



dublinchamber
of commerce

**Dublin Chamber of Commerce
Submission to An Bord Pleanála**

RPA Railway Order for Metro North

29th October 2008

1. Introduction

The Dublin City Region has a transport problem that severely hampers its future viability as a world class location for jobs and investment. To remain on par with competitors globally, it is essential that Dublin's public transport infrastructure deficit is comprehensively addressed.

Dublin Chamber is supportive of the Transport 21 programme (including Metro, Interconnector and Luas expansions), as it will help to realise the Chamber's goal of transforming Dublin into a modern dynamic competitive City Region. Given the Dublin City Region's role as the engine of growth for the national economy, we firmly believe that investment in upgrading and integrating Dublin's public transport network will bring a wide range of benefits to the economy as a whole.

Dublin Chamber supports the Metro North project, subject to certain important conditions being met.

The Dublin business community is aware of the benefits Metro North will bring to the City Region in the longer term. These include increased transport options, potentially shorter commuting times and reduced levels of transport carbon emissions. However, the combination of past negative experiences during Luas, Port Tunnel and M50 works, together with the extreme volatility in the global economy, is leading to high levels of real concern amongst the Dublin business community about their ability to remain trading through another period of significant disruption due to construction works.

Consequently, Dublin Chamber's support for the Metro North project is based on an overarching strict condition that it is 'business as usual for all businesses' during the enabling works, main construction works and when Metro North is fully operational. The adverse effects of the construction work needs to be mitigated so that businesses can continue to operate effectively.

The reality of the situation is that this can only occur if the construction phase for Metro North - and all other Transport 21 (T21) projects - is executed with this end in mind and is as short as possible. Accordingly, Dublin Chamber submits that all work on the project (in particular enabling works) be postponed until Irish Rail is ready to proceed with the Interconnector project and if a business case is made, and the RPA submits a Railway Application Order for, the Luas BX and D line. Businesses will only accept a short, sharp period of disruption of up to five years maximum during which the simultaneous construction of several projects should be undertaken.

It is a matter of additional concern that Metro North, LUAS BX and the Interconnector are being managed as separate projects by different teams. This is not the most effective form of organisation in terms of achieving the desired effect of a short, coordinated construction period.

Additionally, on the basis that no business operating along the route or located at a proposed stop will be adversely affected and suffer a loss of business as a direct result of construction, Dublin Chamber supports the route alignment chosen for Metro North.

Dublin Chamber regrets that a traffic management plan and the Master Programme outlining the schedule of works for the city centre during construction of T21 projects are not yet available. It is critical that the detail in these plans is made available to the Dublin business community, as they will impact significantly on how businesses will view the Metro North project. It is essential that the business community is informed about how existing levels of access to all buildings and car parks in the city centre, plus current service levels on public transport, will be maintained whilst T21 projects are being delivered either sequentially or simultaneously.

In addition, it is also a matter of regret that no precise details about Irish Rail's proposal for the Spencer Dock-Heuston Station Interconnector are to hand. In particular, it is impossible to contribute to a submission on the Metro North station at St Stephens Green and other locations when the cumulative effects of this and the Interconnector project are not yet known.

It is noted that the Environmental Impact Statement (EIS) for Metro North did not deal with the cumulative impacts of the Metro/LUAS/Irish Rail projects. We submit that an addendum to the EIS be prepared about these impacts, and that such a document be made available prior to the Oral Hearing.

Furthermore, the issue of providing additional bus capacity into the city centre has also yet to be addressed.

2. Conditional Support

The focus of, and highest priority for, Dublin Chamber and its members is the successful delivery of all T21 projects with minimal disruption to the commerce of the City Region.

Dublin city centre is the hub of the country and attracts workers, shoppers and tourists in huge numbers daily. A significant amount of business criss-crosses the city each day. So building Metro/Interconnector stops into an already congested city centre – which was built for pedestrians, horses and carriages - will generate a number of significant challenges.

