Heavy Railway Order 2023 - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin

An Bord Pleanála Case reference: NA06S.316119 – Córas Iompair Éireann (CIÉ) has applied to An Bord Pleanála for approval of a Railway Order for the DART+ South West project. Subject to approval, the Railway Order will authorise CIÉ to carry out railway works and all works necessary to enable the construction, operation, maintenance and improvement of the railway between Hazelhatch and Celbridge Station (County Kildare) to Heuston Station Dublin (circa 16km) on the Cork Mainline, and Heuston Station to Glasnevin via the Phoenix Park Tunnel Branch Line.

A Chairde,

We refer to the above DART+ South West Electrified Heavy Railway Order 2023 (the **Application**) by Córas Iompair Éireann (**CIÉ & DART+**) and An Bord Pleanála (**ABP**) letter dated 6th February 2024 inviting a further submission on the responses from the Applicant. Please accept this letter as our submission on the Application.

Having met with DART+ South West representatives on 7th February 2024, and reviewed the Applicants responses to the previous submissions, we can confirm that our concerns remain unassuaged and the same as contained in our original submission of 16th May 2023.

We welcome the opportunity to make this submission as the Application as presented will result in the complete loss of business and any future use and development of the property.

For ease of reference, we are structuring our submission as per DART+ responses to our original submission – DART+ numbering & headings text in bold, our submission/response in italics,

1. Summary of Issue Raised - The submission asked for the Book of Reference to be updated in relation to the name of the current owner of the property.

We note that the Books will be updated, however as we are still the named Owner, and the ABP letter of 6th February 2024 was addressed to us, we are making this submission as the owner. Should the Book be updated in advance of decision making, we confirm that this response is also on behalf of Prime GP6 Ltd.

2. Summary of Issue Raised - The permanent land take will result in complete sterilisation of the property and concerns raised that alternative solutions were not considered.

As explained to DART+ representatives at our meeting 6th February, the use of the lands cannot continue. DART+ simply stating as such, without having interrogated the uses, is not sufficient. We were shown Autotracking by the DART+ team at the meeting, which clearly showed that HGVs cannot use the yard & building if the permanent land take were to proceed – which DART+ team acknowledged and confirmed. The businesses currently occupying the property rely on HGVs to

conduct their operations. DART+ team confirmed these Autotracks would be issued to us along with a Construction Management Plan, so we could properly assess the impacts on our tenants, but neither of these have been forthcoming. We confirm that the current uses of the buildings cannot continue if the permanent (and temporary) land take proceeds as shown.

3. Summary of Issue Raised - Current tenants would no longer be able to use the property for its current permitted use and would be entitled to terminate the existing letting arrangements.

We note CIE statement that they cannot comment on the commercial and lease arrangements between the property owner and tenants. However, we can, and we can confirm that the current tenants can and will terminate their leases and vacate the site if the land takes as shown proceed. Following such a vacation, it will be impossible to lease the site with a CPO pending.

4. Summary of Issue Raised - Vehicles would be no longer be able to access the property and the buildings and all circulation routes would be permanently closed, making it impossible for Prime GP6 to let the property to prospective tenants in the future.

Autotrack displayed by DART+ team at the meeting on the 6th February confirmed that all buildings CANNOT be serviced by HGVs due to the pinch point introduced and the location of the loading bays. DART+ Autotracking shows HGVs accessing buildings at locations where there are no loading bays, nor could they be introduced there as loading at those points (that are possibly accessible) would make the building unusable. Any access would be further reduced during the construction period. We repeat that the land takes as currently shown render the site unusable for its current functions, and by its current tenants. This was confirmed by DART+ representatives themselves on 6th February 2024

5. Summary of Issue Raised - Concern over future development potential due to proposed substratum acquisition (which will affect basements, piling and excavations in the area). Response to Issue Raised

The substratum land take will result in the effective sterilisation of the lands. The DART+ team advised that we could request permission to carry out works on our site. We note that (a) the works we can do will be seriously hindered by the presence of the CIE asset under our property and (b) our experience is it can take up to 3 years to get CIE agreement for works outside their boundaries but within a zone that may impact an asset. The lands are within the 'City Edge' project, intended to deliver vital housing for the city. When we proceed with a Planning Application on foot of City Edge, any basement, foundations, and substructures (and subsequently height the site could deliver) will be significantly compromised. Any permission will normally be granted for 5 years – if we then have to wait 2 to 3 years for CIE permission to construct, any permission will be unviable as the remaining period of the Planning Grant will be insufficient to complete the development.

