



Board Direction

Ref: 29N.NA0004

Having considered the application at Board meetings held on January 19th, 24th and 25th, and having visited the route alignment of the project in the company of the Inspector on January 20th, the submissions on this file and the Inspector's report were considered at a Board meeting held on 27th January 2012, following which a request for information was issued to the applicant and separately to the National Transport Authority. The Board also commissioned a report on the feasibility of alternative power systems (the 'Systra' report) at this point.

Following receipt of the further information responses and the Systra report, the Board convened on 23rd April and decided to make new public notices inviting comment in relation to same. Upon receipt of further submissions, the Board, on 29th May 2012, requested the Inspector to complete an Addendum Report in relation to the further information issues.

The submissions on this file and the Inspector's report (including Addendum dated 29th June 2012) were considered at a further board meetings held on July 3rd. At a further meeting held on July 5th 2012, the Board decided, unanimously, to grant the Railway Order, generally in accordance with the recommendation of the Inspector, and subject to modifications and conditions.

At a further board meeting held on 27th July 2012, the Board approved this Board direction including the following elements:

- Preamble (including Reasons and Considerations)
- Railway Order (including modifications to the draft submitted by the applicant)
- Schedule 14 – Conditions imposed by ABP
- Schedule 15 – Explanatory notes on decision of ABP

Board Member: _____ Date: 30th July 2012
Conall Boland

PREAMBLE
(Including reasons and considerations)

AN BORD PLEANÁLA in exercise of the powers conferred on it by Section 43 of the Transport (Railway Infrastructure) Act 2001, as amended by the Planning and Development (Strategic Infrastructure) Act 2006 and as amended by the Planning and Development (Amendment) Act 2010, having considered:

- an application, duly made on the 24th day of June, 2010 by the Railway Procurement Agency for a Railway Order to be designated as appears hereunder, authorising railway works between St. Stephen's Green and Broombridge in the City of Dublin,
- the Draft Railway Order and documents that accompanied the application including the environmental impact statement,
- the consent given by the Minister for Transport to the granting of the Railway Order and to the designation by the Board of the railway as a light railway,
- the submissions duly made to it under section 40(3) and not withdrawn,
- the written and oral submissions made by the observers and the responses by the applicant,
- the submissions duly made to it by an authority referred to in section 40(1)(c),
- the further information sought from the applicant and the National Transport Authority in February 2012 in relation to certain aspects of the scheme (primarily the interaction with other Railway Orders, and also in relation to Dawson Street) and further written submissions made in relation to this information,
- the report commissioned by An Bord Pleanála in February 2012 from consultants Systra, concerning the feasibility of alternative power supply systems for certain city-centre elements of the scheme and further written submissions made in relation to this information,
- national policy as contained in the provisions of Transport 21, and which identifies the proposed scheme as a priority transport project, and the provisions of the National Development Plan 2007-2013, which endorses the Transport 21 programme, including the enhancement and extension of the LUAS network within the greater Dublin Area,
- regional policy contained in the provision of "A Platform for Change - Dublin Transportation Office Strategy (2000-2016)" and the Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
- the provisions of the Dublin City Development Plan 2011-2017,

- the agreements and undertakings between the applicant and the local authority (Dublin City Council),
- the construction traffic management strategy (CTMS) which aims to minimise traffic disruption for road users during the scheme construction, in co-operation with the road authority (Dublin City Council), An Garda Síochána and other stakeholders and
- the likely consequences for proper planning and sustainable development in the area in which it is proposed to carry out the railway works, and for the environment of such works,

and having considered the report of the Inspector appointed by the Board, including his addendum report in relation to the further information received, it is considered that, subject to compliance with the conditions set out below, the development of LUAS BXD, as modified by this Order: -

- would represent a significant positive intervention in the overall public transport network serving the city, and would provide adequate interconnection with existing and future transportation systems enabling more sustainable travel patterns,
- would not have an unacceptable impact on traffic safety or congestion, and
- would not adversely affect the character or architectural heritage value of the city centre, of any protected structures or national monument to an unacceptable degree.