Dublin Chamber has, and remains, committed to playing a proactive role in working with the transport agencies, public authorities and Government to ensure the construction phase for all projects is as short and painless as possible; and that the scale, impact and long term benefits of these transport projects are clearly communicated to businesses and the general public.

In terms of Metro North, Dublin Chamber is focusing on the proposed stops in the city centre, as we believe delivery of these stations will prove to be the most problematic.

We submit that strict conditions need to be imposed on all the agencies and contractors involved in order to successfully address the various challenges the Metro North project raises.

On every occasion over the past year when Dublin Chamber has met with the RPA, Irish Rail, Dublin Bus, Dublin City Council, utility companies, an Garda Síochána and Department of Transport officials, we have highlighted the areas where conditions must be attached to the Railway Order for Metro North in order to alleviate the concerns of businesses.

These include:

- Access – Shoppers, tourists and employees need to know that the city centre and all individual businesses are 'Open For Business' during enabling works, during construction works and when the Metro is in operation. A comprehensive traffic management plan is needed for the city that keeps it alive. The plan must specifically show how current capacity - people, business traffic, public transport - into the city will be maintained at all times and outline how access to specific buildings, businesses and car parks will be maintained;
- Public Transport – A comprehensive programme from the transport agencies is needed which sets out public transport alternatives that will be available to compensate for the loss of access for private vehicles at certain locations;
- Utilities – A comprehensive programme is needed that outlines the work which must be carried out by utility companies in the city centre and when they are permitted to carry out such works;
- Short Period of Construction – We propose the integrated and simultaneous delivery of all T21 projects in the city centre (Metro, Interconnector and Luas BX) to ensure businesses are not operating 'in a building site' for the next eight years;

- Communications – A comprehensive marketing plan should be implemented that clearly informs all investors, workers, shoppers and tourists travelling in the Dublin City Region that the city centre remains fully accessible and open for business. It is vital for businesses in particular that the attractiveness of the city centre is promoted; and
- Master Plan – A comprehensive master plan is needed which outlines a number of contingency plans to address all eventualities (delivery of deadlines, traffic problems, communications etc). This plan should also clearly outline the lines of responsibility for each agency (the RPA, Irish Rail, Dublin Bus, Dublin City Council, each utility company, an Garda Síochána and the main contractors).

Dublin Chamber would like to preface the remainder of this submission by highlighting our profound disappointment that despite our continuous engagement with all the agencies involved in the Metro North project, we have yet to see the detailed and final plans which are critically needed to address the challenges identified by the Dublin business community. To date, any information we have been provided with could at best be described as preliminary. Thus, we requested an extension of the deadline for submission to An Bord Pleanála because these key documents are not to hand, but we were denied an extension.

How can our members unconditionally support the Metro North project without information on how their concerns are going to be addressed?

Nonetheless, as the RPA has progressed to the Railway Order application stage for Metro North - giving the business community and the citizens of Dublin a mere six weeks to make submissions on the largest infrastructure project ever built in the State, never mind in the city - we are making this response based on the existing inadequate levels of detailed information.

We reserve our final comments on the project until all the above plans have been finalised and presented to us. We intend to make supplementary submissions on site specific enabling works, traffic management, general transport provision, and utility diversions and construction works, once we have sight of the relevant plans, and received necessary details on a site specific basis.

We look forward to commenting on the project much more comprehensively at the Oral Hearing.

3. Oral Hearing

Dublin Chamber notes that an Bord Pleanála has absolute discretion to hold an Oral Hearing into the RPA's Railway Order application for Metro North. Given that all the plans associated with this project are not yet available, in conjunction with the fact that this project is one of the largest infrastructure projects ever built in the State, the business community would strongly urge an Bord Pleanála to hold an Oral Hearing so that all stakeholders views and concerns can be presented in as comprehensive fashion as possible and are considered prior to the granting of the Railway Order.

