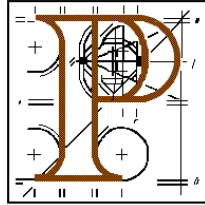


# **An Bord Pleanála**



## **RAILWAY ORDER**

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### **TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001 - 2011**

#### **Railway (Luas Broombridge – St. Stephen’s Green to Broombridge) Order 2011**

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## ARRANGEMENT OF ARTICLES

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### PREAMBLE

#### Part 1

Article 1  
Article 2  
Article 3  
Article 4

#### PRELIMINARY

Citation  
Interpretation  
Incorporation of Enactments  
Designation of Railway

#### Part 2

Article 5  
Article 6  
Article 7  
Article 8  
Article 9  
Article 10  
Article 11  
  
Article 12  
Article 13  
Article 14  
Article 15

#### WORKS PROVISIONS

Power to Execute Works  
Deviation  
Power to Alter Layout of Public Roads  
Temporary Closure of Public Roads  
New Roads  
Bridges  
Fixing of Brackets etc. to Buildings  
[and erection of poles]  
Underpinning or Strengthening of Buildings  
Discharge of Water  
Characteristics of the Railway  
Period within which the Agency is Authorised to Carry out the  
Authorised Works

#### Part 3

Article 16  
Article 17  
Article 18  
Article 19  
Article 20  
Article 21  
Article 22

#### ACQUISITION AND POSSESSION OF LAND

Power to acquire land  
Acquisition of Rights  
Extinguishment of and interference with public rights  
Extinguishment of Private Rights of Way  
Use of air Space  
Temporary possession of land  
Period within which the Agency may compulsorily acquire land  
and interests in land.

#### Part 4

Article 23  
Article 24  
Article 25  
Article 26  
Article 27  
Article 28

#### MISCELLANEOUS AND GENERAL

Interference with Apparatus  
Arbitration  
Agreement between the Agency and a road authority  
Interference with Roads  
Rights of third parties to open up roads  
Bye Laws

## **SCHEDULES**

First Schedule	Works
Second Schedule	Land which may be acquired
Third Schedule	Substratum Land which may be acquired
Fourth Schedule	Land of which Temporary Possession May be Taken
Fifth Schedule	Land over which Rights of Way and Other Easements May be Acquired
Sixth Schedule	Basements (under a footpath/ public road) which may in whole or in part be acquired or affected
Seventh Schedule	Structures to which brackets, cables, wires or other fixtures may be attached
Eighth Schedule	Land upon which pole(s) may be erected
Ninth Schedule	Public rights of way which may be extinguished
Tenth Schedule	Private rights which may be extinguished
Eleventh Schedule	New roads which may be constructed
Twelfth Schedule	Public roads which may be altered
Thirteenth Schedule	Agreement between the RPA and Dublin City Council as presented at the oral hearing
Fourteenth Schedule	Conditions imposed by An Bord Pleanála
Fifteenth Schedule	Notes in relation to the decision by An Bord Pleanála to grant the Railway Order

**Note:** Elements of the Railway Order that have been amended or omitted as a result of updated landowner / occupier details or as a result of An Bord Pleanála's decision are represented by text that has been struck through.

## **PREAMBLE**

**(Including reasons and considerations)**

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**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 designation by An Bord Pleanála 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 planning 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 structure 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 considered that the proposed development would not 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2012.**