We repeat our earlier submission, the permanent land takes sterilise this site for its current and planned future uses – despite DART+ statements to the contrary. Some uses may be able to continue but these will be marginal uses, unable to fully utilise the site.

6. Summary of Issue Raised - View is that CIÉ/IE have not fully explored alternative engineering and access solutions. Access for all plant and materials should be provided along the existing Rail corridor itself, or via long standing access points. Engineering solutions for embankment and boundary walls should be applied which fit within the lands already in CIÉ/IE ownership.

We repeat our earlier submission, that such works in other jurisdictions are carried out without the extensive permanent, temporary, or substratum land takes shown in the Railway Order. We do not

believe alternative less invasive Engineering solutions have been explored fully, so as to minimise the impact on lands, businesses, and housing alongside the proposed works.

As noted above, we welcome the opportunity to make our submission, and appreciate the time taken by An Bord Pleanála to review same, so the Application can be thoroughly investigated, and solutions found that do not result in the closure of businesses and the permanent sterilisation of scarce lands in Dublin City.

As Marlet are named as the owners of the property on all schedules, we are a "person whose lands may be acquired under the draft Railway Order", ABP letter confirms that we are not required to pay a fee, and this submission is made before 5.30pm on the 11th of March 2024 (all as per the ABP letter), we can confirm that this submission is valid.

As noted above, should the Books of Reference be amended to show Prime GP6 Limited (our associated company) as the owners of the site, this submission also stands as that from Prime GP6 Limited.

Is mise le meas,



Shaun Thorpe
For and on behalf of Marlet Property Group Limited
& Prime GP6 Limited

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

7th March 2024
By Email & Post

| | |
|-------------------------|-------------------|
| AN BORD PLEANÁLA | |
| LDG- | _____ |
| ABP- | _____ |
| 07 MAR 2024 | |
| Fee: € | _____ Type: _____ |
| Time: 12:27 | By: Hand |

ABP-316119-23 DART+ South West Electrified Heavy Railway Order 2023 - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin

An Bord Pleanála Case reference: NA06S.316119 – Córas Iompair Éireann (CIÉ) has applied to An Bord Pleanála for approval of a Railway Order for the DART+ South West project. Subject to approval, the Railway Order will authorise CIÉ to carry out railway works and all works necessary to enable the construction, operation, maintenance and improvement of the railway between Hazelhatch and Celbridge Station (County Kildare) to Heuston Station Dublin (circa 16km) on the Cork Mainline, and Heuston Station to Glasnevin via the Phoenix Park Tunnel Branch Line.

A Chairde,

We refer to the above DART+ South West Electrified Heavy Railway Order 2023 (the **Application**) by Córas Iompair Éireann (**CIÉ & DART+**) and An Bord Pleanála (**ABP**) letter dated 6th February 2024 inviting a further submission on the responses from the Applicant. Please accept this letter as our submission on the Application.

Having met with DART+ South West representatives on 7th February 2024, and reviewed the Applicants responses to the previous submissions, we can confirm that our concerns remain unassuaged and the same as contained in our original submission of 16th May 2023.

We welcome the opportunity to make this submission as the Application as presented will result in the complete loss of business and any future use and development of the property.

For ease of reference, we are structuring our submission as per DART+ responses to our original submission – DART+ numbering & headings text in bold, our submission/response in italics,

1. Summary of Issue Raised - The submission asked for the Book of Reference to be updated in relation to the name of the current owner of the property.

We note that the Books will be updated, however as we are still the named Owner, and the ABP letter of 6th February 2024 was addressed to us, we are making this submission as the owner. Should the Book be updated in advance of decision making, we confirm that this response is also on behalf of Prime GP6 Ltd.

2. Summary of Issue Raised - The permanent land take will result in complete sterilisation of the property and concerns raised that alternative solutions were not considered.