4. Line BX

The Dublin Chamber supports the treatment of Luas BX and Luas D line as a single project when put forward in a Railway Application Order. We understand that a Railway Order for this line is due to be submitted in late 2009.

It is the case that the RPA believes that the St Stephens Green to O'Connell Street Luas construction works - other than at the site of the Metro North works - cannot proceed until after Metro North is completed because of the potential for severe disruption to city centre traffic (including bus traffic). Without having seen this analysis, it is not possible for Dublin Chamber to comment.

5. Need for, and Viability of, the Project

Due to a systemic failure in the past to invest in public transport in a strategic, coordinated and integrated way, the Dublin City Region is experiencing chronic traffic congestion. A staggering €2.5 billion is wasted annually as employees and businesses are caught up in total traffic chaos. Precious time is wasted; unnecessary fuel is burned; and the wear and tear on peoples' quality of life is excessive. The Dublin business community needs a modern, rapid and convenient transport system for people and goods in, and around, the city.

It has been Government policy for many years to encourage a modal shift from private cars to public transport to achieve a more sustainable pattern of urban development. This future is only realistic if Government - in particular the Departments of Finance, Environment, Heritage and Local Government and Transport - and the State transport agencies up their collective game and see money spent on public transport in Dublin the same way as Dublin Chamber does - as a socio-economic and sustainable investment that delivers a range of benefits to the national economy. We need an integrated public transport network in the Dublin City Region that inspires public confidence, thus generating a preference for public transport to the private car.

Dublin Chamber believes that the environmental, social, amenity and convenience benefits of Metro North are substantial and outweigh the economic (financial) cost of the project to the Exchequer. Getting from Stephens Green to the Airport in 17 minutes is a real prospect; so too is the likelihood of some 50 million passengers transiting through, or using, the St. Stephen's Green stations annually. Indeed, when the full LUAS, rail and bus programmes are fully operational it will transform the travelling experience in the city and will hopefully match - for the first time ever - the City Region's requirements. Therefore Dublin Chamber believes that no Dublin Transport 21 project should be delayed, scaled down or cancelled due to short term Exchequer difficulties.

Each project has already been the subject of an Outline Business Case that justified it as a priority project. Furthermore as Metro North will be a PPP, the Exchequer's contribution over the next three years will be relatively minimal. The amount of public capital funding could be as small as €120m in 2010. Consequently, we believe that it makes no sense whatsoever to delay a critical and strategic infrastructure project, where significant Exchequer costs will not be incurred until 2011. However, as it is critical that the construction period is as short as possible, Dublin Chamber would be supportive of a delay in the commencement of the enabling and construction works for Metro North to allow Irish Rail and the RPA to fast track and co-ordinate their pre-planning, and technical and financial assessments, for the Interconnector and Luas BX project to allow these projects to be built simultaneously, and not sequentially.

This situation would ensure that the city centre is not a construction site for perhaps eight years; a situation that would be totally unacceptable to the business community.

6. Impact on, and Key Concerns of, Dublin Business Community

It is vital that the impacts of the Metro North project are considered in relation to businesses operating in the vicinity of the proposed stops. Dublin Chamber is disappointed that the planning application for Metro North fails to address in detail the economic costs (and benefits) the project will have on Dublin businesses, in particular those businesses located in the city centre and around St Stephen's Green.

Due to the absence of this critical analysis, the true impact of this project on the workers, traders and employers in Dublin is not fully understood.

The project must be reviewed for its adequacy in dealing with the following issues that the Dublin business community believes warrant special attention if they are to continue to be viable during and after construction:

- Traffic management and re-routing traffic;
- Parking, access and deliveries;
- Modal shift and availability of public transport alternatives;
- Noise, dust and vibrations;
- Utilities;
- Marketing and communications; and
- Compensation.

6.1 Traffic management and re-routing traffic

The operation of Metro North involves the putting in place of new traffic management proposals.

