

IOT's viewpoint is that the Railway Order, as proposed, should not be granted. Evidence has been tendered in this regard already. However to briefly synopsise we say that the Railway Order should not be granted for the following reasons:

- *That the proposed period of ten years during which CIE may serve Notices to Treat in respect of lands to compulsorily acquired by it is not permitted under the legislation;*
- *Optioneering (as per OTBs presentation)*
- *That the Environmental Impact Statement is deficient in a number of respects;*
- *That there was a failure to consult and/or that there was insufficient consultation;*

MODIFICATIONS AND FURTHER INFORMATION

IOT submit that the Board should consider requesting further information from the Applicant pursuant to the Board's powers under Section 41 of the Transport (Railway infrastructure) Act, 2001, as amended.

In the alternative it is submitted that modifications of the proposed Order are necessary:

The Board is asked to consider the following:

- Of critical significance is the production of a *baseline reference of typical architectural drawn details*. The production of a baseline reference, in the opinion of IOT, is vital given that CIE are now proposing to agree all of these matters with DCC at a later date. These details should be produced now and not at a later date or in some unspecified way. The details provided should not be un-specific photoshop images, where it is difficult to gauge quality. They should not be pictures of other buildings by renowned international and Irish architects, nor pictures of materials uninstalled, but real intentions for how the built quality of the installations will actually be.
- The Urban Framework Plan devised by Murray O'Laoire and which was an appendix to the EIS appears to have been disavowed by CIE. It is not at any rate clear to us what, if any, import CIE now attaches to the Murray O'Laoire document. In the circumstances IOT calls for a new Urban Framework Plan for the purposes of putting the site in context, for analysing the site and the wider area and to provide a vision and good practice principles to guide possible future development in the site. The plan should also make proper assessment of the proposed new public/open/vacant spaces that will be created if the station is built.
- To conduct a further assessment of the impact that the proposed works and specifically any impact that any future transport initiatives will have upon the Railway Works and Railway Estate.
- That there should be an assessment of the possibility of avoiding destruction of various architecturally important structures within the CIE Works.
- Settlement calculations in the EIS need to indicate in greater detail the difficult tunnelling ground with reference to mixed face in the Inchicore Area;
- Electromagnetic interference levels must be adequately assessed and concrete mitigation measures proposed;
- Construction in the Works: A full assessment of the potential for contaminated dust must be made and adequate appropriate mitigation measures proposed;
- Further detailed information is required of mitigation measures proposed for the Estate at the operational stage of the DART station in the Works; these include

issues such as traffic and parking restrictions, ad hoc park and ride, litter removal, security and anti-social behaviour;

- Examination of an alternative, less intrusive tunnel alignment, that would run under existing CIÉ railway lines as it leaves the Inchicore Area; together with examination of alternative, less intrusive locations for the proposed intervention shaft;
- That the hours of work should be restricted to the hours 8am to 6pm, Monday to Friday, with a strictly enforceable noise limit of 65 dB; and that there be a prohibition on work at weekends or on bank holidays.

CONDITIONS

Further or in the alternative, if a Railway Order is made, IOT suggest that the following be attached as conditions to the Railway Order. A number of the proposed conditions are matters that are the subject of the DCC/CIE “agreed position”. IOT are uncomfortable that the matters referred to, and which it is proposed should be dealt with in the context of the “agreed position”, are enforceable only as between the parties to that agreement – namely DCC and CIE.

Whilst IOT does not seek to dispute the bona fides of either party to the “agreed position”, neither are we satisfied that the DCC submission to the Board - to the effect that *“Dublin City Council expects CIE/Iarnrod Eireann to honour and meet its commitments in the Agreed Position”* - goes far enough for the purposes of this process. Our particular concern is that in placing these various matters outside the four walls of the Railway Order one also places them outside the enforcement provisions of the legislation.

IOT ask that some or all of the following conditions be attached to the Order, if made:

- That a Project Archaeologist should be retained;
- That a Conservation Architect should be retained, specifically with regard to the works at Stephen’s Green, the War Memorial Gardens and the Inchicore Works and Estate;
- That a Feasibility Study be commissioned in respect of a Railway Heritage Site in the Inchicore Works and Estate;
- That a new Urban Framework Plan for the purposes of putting the Inchicore Works in context, for analysing the site and the wider area and to provide a vision and good practice principles to guide possible future development in the area. The plan should also make proper assessment of the proposed new public/open/vacant spaces that will be created when the station is built ;
- That greater detail be provided in respect of the Property Protection Scheme outlined in the EIS;
- That the Inspector should impose conditions in respect of the independent monitoring of the following matters during construction:
 - Noise Levels
 - Vibration Levels
 - Dust Levels
 - Ground Movements
 - Building Movement
 - Settlement
 - The intrusiveness of artificial light

That appropriate limits be put in place for the monitoring and that appropriate actions will be taken when these limits are exceeded.

