

An
Bord
Pleanála

Board Direction
BD-016481-24
ABP-314232-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/05/2024.

The submissions on this file and the Inspector's report were considered at Board meetings held on 04/04/2024, 17/04/2024, 30/04/2024 and 08/05/2024.

The Board decided by majority vote (4:2) to grant the Railway Order with modifications for the following reasons and considerations, based on the Reasons and Considerations as set out at below, and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the route corridors, associated infrastructure sites, and of the general vicinity of the subject site,
- (c) European, national, regional and local policy support for the proposed development, including:
 - National Planning Framework, 2018,
 - National Development Plan 2021 – 2030,
 - National Investment Framework for Transport in Ireland,

- National Sustainable Mobility Policy,
 - Climate Action Plan, 2023 and Climate Action Plan 2024,
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031,
 - Greater Dublin Area Transport Strategy 2022-2042
 - Dublin City Development Plan 2022 – 2028,
 - Fingal Development Plan 2023-2029,
 - Meath County Development Plan 2021-2027,
 - Kildare County Development Plan 2023-2029,
 - The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009, as amended,
- (d) The Draft Railway Order and supporting documents and drawings submitted with the application, including the Environmental Impact Assessment Report and the Natura Impact Statement, and the documentation submitted at the Oral Hearing,
- (e) the submissions on file, including those from prescribed bodies, the relevant local authorities, the observers and persons affected by the proposed land acquisition, and the submissions made at the Oral Hearing, and
- (f) the report of the Inspector.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking into account:

- (i) the nature, scale and extent of the proposed development,
- (ii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (iii) the entirety of the submissions made in the course of the application and at the Oral Hearing; and
- (iv) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers reasonable alternatives to the proposed development, save for an alternatives assessment of the location of the depot site and associated flood management and related infrastructure by reference to water (flood risk), and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment during the construction and operation phases.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered, and agreed with the Inspector's reasoned conclusions (except by reference to water and cultural heritage, for which specific reasoning as adopted by the Board is set out below), that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:**

The electrification of the railway line and the increased level of public transport service would contribute to national climate change goals and is supported by public policy including statutory development plans. The positive effect of the proposed development on efficiency, public transport capacity and reliability are also consistent with established transport policies and would

be to the benefit of the population in the Greater Dublin Area which the proposed development would serve.

The proposed Spencer Dock Station would constitute significant additional railway infrastructure which would greatly enhance the accessibility of rail services and would make a significant positive contribution to the delivery of enhanced public transport services for the Greater Dublin Area. Services to and from the station would introduce increased rail traffic along a section of railway currently utilised by freight traffic at present and would impact on the amenity of those living adjacent to the railway line, but this would be acceptable in environmental terms.

The proposed level crossing closures would introduce potential severance for local communities. They would necessitate road improvement works in the vicinity to accommodate the disruption to vehicular traffic movement. The proposed bridge structures at Ashtown, Coolmine, Porterstown and Clonsilla would constitute significant new infrastructure following level crossing closures. They would have visual and biodiversity impacts but would be acceptable in environmental terms. The crossing closures would be a necessary component to deliver on the project's objectives.

The proposed underpass at Ashtown would positively address restrictions to movement resulting from the closure of the level crossing at Ashtown. The route option selection chosen for the underpass would have significant and profound effects on a number of properties affected by its alignment. The construction of this component of the development would have significant short-term, temporary effects for the local community, businesses and the natural environment, but would be acceptable overall having regard to the public benefits of the project overall.

Potential significant construction phase noise and traffic impacts on human health would be mitigated through compliance with a Construction Environmental Management Plan, Construction Traffic Management Plan and best practice construction methods.

- **Water:**

The necessity to deliver extensive areas of compensatory flood storage at the depot and in the vicinity of Jackson's Bridge to seek to accommodate displaced floodwaters as a consequence of developing the depot in this location, would have a potential significant environmental impact. On the basis of the information submitted with the application, potential flood risk may arise in relation to potential displacement of floodwaters beyond the boundaries of the Railway Order application, the constraints on flows to watercourses to allow the escape of floodwaters, and with potential effects on properties, road infrastructure, and lands in the area in which the depot and its supporting infrastructure would be placed. In the absence of a more robust reasonable alternatives assessment of the choice for a depot location, with flood risk a central documented issue, and a subsequent reaffirmation of the Justification Test, it is considered that the proposed infrastructure west of Maynooth in the vicinity of Jackson's Bridge and at the depot site, as specifically proposed in the application, would be contrary to *The Planning System and Flood Risk Management Guidelines for Planning Authorities*, notwithstanding Development Plan objective TM-054 (support and facilitate... a second Maynooth railway station/depot sited to the west of Maynooth), which is considered reasonable in principle. This potential environmental impact is mitigated by the omission of this element of the overall proposed development.