The alignment of the St. Stephens Green, O'Connell Bridge and Parnell Square stops brings construction right through a central, congested corridor with high traffic flows of business vehicles, private vehicles, taxis and public transport. In the shorter term, road space will be lost and traffic disruption is inevitable as roads are closed, traffic is re-routed and construction traffic is brought into the mix. On completion of Metro North, and the Luas BX Line in the longer term, we understand that a number of areas across the city, such as College Green, will have pedestrian enhancements and be open to public transport only.

We believe that these pedestrian enhancements will facilitate movement around the city and will improve the shopping and tourist experience in what is becoming a very congested city centre footprint. However, Dublin Chamber reserves its comments on any traffic calming initiatives or re-routing projects until we have had the opportunity to view, and are fully consulted on, the proposed traffic management plan to be put in place before, during and after construction. The business community wants to see the plans that outline how vehicle and pedestrian traffic will be maintained at all times, and to all premises, so that the construction work is carried out without undue interference to the working, resident, visitor and business population in the vicinity.

In addition, it is important to demonstrate how the city's public transport system will be maintained during the construction works.

The business community wants to know: How are the agencies involved going to respond to the closure of certain routes and roads to private vehicles? Will increased public transport options - that offer high levels of frequency and quality, and are reasonably-priced - be made available? Who will be the body that is ultimately responsible for traffic at the enabling works stage and construction stage?

Dublin Chamber will make a supplementary submission on traffic management once we have seen the plan and received detailed drawings on a site specific basis.

Our submission at the Oral Hearing will deal with the issue of traffic management much more extensively than we have done here. However, we would like to re-iterate the comments on traffic management that we have been feeding into the agencies over the past year:

- Dublin Chamber does not support the commencement of the enabling works for Metro North unless and until the Macken Street Bridge is fully operational and the temporary Marlboro / Hawkins bridge is in place;
- Existing levels of access to car parks and all business premises should be maintained during the works;
- The traffic management plan should be clear, integrated and not focused solely on bus paths.
- The traffic plan should be based on an understanding of the secondary impacts of re-routing traffic and closing streets. This will require a full understanding of the cross-city movement of people, vehicles and goods;
- Site specific traffic management contingency plans should be to hand prior to the commencement of enabling works. These plans may include brave measures, such as reversing the direction of one way streets temporarily if necessary;
- Businesses should be informed of the 24/7 contact number to ring if there is a problem with traffic in their vicinity;
- A plan to expedite the removal of broken-down trucks should be in place prior to the commencement of enabling works; and
- The issues of placing traffic cones on the street, taking up parking spaces and blocking roads and access to premises temporarily by the contractors are negative issues that Dublin businesses have had to tackle during past periods of construction in the city centre. This situation will not be endured again. Therefore, Dublin Chamber submits that the Gardaí Síochána Traffic Corp and not the contractor should be responsible for traffic management at each site.

It is submitted that the above-mentioned conditions should be attached to the Railway Order.

6.2 Parking, access and deliveries

The city must remain open for business, and no company must go out of business – or have their level of activity reduced - as a result of Metro North construction works. The issue of maintaining car park access and access for deliveries, customers and clients to business premises is critical to the business community's operational environment. In particular, Dublin Chamber members who are operating hotels, clubs and (13) car parks (with a capacity of 6,700) in the vicinity of each of the construction sites have voiced serious concerns about the impact of construction on the existing levels of access to their premises.

There are particular issues of access in relation to the St. Stephen's Green Shopping Centre, the Royal College of Surgeons, the Fitzwilliam Hotel and Fleet St Car Park.

It is important that the issue of access is fully addressed and resolved at an early stage through full consultation and engagement with the business community. The conduct of business in and around the city must be facilitated during and after construction of the T21 projects, as shoppers who travel by car typically spend as much as four times more than shoppers who use public transport.

Practical measures need to be put in place to facilitate loading and servicing of businesses. However, all plans must be drawn up in consultation and partnership with the business community (in particular those regarding HGV access and the removal of broken-down trucks).