- That there be a condition as to the frequency at which the matters referred to are monitored
- That there is a condition in relation to the appropriate manner of assessment and reporting of the results of the monitoring;
- That there is a condition providing for a mechanism whereby problems and issues arising may be reported to CIE or its contractor;
- That there is a condition specifying what steps are to be taken by CIE or its contractor when problems arise including a provision demanding that works desist until there has been an abatement of the problem;
- That there should be a prohibition on vehicle access to the Inchicore Works or the works site by project staff via the access route on Inchicore Terrace South and that access to the Inchicore Works or works site should be via Kylemore Road;
- That there would be a condition requiring CIE or its contractor to monitor use of the access route at Inchicore Terrace South to ensure compliance with the prohibition of project related vehicular access.
- That there is a condition providing for a mechanism whereby problems and issues arising in relation to use by project staff of the access route on Inchicore Terrace South may be reported to CIE or its contractor;
- That there should be a comprehensive traffic management plan in respect of anticipated traffic volumes at various stages of the project.
- That there ought to be an assessment of parking facilities available in the Inchicore Estate and that there should be restrictions on vehicular access to the Inchicore Estate in line with such parking availability;
- That the intervention shaft site should be as small as possible
- That the intervention shaft site should be decommissioned as quickly as possible
- That spoil should be removed through the access/egress route at Kylemore Road and that there should be an absolute prohibition on the removal of spoil via the access/egress route on Inchicore Terrace South;
- That detail should be provided regarding tunnelling, demolition, re-instatement in respect of the works intended for Sarsfield Road and impacting on the curtilage wall;
- The provision of sufficiently detailed parameters describing standards to which the contractor will be required to adhere;
- Tunnel supply trains should not be permitted to operate at night time under homes unless it can be proved that measures such as using rubber sleepers for the temporary track will make the resultant noise and vibration imperceptible (less than 35db)
- Floating track slab should be used for operation of trains throughout the Inchicore area;
- That there should be an assessment of the requirement for the temporary land use that interferes with the right of way between North Terrace and Inchicore Parade with a view to minimising the period of the said interference;
- That there should be a prohibition on the development or opening of any further vehicle access routes into the Inchicore Estate;
- Testing of the fans within the shaft, and rehearsal of evacuation procedures should be restricted to daytime only, Monday to Friday;

- The haul route for construction traffic (to the intervention shaft site) to the rear of St Patrick's Terrace should not be used in the construction of the portal or cut and cover works;
- The ESB sub-station should be moved to a location within the Works that is at least 100 metres away from any residential building;
- A cover should be put on the station proposed to be located in the Works to mitigate noise levels;
- That there should be a prohibition on tunnelling from the west (Inchicore) portal;
- That there should be a prohibition on tunnelling between the hours of 6pm and 8am in the Inchicore area.
- That all homes within the Inchicore Estate should be fitted and/or supplied with tiltmetres and crack gauges.
- That appropriate mitigation measures should be put in place to control displaced rodents;
- That there should be daily monitoring of the air quality adjacent to the Intervention Shaft throughout its operation;
- If results of monitoring for aspergillus spores is in excess of prescribed levels, medical checks should be available for all ages.
- That consideration be given to the needs of residents when emergency plans for the intervention shaft are being devised.
- That there should be a single access route for intervention shaft emergency purposes.
- That testing of the ventilation from the Intervention Shaft should be conducted during the period 8am to 6pm, Monday to Friday and not otherwise;
- That public realm infrastructure should be identified, mapped and referenced and that a method statement addressing the issue of removal, storage and provision made for the relocation of such public realm infrastructure
- That there should be imposed specific standards in respect of the quality and reputation of the architects to be employed by CIE on the project;
- That a comprehensive survey to include drawings, photographs and documentary evidence tracing the development of the Inchicore Works site should be presented to the Irish Architectural Archive;
- That the height of the vent structure behind the Inchicore Sports and Social Club should not exceed the ridge line of the building in order to avoid making it visible from Inchicore Square;
- That CIE provide finishing details of bolt heads for works at Sarsfield Road to avoid detracting from the quality of the masonry on the retaining walls;
- That there be a condition requiring that a Conservation Architect will be engaged to agree a method statement and conservation techniques to be used in rectifying defects in all buildings in the CIE Works and Estate;
- That a Conservation Architect will be engaged to agree a method statement in relation to the finishes and materials for structures adjacent to buildings of architectural heritage to ensure that the visual impact of such infill structures is addressed satisfactorily.
- That a Conservation Architect will be engaged to ensure that all developments are carried out in accordance with the statutory guidelines for the protection of the architectural heritage of the Inchicore Works and Estate;
- That the following expert persons shall be engaged on the project: Conservation Architects, Ground Movement and Building Response Experts and Geotechnical Engineers. The persons engaged are required to be of international repute, experienced in tunnel boring and deep excavation in historic and sensitive urban areas to develop method statements, standards and monitoring for all works.