- **Cultural Heritage**

Broome Bridge, Castleknock Bridge and Cope Bridge are acknowledged as being of architectural, historical, and social significance. The proposed removal of substantial sections of each bridge over the railway line would result in an irreversible loss of historic fabric, permanently altering the structures and their surrounding settings. Consideration of the option for vertical track lowering, combined with reduced height OHLE (accepted by the applicant as being technically feasible) in each instance is noted. However, the information

submitted by the applicant in relation to significant adverse, financial, programme and technical consequences for the proposed development if such an option was adopted at these three bridges, was fully considered by the Board and was considered reasonable. In addition, having regard to the contextual change which would arise at each bridge in any case, including the necessary addition of expanded metal mesh on the parapets, the design mitigation as proposed and as additionally imposed by condition, and noting that each altered bridge will continue to display the aesthetic fundamentals, evoke the memories and ensure the continued purpose of the bridge structures as originally designed, to span an operational railway corridor, it is determined that the full preservation of the original bridge structures is not warranted in the current case.

The development of the depot site would result in potential direct impacts on recorded monuments and in the absence of a more robust assessment for the consequent management and/or recording of these, would constitute a significant adverse environmental impact.

- **Biodiversity**

The impacts of the proposed development would include:

- Removal of vegetation, habitat loss, fragmentation and degradation,
- Potential adverse water quality impacts,
- Potential adverse effects on fauna by way of disturbance, noise, lighting, and collision for birds and bats,
- loss of badger setts,
- Potential effects on the adjacent Royal Canal pNHA, inclusive of tree and hedgerow loss, potential for water pollution, noise and the impact of artificial lighting,

- The development of new and modified bridge structures and provision of overhead cables leading to habitat loss within the Royal Canal pNHA and the potential effects of collision, and
- Spread of alien invasive plant species.

These potential effects would be mitigated through standard good practice construction measures, timing of vegetation removal, water pollution prevention measures, replacement habitat planting, and the implementation of a Construction Environmental Management Plan overseen by an Ecological Clerk of Works.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development hereby permitted, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment - Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are, the Rye Water Valley/Cartron SAC (Site Code: 001398), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull Island SPA (Site Code: 004006), and the North-West Irish Sea SPA (Site Code: 004236).

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the four European Sites, namely, the Rye Water Valley/Carton SAC (Site Code: 001398), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull Island SPA (Site Code: 004006), and the North-West Irish Sea SPA (Site Code: 004236), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development, subject to modifications as set out in the conditions below, incorporating the electrification of the railway corridor and associated works including bridges, would accord with European, national, regional and local planning and related transport policy, would not have an unacceptable impact on the landscape or biodiversity of the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would result in improvements to railway services, safety, capacity and reliability and would constitute a significant public benefit. The modification to the Railway Order for the specific depot and related works proposals and associated elements west of Maynooth, would not impact on the benefits of the works set out under this permission. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by all supplementary information submitted by the applicant to the oral hearing, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

Modifications to the Railway Order (Conditions Nos. 2 and 3)

2.
 - (i) The Book of Reference, Books 1, 2 and 3 of the Railway Order Drawings, and the First, Second, Fourth and Fifth Schedules of the Railway Order shall be updated to reflect the changes contained in “Errata to be Submitted to An Bord Pleanála” and “Errata 2 to be Submitted to An Bord

Pleanála”, submitted at the Oral Hearing on the 28th September 2023 and 5th October, 2023 respectively.

- (ii) The agreement reached between Iarnród Éireann and Transport Infrastructure Ireland, which was submitted at the Oral Hearing on the 28th September 2023, shall be included in the Thirteenth Schedule of the Railway Order. [DRAFTING TO CROSS CHECK DATE OF AGREEMENT]
- (iii) The agreement reached between Iarnród Éireann and Seán Malone as personal representative of the late John Malone and Gráinne Malone, which was submitted to An Bord Pleanála at the Oral Hearing on the 5th October 2023, shall be included in the Thirteenth Schedule of the Railway Order. [DRAFTING TO CROSS CHECK DATE OF AGREEMENT]
- (iv) A Fourteenth Schedule, entitled ‘Conditions, Modifications, Restrictions and Requirements’ shall be added to the Railway Order and shall consist of the Board’s reasoned conclusion and the conditions hereby attached to the grant of the Railway Order.

Reason: In the interests of clarity and the proper planning and sustainable of the area.

3. The western end of the proposed development shall terminate at bridge OBG21 (Chainage 90+200), west of Maynooth Station. All components of the proposed development beyond this point shall not be developed in accordance with the submitted Railway Order application drawings and details, including:
 - the depot and associated infrastructure,
 - the flood compensatory storage areas,
 - the proposed depot access road from the L5041 and its associated bridge crossing and links to the R148, and
 - the diversion of the railway line in the vicinity of Jackson’s Bridge.