Another area where attention will have to be given is that of cash deliveries and the Cash in Transit requirements under the Voluntary Code of Practice set out by the Garda Technical Assistance Group (GTAG). Cash deliveries will be severely curtailed at the O'Connell St/Westmoreland St and the St Stephen's Green sites.

In the light of these concerns it is submitted that the following conditions be attached to the Railway Order:

- The detailed construction programme (including enabling works) at each city centre site should demonstrate that access – by alternatives routes where this is otherwise unavoidable - will be provided to all premises and car parks that have expressed concerns to the RPA;
- Hoardings should be positioned at a distance that will not discourage pedestrian access to commercial buildings;
- The contractor should operate a 24/7 contact phone number which can be used should unintended disruption occur;
- The contractor should be required to restore access immediately;
- The construction programme should include a schedule for each site of the times during which deliveries can be made to identified businesses in the affected location; and
- Temporary footpaths should be of a high quality, and cater for disabled users and families with buggies.

6.3 Modal shift and availability of public transport alternatives

6.3.1 Bus

The 200,000 workers who commute into the city centre daily must also be able to get in and out of the city centre in a reliable and efficient manner during construction. Dublin Chamber accepts that there will be a need to prioritise and improve those modes of transport that are capable of carrying significantly more people within the limited road space. Therefore Dublin Chamber supports in principle the proposed Bus Gate at College Green, provided it can be demonstrated that this improves traffic flows across the city centre network.

Clearly, the bus will play a central role during the construction phase. In terms of bus priority and QBCs, Dublin Chamber's position is that more buses are needed on the streets, providing a more efficient, frequent and reliable service on a joined up network of QBCs and using the latest in communications technology to provide reliable information to passengers.

We submit that decisions on bus capacity, routes and QBC developments made on foot of the current study on Dublin Bus and Bus Eireann should be made six months before enabling works begin thus allowing time for bus operators to purchase buses and that a condition be attached to the Railway Order to that effect.

Furthermore, the delivery of Real Time Passenger Information (RTPI) must be prioritised and proper funding must be given to the Dublin Transportation Authority (now possibly the National Transportation Authority) - once operational - to ensure it can take immediate charge of the proposed Integrated Ticketing Project and roll it out on a far more ambitious scale and within a tighter timescale than is currently envisaged.

Dublin Chamber submits that important questions relating to bus layover, dwell time, bus stop location and re-routing of buses must be fully addressed in consultation with, and fully communicated to, users of the system, in particular businesses who can communicate with their staff. Bus prioritisation should not disadvantage the movement of private vehicles for shopping and business related travel.

Tourism is vital to the Dublin economy so any plans to relocate coach stops or restrict passenger boarding and alighting of tourist coaches must be carefully considered and should only be implemented after full consultation with the business community.

Dublin Chambers recommends to Dublin Bus that certain Key Performance Indicators (such as average network speeds, specific journey times through the Bus Gate, passenger load etc.) be set in advance of the enabling works and that these be monitored on a regular basis

6.3.2 Park and ride facilities

Dublin Chamber submits that a condition be attached to the RO that more park and ride facilities than those 2,700 spaces proposed in the EIS are fully operational before enabling works get underway. A measure of creative thinking is needed. For example, and for the duration of the construction works only, the Phoenix Park should be used, as should the RDS, Fairview Park and other locations owned by the State and the Dublin local authorities including Springfield in Leixlip, Spawell at Tallaght, Malahide Castle at Malahide and Loughlinstown at Shankill. Dublin Chamber also supports the development of a Bus Éireann plan to service the M3 'Park and Ride' at Pace, and their consideration of possible "satellite" Park and Rides to service smaller sites outside satellite towns in the hinterland of the city. In addition, we fully support Irish Rail in their current negotiations with the Department of Transport to deliver on a major multi-annual car parking investment programme.