- That the said experts will assess the impact of the proposed development on the totality of the identified structure and not merely restricted to an assessment of the element of fabric immediately adjacent to any proposed works or directly affected by said works;
- That the experts should provide clear indication of specific measures designed to eliminate, significantly reduce or mitigate the impact on the structure, such mitigation measures not merely being limited to monetary compensation.
- Where the expert assessments indicate an excessive impact they will detail specific measures to eliminate, reduce or mitigate that impact.
- That a suitably qualified and experienced project archaeologist should be engaged to develop an Archaeological Strategy Document; to oversee post excavation and to oversee the supervision of all archaeological works.
- That there should be a protocol for the discovery of significant archaeological finds;
- That CIE shall be compelled to publish and disseminate archaeological information gained during the DART Underground works. This publication should be benchmarked against the NRA publication policy on archaeology;
- That there should be a protocol for the medium term storage and curation of recorded material and the management of finds discovered;
- That there should be a protocol for the long term curation of recorded material and the management of finds discovered;
- That there be specifications in respect of the extent and type of reinstatement prior to the commencement of any works in the Inchicore Works or Estate;
- That all existing and antique stone kerbs and flags require to be cleaned and stored and re-instated to given specifications;
- That a qualified Landscape Architect shall be engaged to prepare detailed proposals for reinstatement of the areas and open spaces affected by the works but shall also include the open space currently used as a car park between St George's Villas and the Sports and Social Club. A detailed planting plan shall be required and shall include working drawings, bill of quantities, plant specification and density. Special care shall be taken to provide sufficient topsoil and drainage and/or irrigation when it is proposed to plant trees adjacent to or over underground structures.
- That CIE or its contractor shall be responsible for the maintenance of all affected public open space for a period of eighteen months after the completion of the works;
- That an inventory of railway related artefacts found within the works should be made under the supervision of the Project Archaeologist. That these artefacts should be housed adequately at a site provided by CIE/IE within the Works. That the PPCo's archaeologist should compile the inventory and that these artefacts should be appropriately stored there under conditions agreed with the National Museum of Ireland.
- That there should be recognition of the Residents' Association as a participating stakeholder, with CIE and DCC, in any future development of the Inchicore Works and Estate.
- That there should be Special Planning Status for any proposed redevelopment of the Railway Works, as befits a development of this size and importance.
- That there should be a Master Plan with legal standing that takes into account the existing community of the Railway Estate and the historic significance of the Railway Works/Estate. A Master Plan developed, in partnership with the community, before and as a condition on the Railway Order. A Master Plan that constructs the proposed station and any future development together as part of an integrated whole.

- That there should be a Master Plan for the development of the Railway Works site that emphasises best practice in planning, the principles of sustainable development, community participation, corporate social responsibility and partnership.
- That there should be real and specific mitigation measures for the inevitable consequences of the station for the security and tranquility of residents, including cumulative impacts of construction and other related installations, including the Kildare Route tie-in and proposed LUAS Station.
- That CIE / Irish Rail be instructed to take appropriate short and long term measures to safeguard and enhance the existing playing pitch and adjoining green / hard surfaced areas (including tennis courts), including the replacement of the existing concrete wall around the sports ground with new railings to be agreed with the community, within the Estate and to ensure that they remain solely for the social, recreational functions they were originally established for;
- That a range of necessary renovations and repairs to the Sports and Social Clubhouse should be undertaken – in accord with the findings of an independent survey and report – to be commissioned jointly by the IRERA and Club Management and paid for in full by CIE / Irish Rail
- That the existing leases related to the Clubhouse and playing field be reviewed in the context of creating a community managed facility that can be made sustainable as both a fully functioning social / recreational amenity and an effective economic entity
- That the long term future of the aforementioned lands, buildings and facilities be contextualised, studied and determined within the proposed Master Plan for the area;
- That there be clear measures and specifications particular to ameliorating such impacts through which the character and aesthetic of the Estate is maintained and quality design – with due regard to appropriate choice of materials and standard of finish – are also assured
- That both the brief for the Audit and arising Mitigating Measures be drawn up and agreed on between CIE / Irish Rail and the IRERA and thereafter be safeguarded legally with any appointed contractor and through the implementation of an effective monitoring system to be designed in conjunction with the community and other concerned parties;
- That an appropriate Public Art measure specific to the Railway Estate - in keeping with current State policy and provision - be formally established and operate to best practise guidelines concerning community commissioning and participation
- That the respective roles of Dublin City Council, CIE / Irish Rail and the relevant community representatives within Inchicore – including the IRERA – be correlated and drawn together through which a model of interagency and community collaboration be established under agreed terms of reference to deliver on an Area Master Plan prior to the issuance of any Railway Order

COSTS

IOT submits that it has incurred costs in the preparation and conduct of its submissions to the oral hearing. IOT proposes to submit a schedule of those costs and requests that the Board direct that CIE discharge some or all of those costs, as the Board deems appropriate.