Alternative/updated proposals for a depot and any associated support infrastructure shall be subject to further Railway Order approval(s).

Reason: In the interest of flood prevention.

4. Prior to commencement of development, the developer shall submit to and agree in writing with, the respective planning authorities of Dublin City Council, Fingal County Council and Kildare County Council, the design and details (which shall be prepared by a Grade 1 Architect), including finishes and reuse where feasible of existing bridge material of the alterations, consequent to the proposed demolition and reconstruction of those parts of Broome Bridge, Castleknock Bridge, and Cope Bridge. The detail, once agreed, shall be placed on the public file.

Reason: To provide mitigation for the loss of historic fabric and protect these important features of architectural and heritage merit.

5. The development of the proposed pedestrian and cycle bridges at Ashtown, Coolmine, Porterstown and Clonsilla shall be in accordance with the revised plans and details submitted to An Bord Pleanála at the Oral Hearing on 28th September 2023.

Reason: To provide for a consistency of design, to protect the visual amenities of the area in the vicinity, and to provide for improved access for users.

6. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

7. Prior to the commencement of development, the following shall be agreed in writing with the relevant planning authorities:
- (a) A Handover Procedure Agreement for all works to be undertaken on public lands;
 - (b) Details of roads design and construction methodologies for works on public roads, inclusive of reinstatement works; and
 - (c) Provision of public lighting around works areas at the construction stage and the provision of replacement lighting for defunct public lighting at the operation stage.

Reason: In the interest of orderly development.

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be prepared in consultation with the four planning authorities, National Parks and Wildlife Service, Inland Fisheries Ireland, and Waterways Ireland. This plan shall be submitted to, and agreed in writing with, the four planning authorities and shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR and NIS for the application, in addition to the following:
- (a) No removal of hedgerow shall take place between 1st March and 31st August, inclusive;
 - (b) Biosecurity measures to address the risk of introducing or spreading invasive species during construction in line with best practice guidance on this matter;
 - (c) A communications strategy to keep the planning authorities apprised of the progression of the project through the submission of quarterly progress updates;
 - (d) Location of the site and materials compounds including areas identified for the storage of construction waste, excavated materials, fuels, oils and chemicals;
 - (e) Location of access points to the sites for any construction related activity;

- (f) Location of areas for construction site offices and staff facilities;
- (g) Details of site security fencing and hoardings;
- (h) Details of on-site car parking facilities for site workers during the course of construction;
- (i) Details of the timing and routing of construction traffic to and from the construction sites and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the sites;
- (j) Measures to manage queuing of construction traffic on the adjoining road network;
- (k) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of same;
- (l) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels in the immediate vicinity of the site;
- (n) Containment of all construction-related fuel and oil within specially constructed bunds. Such bunds shall be roofed to exclude rainwater;
- (o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter watercourses, surface water sewers or drains.
- (q) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authorities.

Reason: To protect amenities, public health and safety.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authorities for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

10.

- a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be developed after consultation with stakeholders and the local community, and agreed in writing with the respective planning authorities, prior to the commencement of development. This plan should be subject to periodic review and shall provide details of the intended construction practice, including measures for the suppression and mitigation of on-site noise and vibration.
- b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practice guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.

Reason: In order to protect the amenities of the area.

Appendix 12 An Bord Pleanála Explanatory Notes

Modifications as set out at Condition No. 3

Having regard to the totality of the documentation on file, including all plans and particulars submitted by the applicant, it is considered that,

- (a) insufficient information has been provided regarding flood risk as a central environmental issue relevant to consideration of alternatives (both in terms of the precise location of a depot facility and all associated flood management measures, within the overall area west of Maynooth and by reference to alternative depot location options across the overall railway network to which DART West+ would be connected), as a result of which the Board cannot be satisfied that the consideration of alternatives has been adequately described and assessed, insofar as it applies to the location and layout of all works west of Maynooth railway station,
- (b) insufficient affirmation has been provided within the Justification Test submitted with the application, taking account of a robust alternatives assessment, of a supportable case specifically derived from a statutory development plan policy designation within the current Kildare County Development Plan 2023-2029. As a result the Board cannot be satisfied that the requirements of the Justification Test asset out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009, as amended have been adequately met, insofar as they apply to the location and layout of all works as precisely configured, west of Maynooth railway station, notwithstanding Development Plan objective TM-054 (support and facilitate... a second Maynooth railway station/depot sited to the west of Maynooth), which is considered reasonable in principle,
- (c) there remains uncertainty as to the precise technical details in terms of flood attenuation proposals at the Jackson's Bridge/depot area, including uncertainty as to the design and operational consequence of modified figures for flood compensatory storage areas, as presented by the applicant to the oral hearing and the overall consequence of the proposed development in terms of flood management and impact outwards from the site of the proposed depot and railway diversion works. In the absence of sufficient design certainty, the Board cannot be satisfied that the proposed development of all works west of Maynooth railway station, which works are located in an area which is at risk of flooding, would not have an adverse impact on the environment by reason of flooding. On the basis of the above, the Board is not satisfied that the proposed works west of Maynooth (chainage 90+200) would be in accordance with the proper planning and sustainable development of the area.