The Board completed an environmental impact assessment in relation to the proposed scheme, taking into consideration the content of the environmental impact statement (EIS), the submissions made in the course of the application (including at the oral hearing) and the reports of the Inspector. The Board was satisfied that the proposed scheme would not have unacceptable impacts on the environment from construction or operation, subject to compliance with environmental mitigation measures set out in the EIS and conditions of the Railway Order.

The Board completed a screening exercise in relation to the potential impacts of the scheme on sites forming part of the 'Natura 2000' network of ecological areas, taking into consideration the content of the EIS, the submissions made in the course of the application (including at the oral hearing) and the reports of the Inspector. The Board was satisfied that no 'appropriate assessment' issues arise, and it was not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site'.

It is therefore considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Board acknowledged that the construction phase of the proposed scheme would result in some significant disruption in the city centre. However, it was considered that such impacts were an inevitable consequence of the scale and nature of the project and that the applicant had demonstrated that comprehensive mitigation

measures would be employed. The Board accepted that the long-term benefits of the scheme would outweigh the short-term impacts during construction.

FOURTEENTH SCHEDULE
CONDITIONS IMPOSED BY AN BORD PLEANÁLA

Modifications to the Railway Order

1. Dawson Stop

The northbound (i.e. inbound) Dawson Stop shall not be constructed as proposed. The southbound (i.e. outbound) stop on Dawson Street is confirmed. The tracks shall be realigned on Dawson Street to take account of this modification. Details of the revised track alignment (including traffic markings etc.) shall be agreed with Dublin City Council prior to commencement of construction.

Reason: It is considered that the character and attractiveness of Dawson Street would be unduly compromised by this stop, which, taken in conjunction with the existing bus stops on this pavement, would also create an excessive level of pedestrian congestion to the detriment of the street's commercial viability.

2. Median of O'Connell Street Upper

The vertical alignment of the track along the central median of O'Connell Street Upper shall be as proposed at the oral hearing, that is, on a track raised to the same level as the median. A safety audit shall be prepared in relation to the detailed design, which shall include any measures necessary to cater for pedestrian safety vis-à-vis the change in track levels. The design and audit shall be agreed with the city council prior to construction.

Reason: In the interest of clarity. It is considered that this would be visually more satisfactory and a safer arrangement than originally proposed in the application.

3. Technical Cubicle at Marlborough Street

The technical cubicle proposed for the north end of Marlborough Street shall be omitted. The cubicle shall be relocated to a suitable site within the general vicinity of the Parnell Stop. This revision shall be implemented by means of an application for amendment under section 146B of the Planning and Development Acts 2001 – 2011.

Reason: It is considered that the proposed location would have an unacceptable adverse impact on the adjacent property and on the character of this end of Marlborough Street and that there are viable, alternative locations in the vicinity.

4. Parnell Street Re-instatement

The scope of the proposed scheme in the Parnell Street area shall be extended to include full façade to façade pavement renewal/reinstatement on Parnell Street between Marlborough Street and O'Connell Street Upper and O'Connell Street Upper and Moore Lane. The pavement width on Parnell Street shall be maximised subject to consultation with the Roads Authority.

Reason: In the interest of visual amenity and to achieve an upgrade of the public realm to an appropriate standard in this area.

5. St Stephen's Green Siding

The rail siding proposed for St. Stephen's Green North shall be used only for turnback operations and emergency use by disabled trams, and shall not be used for stabling of trams during normal operation of the system.

Reason: In the interest of visual amenity.

6. Phibsborough Stop

The two approaches to the platform at Phibsborough Stop shall comprise a 'traditional track' (as set out in Figure 7 of EIS Book 1) as opposed to a 'ballast track'. (That is, between chainage 3555m, and the paved sections of the stop shown in plan on drawing BXD-ST-30 O-A the tracks shall be traditional track. The same shall apply between the paved areas and chainage 3705).

Reason: In the interest of public safety and residential amenity.

7. Broombridge Stop and Depot

The detailed design of the entrance to the site from the public road shall be prepared with the input of a conservation architect, and shall include for sensitive treatment of the bridge parapet.

Reason: In the interest of architectural heritage and visual amenity.