6.3.3 Taxis

As movement for private vehicles on certain routes will be severely restricted, it is important that persons wishing to travel across and through the city centre by taxi can do so. It is submitted that the Metro North traffic management plan should specifically address the issue of the flow of taxis and taxi ranks in and around the city.

6.4 Pedestrians

Pedestrians are the life blood of the city centre retailers. It is therefore imperative that their movement is not impaired in and around the construction sites, for example, by optimising pedestrian signals and providing for generous space between shop fronts and hoardings. The Railway Order should attach conditions that ensure the maximum flow of pedestrians that is consistent with the health and safety of the sites under reference.

6.5 Noise, dust and vibration

Several of our members - including hotels, businesses and clubs in the St. Stephen's Green area - have genuine concerns about the impact of noise, vibrations and dust levels on their premises and physical environment adjacent to construction works over a sustained period.

Whilst it is accepted that some disturbance during construction will be inevitable, they justifiably want this to be short lived and properly controlled to ensure it is not at an unacceptable level. Dublin Chamber submits that a condition be attached to the RO to the effect that the RPA should continue to liaise with all occupants of the buildings that are close to the works during the course of the enabling and construction works to ensure their concerns regarding noise, dust and vibrations are addressed. The RPA should specifically ensure that the vibrations from the construction works are kept within tolerable limits for the sensitive listed buildings at the proposed stations and along the route.

On the condition that the request above for action on the part of the RPA is met, Dublin Chamber submits that all construction should proceed on a 24/7 basis and that a condition be included in the Railway Order to that effect. We do not support the blanket restriction on construction hours such as those attached to upgrading works on the M50 and construction of the Port Tunnel. However, in areas where hotels, clubs and structurally sensitive buildings are located, consultation must take place with the occupiers to identify a suitable compromise on work hours. We firmly believe that any reviews to 24/7 construction must be location and building specific.

6.6 Utilities

As utilities are a serious issue that need to be addressed and understood before enabling works commence, Dublin Chamber is disappointed that the comprehensive audit of all utilities in the vicinity of construction works has not yet been finalised and presented to the business community. Thus, we reserve our comments until Dublin City Council's master programme addressing the issues of water, telecommunications, waste water, electricity and gas utilities becomes available. We will make a supplementary submission on enabling works and utilities once we have seen the master programme and the detailed drawings on a site specific basis.

At the Oral Hearing stage we will address the issue of utilities and comment on the enabling works much more comprehensively. We will be recommending at a very minimum that the RPA carry out a comprehensive audit of all utilities serving the stations and the exact locations of the conduits serving same and that no enabling works begin unless and until the ESB enters into agreement with the RPA and Dublin City Council to complete its portion of the works in line with an agreed construction schedule.

In addition, a condition should be attached to the effect that a comprehensive risk management plan be put in place by the RPA for the prevention, monitoring, control and remediation of risks of disruption of electricity, gas, water and waste water and telecommunications services along the route. This programme must be created in consultation with businesses and be in place before enabling works begin, as any disruption to electricity or telecommunications services which could arise during work would have a significant effect on a business operations and commercial viability.

6.7 Marketing and communications

There are many positives about Metro North that need to be communicated. However, as the construction of the project will have a short term negative impact on the business and socio-economic environment in relation to decreased road capacity and increased noise, dust and vibrations levels in the area, it is critical that the community gain from this project is communicated clearly to stakeholders well in advance of the city being disrupted by construction. It is vital for businesses in particular that the attractiveness of the city centre is promoted and the message 'Dublin city are open for business' is clearly communicated to shoppers, tourists and workers. Put simply, Dublin Chamber wants a coordinated and fully resourced communications plan in place before the 'Big Dig' gets underway.

Dublin Chamber believes it is essential that all road users understand traffic arrangements, and can continue their trips in a confident and efficient manner over the coming years. So we call for plans to extend and enhance the Variable Message Signs (VMS) system, which informs road users of traffic management arrangements daily, to be put in place before enabling and construction works begin. Furthermore, the necessary funding must be given to the creation of a dedicated one-stop-shop public transport website for the city centre.