As explained to DART+ representatives at our meeting 6th February, the use of the lands cannot continue. DART+ simply stating as such, without having interrogated the uses, is not sufficient. We were shown Autotracking by the DART+ team at the meeting, which clearly showed that HGVs cannot use the yard & building if the permanent land take were to proceed – which DART+ team acknowledged and confirmed. The businesses currently occupying the property rely on HGVs to

conduct their operations. DART+ team confirmed these Autotracks would be issued to us along with a Construction Management Plan, so we could properly assess the impacts on our tenants, but neither of these have been forthcoming.

We confirm that the current uses of the buildings cannot continue if the permanent (and temporary) land take proceeds as shown.

3. Summary of Issue Raised - Current tenants would no longer be able to use the property for its current permitted use and would be entitled to terminate the existing letting arrangements.

We note CIE statement that they cannot comment on the commercial and lease arrangements between the property owner and tenants. However, we can, and we can confirm that the current tenants can and will terminate their leases and vacate the site if the land takes as shown proceed. Following such a vacation, it will be impossible to lease the site with a CPO pending.

4. Summary of Issue Raised - Vehicles would be no longer be able to access the property and the buildings and all circulation routes would be permanently closed, making it impossible for Prime GP6 to let the property to prospective tenants in the future.

Autotrack displayed by DART+ team at the meeting on the 6th February confirmed that all buildings CANNOT be serviced by HGVs due to the pinch point introduced and the location of the loading bays. DART+ Autotracking shows HGVs accessing buildings at locations where there are no loading bays, nor could they be introduced there as loading at those points (that are possibly accessible) would make the building unusable. Any access would be further reduced during the construction period. We repeat that the land takes as currently shown render the site unusable for its current functions, and by its current tenants. This was confirmed by DART+ representatives themselves on 6th February 2024

5. Summary of Issue Raised - Concern over future development potential due to proposed substratum acquisition (which will affect basements, piling and excavations in the area). Response to Issue Raised

The substratum land take will result in the effective sterilisation of the lands. The DART+ team advised that we could request permission to carry out works on our site. We note that (a) the works we can do will be seriously hindered by the presence of the CIE asset under our property and (b) our experience is it can take up to 3 years to get CIE agreement for works outside their boundaries but within a zone that may impact an asset. The lands are within the 'City Edge' project, intended to deliver vital housing for the city. When we proceed with a Planning Application on foot of City Edge, any basement, foundations, and substructures (and subsequently height the site could deliver) will be significantly compromised. Any permission will normally be granted for 5 years – if we then have to wait 2 to 3 years for CIE permission to construct, any permission will be unviable as the remaining period of the Planning Grant will be insufficient to complete the development.

We repeat our earlier submission, the permanent land takes sterilise this site for its current and planned future uses – despite DART+ statements to the contrary. Some uses may be able to continue but these will be marginal uses, unable to fully utilise the site.

6. Summary of Issue Raised - View is that CIÉ/IE have not fully explored alternative engineering and access solutions. Access for all plant and materials should be provided along the existing Rail corridor itself, or via long standing access points. Engineering solutions for embankment and boundary walls should be applied which fit within the lands already in CIÉ/IE ownership.

We repeat our earlier submission, that such works in other jurisdictions are carried out without the extensive permanent, temporary, or substratum land takes shown in the Railway Order. We do not

believe alternative less invasive Engineering solutions have been explored fully, so as to minimise the impact on lands, businesses, and housing alongside the proposed works.

As noted above, we welcome the opportunity to make our submission, and appreciate the time taken by An Bord Pleanála to review same, so the Application can be thoroughly investigated, and solutions found that do not result in the closure of businesses and the permanent sterilisation of scarce lands in Dublin City.

As Marlet are named as the owners of the property on all schedules, we are a "person whose lands may be acquired under the draft Railway Order", ABP letter confirms that we are not required to pay a fee, and this submission is made before 5.30pm on the 11th of March 2024 (all as per the ABP letter), we can confirm that this submission is valid.

As noted above, should the Books of Reference be amended to show Prime GP6 Limited (our associated company) as the owners of the site, this submission also stands as that from Prime GP6 Limited.

Is mise le meas,



Shaun Thorpe
For and on behalf of Marlet Property Group Limited
& Prime GP6 Limited