8. Construction Compound on Seán Mac Dermott Street

The temporary construction compound proposed for Sean Mac Dermott Street shall be repositioned in an easterly direction, so as to alleviate conflict with the access to the adjacent 'Q-Park' car park. Details of the relocation shall be agreed with Dublin City Council prior to commencement of construction.

Reason: In the interest of traffic safety.

Environmental Mitigation

- 9.** The proposed scheme shall be carried out in accordance with all mitigation measures contained in the environmental impact statement, the construction traffic management strategy and the scheme traffic management measures except as may otherwise be required to comply with the following conditions.

Reason: In the interest of clarity and to limit the environmental impact of the development.

Public Information Strategy

10. Prior to the commencement of construction, the applicant shall devise a pro-active public information strategy to function during the construction phase of the development in order to inform the public about the project and to update the public on construction progress. This shall be prepared following consultation with Dublin City Council, An Garda Siochana, other stakeholders on the Traffic Forum and representative bodies of business in the city centre. The strategy shall include the provision and manning of a central and accessible *project information centre* in the city centre to inform the general public on construction methodologies, the development's progress, and the scheme's aims and objectives. In addition, the strategy's other public information initiatives shall include project information panels and progress updates presented at major work sites.

Reason: In order to maintain good communication about the project for the benefit of the general public, business interests and visitors to the city.

Airborne Noise

11. All noise monitoring locations for the utilities and main construction works phases shall be agreed in writing with the planning authority prior to the commencement of the utilities works. These locations shall include, inter alia, the vicinity of the Fitzwilliam Hotel at St. Stephen's Green West and St. Peter's Avenue, Phibsborough.

Reason: To provide for a comprehensive system of airborne noise monitoring throughout the construction works phase.

12. Unless otherwise agreed in writing with the planning authority, the following construction noise limits shall be adhered to during all phases of construction:

(a) Construction Noise Level Criteria at any Façade of a Normal Residence:

Day	Period & Limit (dB)	Notes
Monday to Friday	75 LAeq 0700-1900 Hours 65 LAeq 1900-2200 Hours 45 LAeq 1 Hr (2200-0700 Hours)*	*Non tonal, non-impulsive
Saturdays	70 LAeq 0800-1630 Hours 55 LAeq 1630-2200 Hours 45 LAeq 1Hr (2200-0800 Hours)*	*Non tonal, non-impulsive
Sundays, Bank	60 LAeq 0800-1630 Hours	*Non tonal, non-impulsive

and Public Holidays	50 LAeq 1630-2200 Hours 45 LAeq 1 Hr (2200-0800 Hours)*	
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(b) Construction Noise Criteria at any Façade of any School or Church:

Day	Period & Limit (dB)	Notes
Monday to Saturday	65 LAeq 0700-1900 Hours* 60 LAeq 1Hr (1900-2200 Hours)	*For Schools during class times
Sundays, Bank and Public Holidays	60 LAeq 0800-1630 Hours 50 LAeq 1630-2200 Hours	

(c) Construction Noise Criteria at any Façade of any Theatre or Cinema:

Day	Period & Limit (dB)	Notes
Monday to Friday	75 LAeq Daytime Hours 60 LAeq 1900-2200 Hours	(Venue Working Hours)
Saturdays	70 LAeq 0800-1400 Hours 60 LAeq 1Hr (1400-2200 Hours)*	To allow for Matinees
Sundays, Bank and Public Holidays	60 LAeq 6 Hr (0800-1400 Hours) 50 LAeq 1Hr (1400-2200 Hours)*	To allow for Matinees

(d) Construction Noise at any Façade of any Hotel or Guesthouse:

Day	Period & Limit (DB)	Notes
Monday to Friday	70 LAeq 0700-0800 Hours 75 LAeq 0800-1900 Hours 65 LAeq 1900-2200 Hours 45 LAeq 1 Hr (2200-0700 Hours)*	* Non tonal, non-impulsive
Saturdays	70 LAeq 0800-1630 Hours 60 LAeq 1630-2200 Hours 45 LAeq 1Hr (2200-0800 Hours)*	* Non tonal, non-impulsive
Sundays, Bank	60 LAeq 0800-1630 Hours 50 LAeq 1630-2200 Hours	* Non tonal, non-impulsive

and Public Holidays	45 LAeq 1Hr (2200-0800 Hours)*	
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(e) Construction Noise Criteria in the case of Percussive Tools (such as Rock Breakers, Jackhammers (manual or mechanical), and Poker Vibrators) at Sensitive Receptors:

Day	Period & Limit (dB)	Notes
Monday to Friday	85 LA MaxFast 0700-1900 Hours 75 LA MaxFast 1900-2200 Hours	No usage of percussive tools, which are audible at any noise sensitive receptor, between 2200-0800 Hours unless agreed in advance with the planning authority.
Saturdays	80 LA MaxFast 0800-1630 Hours 65 LA MaxFast 1630-2200 Hours	As above
Sundays, Bank and Public Holidays	No usage of percussive tools, which are audible at any noise sensitive receptor, unless agreed in advance with the planning authority.	As above

Reason: To protect the amenity of neighbouring properties.

13. (1) During the operational phase, the façade noise level at residential properties from all combined permanent trackside/depot/stop equipment, including electrical equipment shall not exceed the lower of 45 dB LAeq_{15Mins} or the lowest recurring ambient level LA90_{15Min} during the period (2200-0700 hours).

(2) Night noise shall be non-tonal and non-impulsive.

Reason: To protect the amenity of neighbouring properties.

Vibration

14. All vibration monitoring locations for the utilities and main construction works phases shall be agreed in writing with the planning authority prior to the commencement of the utility works. These locations shall include, inter alia, St. Peter's Avenue, Phibsborough.

Reason: To provide for a comprehensive system of vibration monitoring throughout the construction works phase.

Water and Drainage

15. Water supply and drainage arrangements, including disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Such arrangements shall be implemented as part of the railway works.

Reason: In the interest of environmental protection and orderly development.

Lighting

16. Lighting within the Broadstone railway cutting and along the alignment adjacent to the Royal Canal shall be to a suitable design so as not to interfere significantly with nocturnal wildlife (e.g. otters, bats etc.). Details shall be agreed in writing with the planning authority prior to installation.

Reason: In the interest of environmental protection

17. For the avoidance of doubt, should any conflict arise between the conditions imposed by the Board and the contents of the 'Agreed Position' between the planning authority and the applicant (Schedule XX of this Railway Order), the Board's conditions shall take precedence.

Reason: In the interest of clarity.

FIFTEENTH SCHEDULE – NOTES IN RELATION TO THE DECISION OF AN BORD PLEANALA TO GRANT THE RAILWAY ORDER

In relation to the Interaction between the LUAS BXD and the Railway Orders for the Metro North (MN) and Dart Underground (DU) projects.

The Board noted the RPA response on this issue, to the effect that LUAS BXD can proceed in advance of either MN or DU, without prejudicing the delivery of either of those two projects, although some modifications to the approved MN and DU schemes might be necessary prior to their development. The Board is satisfied that options are available to allow LUAS BXD to continue in operation even during construction of the underground elements of the other projects. This approach has been endorsed by the NTA. The Board agreed with the Inspector's conclusion on this issue, and found that:

- the potential cumulative construction impacts of the three projects, including socio-economic impacts on the city centre, had been addressed in the original application;
- the construction of LUAS BXD in advance of the other projects, as now proposed, would not have a greater negative impact on the environment compared to the scenarios already examined;
- no material alteration arises for the LUAS BXD scheme as a result of the revised sequencing;
- should material amendments be necessary for MN or DU at a later point in time, such alterations would be subject to updated environmental impact assessment.

Therefore the Board was satisfied it could complete its environmental impact assessment of the scheme based on the information and submissions before it.

In relation to the feasibility of alternative power supply systems for the sensitive areas of the city centre.

The application as submitted was based on the use of overhead wires ('Overhead Catenary System' (OCS)) to power the trams, as is already familiar in Dublin. The Board agreed with the Inspector (paragraph 6.4.4.8) that the OCS as proposed had been carefully designed to minimise impacts on heritage buildings and on visual amenity.

However, alternative power system, that would obviate the need for OCS had been recommended by Dublin City Council and other parties in written and oral submissions. In response, technical concerns in relation to such alternatives were highlighted by the RPA.