Dublin Chamber also wishes to highlight the important part it can play in ensuring that commuters into the city are fully informed about traffic routes and transport options. As a targeted means of communicating to relevant stakeholders, we can provide vital traffic and transport information to companies in the city centre to pass onto their staff.

7. St Stephen's Green

This location – a critical quarter which is at the heart of the city's commercial life - may be worst affected as Irish Rail's plans for the Interconnector station are not yet to hand and therefore construction will last much longer than the four years envisaged for the Metro North station. It is imperative that no works begin on this site unless and until Irish Rail's Railway Order for the Interconnector is to hand. Businesses in this location are not satisfied with the level of detail provided about the cumulative impacts of the Metro North/Interconnector works. At a very minimum, overall construction activity at this location should not last more than five years and a condition to the Railway Order should be made to this effect.

Dublin Chamber supports the concerns of the St. Stephens Green and Kildare Street and University Clubs (which have been sent to An Bord Pleanála as separate submissions) and which are in summary that: construction, in particular pile-driving, should not take place prior to 8.00hrs and after 20.00hrs; that a detailed architectural baseline study be commissioned by the RPA under the supervision of the clubs to establish the condition of the buildings, including basements and ceilings; that the outside of the building be cleaned by the contractor on a regular basis to remove dust; that the pedestrian hoarding outside the buildings be at least 6 metres from the building's entrances; that the hoarding be used to advertise the Clubs; that the RPA fund works to guarantee the sound-proofing of the building prior to the commencement of the enabling works; that access is guaranteed at all times to the front door of the Clubs for deliveries, guests and staff; that access to adjacent car parks be kept open on a 24/7 basis; and no attachments, wire poles, electric fittings are attached to the buildings.

In addition, the Chamber is aware of the significant concerns and objections expressed by major employers in the St. Stephens Green area, such as The Fitzwilliam Hotel, Brown Thomas, Lisney and Bank of Scotland (Ireland). We share many of these concerns and wish to record our support for any measures that will mitigate the inevitable impact of the major works, which are planned, on these businesses.

8. Compensation

Dublin businesses are concerned about disturbance to business operations and consequent economic or trading losses as a result of the Metro North construction works; and inconvenience to their employees and customers/clients arising from traffic congestion connected with the construction and operation of the Metro North. Members of the Dublin Chamber are also concerned about adverse affects on businesses as a result of disruption to utilities (including electricity and communication services) as a result of the construction works. As a result, Dublin Chamber requests that a clear commitment be given by the RPA to accept liability for such losses.

Dublin Chamber believes that a designated manager should be appointed to liaise with the business community during the course of the Metro North construction works to try to minimise disturbances to businesses in the area, in addition to the points around communications made elsewhere.

Dublin Chamber is disappointed that the application for Metro North fails to address the economic costs the project will have on Dublin businesses. Thus, it is submitted that a condition is attached to

the Railway Order to the effect that company specific baseline studies are prepared on the impact this project may have on businesses operating in the vicinity of the proposed works.

All interested businesses who believe their operations may be negatively impacted by the works should have the opportunity to send their business profile into the RPA before any works commence. This will give the RPA a clear idea of the actual turnover, sales, profitability, employee numbers etc. of the businesses located at the construction sites before works commence. Consequently, the RPA will be able to ascertain the level of damages incurred if it is clearly demonstrated that the Metro North construction works (and not other economic factors) negatively impact on the businesses located near the works.

Dublin Chamber believes that the results of these baseline studies will prove useful data to the RPA in light of potential requests for compensation in the future. However, compensation does not appear to be an option available to any business who suffers directly as a result of the Metro North project. There is no provision for the payment of compensation for such disturbance under the Transport (Railway Infrastructure) Act 2001, as amended by the Planning and Development (Strategic Infrastructure) Act 2006.