The Board acknowledged the benefits that would accrue to the city environment in terms of architectural heritage protection, civic design and tourism from the use of a wire-free system and commissioned an independent report, by consultants Systra, on the feasibility of using an alternative system to power the LUAS trams in the sensitive areas of the city centre, namely from St. Stephen's Green to the northern end of O'Connell Street.

The Board considered that the Systra report provided clarity on the technical aspects of the alternative systems available, and accepted their conclusions, that an alternative power system involving a 'third rail' would be feasible in Dublin, albeit with some technical risks remaining to be resolved. The Board did not consider

procurement concerns to be insurmountable, and agreed with Systra that the retrofitting of the red-line fleet appeared unnecessary.

In respect of the technical concerns, the reliability of the alternative system during extreme weather conditions (such as snow/ice, and extreme rainfall events), would need further consideration, and would require revisions to current practices for de-icing roads etc.. Dublin City Council expressed concerns in relation to the ability of the existing city drainage system to deal with extreme rainfall events, which might impair tram functioning. The extensive shared running between trams and cars/buses for Luas BXD was also taken into consideration. In such circumstances, given the unresolved operational issues, the Board did not consider it appropriate to impose a condition requiring the provision of alternative power system in the city centre.

In relation to the Dawson Street Stop

Having considered the Inspector's initial report (September 2011) the Board was concerned, given the existing conditions on Dawson Street and the existing levels of pedestrian activity on the western side of Dawson Street (owing partly to bus stops) that the proposed northbound stop might have negative consequences for pedestrian movement, bus movement, and the amenity of the street in general.

The Board requested the RPA to present a design and assessment for an 'island platform' at the northern end of Dawson Street, as had been recommended by the Inspector. Various parties, including Dublin City Council, Dublin Bus and the NTA made submissions on this alternative. The Board tended to agree with the above mentioned parties that the island platform option would conflict with city bus services, and would also potentially reduce safety levels for pedestrians at this location. Displacement of the numerous affected bus routes to Kildare street on a permanent basis, as preferred by the Inspector, was not considered to be within the Board's remit, and in any case the negative consequences for bus patrons would need to be further considered.

Having examined the issue in detail, the Board considered it appropriate in the interests of the proper planning of the area to omit the northbound (i.e. inbound) stop on Dawson Street, notwithstanding the impacts of this omission on the LUAS patrons. It was considered that the stops at St. Stephen's Green and Westmoreland Street would be capable of catering for the additional demand created by this condition without undue impacts. The omission of this stop would also provide an opportunity for the proposed track alignment to be revised on Dawson street, which in itself might reduce the extent of shared running with existing bus services.

In relation to alignment in the median at O'Connell Street

The Board agreed with the Inspector that the alignment of the Luas in the central median at the northern end of O'Connell Street was acceptable, but disagreed with his recommendation (paragraph 6.5.21) in relation to the treatment of the track at this location. The Board considered that the running of the tram at the level of the raised median would provide a preferable visual resolution in the streetscape and would not pose any major technical or safety concerns.

In relation to the time periods set out in the Railway Order for carrying out the works and compulsory purchase.

The draft Railway Order had set out a period of 10 years within which to carry out the project including the implementation of compulsory purchase of lands etc.. This

matter was the subject of submissions as summarised by the Inspector (section 6.3.2 of his report). The Inspector recommended to the Board that the 10 year period was appropriate. However, the further information submitted to An Bord Pleanála by the applicant and the National Transport Authority in March 2012 confirmed that the subject project would now take priority over Metro North or Dart Underground in terms of construction sequence. Having regard to this revised sequence and taking into consideration:

- the nature, scale and complexity of this major public infrastructure project, including the necessity for completion of contractual and financing arrangements,
- the precedent set by previous railway orders including light rail and heavy rail projects in terms of the duration approved (including the decision of the Board under the ‘Dart Underground’ project, reference NA0005, whereby explicit consideration was given to this issue),

the Board decided that a period of **seven years** would be appropriate and reasonable for this railway order. Article 15 was amended accordingly. (It was not considered necessary to amend the 15-year period allowed for in relation to the possible Grangegorman Stop).

Board Member: _____ Date: 30th July 2012
Conall Boland