As the RPA is fully confident that Metro North construction works will not have a negative impact on the conduct of commerce by individual businesses, it is submitted that a condition be attached to the Railway Order to the effect that on foot of baseline assessments prepared by individual businesses appeals can be made to the Commercial Court for suitable compensation should it be proven beyond any reasonable doubt that the commercial viability of these businesses is suffering as a direct result of the Metro North construction works (for example, if the works create an actionable nuisance or cause actual physical damage to business property).¹

9. International Example – Best Practice

Bordeaux is a good example for transport agencies in Dublin to consider and analyse in advance of commencing any enabling works for Metro North.

Bordeaux has an important public transport system called Tram et Bus de la CUB. When delivery of the light rail system commenced in the autumn of 2000, a complete overhaul of its public transport system occurred simultaneously. There was a reorganization of the bus system to make it easier to understand as the city was aware that between 2001 and 2003 the bus system would be disrupted by work on the light rail system. Smartcard ticketing, passenger information systems and natural-gas-powered buses all featured highly in the overhaul. The reorganization of Bordeaux's urban transportation also included a bus feeder service to the light rail stations and the expansion of intermodality by coordinating service frequency of the various transportation modes.

The operator of the Bordeaux area transport system, Veolia, worked closely with the organizing authority, the Bordeaux Urban Community, to provide information to the public during the upgrading of the system. An information kit was created and a large number of staff was made available to assist during the main changes (name change, overhaul of all bus routes and new names for the routes). Substantial investment also occurred in staff training; Veolia dispensed 51,000 hours of training to staff in 2003.²

1 An actionable nuisance essentially arises where there is an unreasonable interference with a person in the exercise of his or her rights generally associated with the occupation of property.

2 <http://www.veolia-transport.com/en/company/key-locations/bordeaux.aspx>

10. Conditions

In summary, Dublin Chamber submits to An Bord Pleanála that the following conditions be attached to the granting the Railway Order:

In advance of commencement of enabling works:

1. A comprehensive traffic management plan should be developed and agreed in consultation with the business community and be in place.
2. The Macken Street Bridge and the temporary bridge over the River Liffey should both be open.
3. A plan to expedite the removal of broken-down trucks should be developed in consultation with the business community and be in place.
4. Decisions on bus capacity, routes and QBC developments should be made on foot of the current study on Dublin Bus and Bus Eireann should be made six months before enabling works begin.
5. A plan outlining how existing levels of access to car-parks and business premises for shoppers, deliveries, clients and customers will be maintained should be developed in consultation with the business community and be in place.
6. A comprehensive master plan outlining all proposed utilities work and including a comprehensive risk management plan for electricity and telecommunications services serving the areas of construction should be developed in consultation with the business community and be in place.
7. A coordinated and fully resourced communications plan should be developed in consultation with the business community and be in place.

In advance of major construction working getting underway:

8. The building contractors should not be given responsibility for local traffic management. The Traffic Corp of An Garda Siochana should be given this task.
9. Bus prioritisation should not disadvantage the movement of private vehicles for shopping and business related travel.
10. More Park and Ride facilities should be developed and fully operational.

11. Governance

Finally, before permission is granted for the Metro North project, the issue of governance must be clarified.

It is submitted that the following conditions be attached to the Railway Order:

- A designated person from the RPA and the contractor should be appointed as a liaison contact for the business community and that this individual should, in principle, be accessible on a 24/7 basis.
- The RPA's Liaison Office should be given delegated powers to instruct the contractor to suspend, rectify or postpone works if a justified complaint is made by an affected business.
- A Project Committee chaired by the CEO of the DTA be set up to act as a forum for communicating with the business community and it should meet as often as is necessary. This Committee should also be responsible for the implementation of the DCC Master Programme.

- A separate Communications Committee should be set up, chaired by the DTA, to implement the Metro North Communications Strategy that is currently being developed by stakeholders.