In reaching this conclusion, the Board is mindful that the nature of a proposed depot evidently mandates a location alongside the railway network and that parts of the railway network itself fall within areas at risk of flooding. Nevertheless, on the basis of the information submitted with the application, the Board cannot be satisfied that the proposed development of the depot area and all associated flood, road and site development works, along with the interlinked flood and related works related to the diversion of the railway line at Jackson's Bridge and the interlinked requirement for Over Bridge 23A and associated new road layout, to enable road access in the wider area as a consequence of the railway diversion at Jackson's Bridge, has been sufficiently detailed to ensure that it would be in accordance with the proper planning and sustainable development of the area, including the protection and improvement of amenities thereof by reference specifically to the potential for flood risk.

In reaching its determination, the Board noted the content of the applicant's response submission at the oral hearing, which entailed suggested changes to the attenuation details which form part of the overall flood management at and in the vicinity of the proposed depot site, and considered the subsequent commentary of other participants to the oral hearing, and the Inspector, regarding these changes. In this context, the Board shared the view of the Inspector that despite the provision of more information on the depot site at Oral Hearing stage, 'there remains a significant degree of confusion' (page 134 of the Inspector's report). The Board also noted the inspector's concerns about the 'intended excavation of some 172,000 cubic metres – (errata – increased from the original 123,000 cubic metres) ... containment of floodwaters must be of concern and the need for substantial embankments to enclose the flood areas is a feature which has not been considered throughout the depot site' (pages 132-133 of the Inspector's report).

However, the Board did not share the view of the Inspector that due to the application of relevant policy and Guidelines, specifically *'The Planning System and Flood Risk Management Guidelines for Planning Authorities' 2009*, the railway diversion works at Jackson's Bridge and the proposed depot could never be considered at this location (page 129 of the Inspector's report refers, 'the proposed depot and its associated rail and road access provisions at this location should never have proceeded to the application stage').

Nevertheless, the Board determined that in the absence of

- a consolidated, coherent and determinative description and evaluation of the overall development proposed at the depot/Jackson's Bridge area, with clear, precise and fully documented flood management proposals,
- an updated alternatives assessment of depot locations that provides a detailed analysis of flood risk and/or management for each location,
- an affirmed statement of support for a depot and associated works at this location as precisely configured, taking account of a robust consideration of alternatives, specifically derived from a statutory development plan policy designation,

there is not sufficient technical and policy support in the current application documentation to enable the Board to determine the appropriateness of the proposed location for a depot and associated works, consistent with the 2009 Guidelines.

The Board also noted the recommendation of Kildare County Council, that the Site Specific Flood Risk Assessment should include a peer review by an independent, impartial, suitably qualified, competent and experienced flood risk management consulting engineer. ('Railway Order Water Services Observation Report, 22 September 2022, Kildare County Council Water Services'). The Board concurred that such an independent review, would be warranted having regard, to the flood sensitivity of the area, to the Ministerial Guidelines which would not support development of this type at such a location absent of a clear articulated technical and policy support and to the need in the opinion of the Board for a more comprehensive consideration of alternatives regarding the depot location, with flood risk a central component of the assessment for all alternative locations and/or layouts.

The Board also considered that the associated requirement in the opinion of the Board to provide an update overview of the alternatives for depot provision within and across the overall railway network, with a specific detailed assessment of flood risk realities and mitigation as appropriate, along with a reviewed Justification Test, specifically addressing the current statutory development plan for the area, and an independent peer review of the final proposed flood management measures which would be proposed at and in the vicinity of the proposed depot site west of Maynooth, should properly be subject to a separate consent exercise. Any such update of the detail of the proposed development would be beyond the scope of a condition or conditions attached to the current application.

Note 2: The Board also noted the expressed concern of the Inspector regarding direct archaeological impact at the depot site. (page 139 of Inspector's report, 'the direct impact on Recorded Monuments by the delivery of the depot at this location constitutes a significant adverse environmental impact.'). The Board considered the totality of relevant documentation on file related to this issue and determined that, while it would ordinarily warrant further consideration and possible further information, it would not of itself constitute grounds for modification of the Order. Noting the decision to omit the depot site and associated works by reason of flood risk, it is nevertheless considered by the Board that should any further consent application be made for a depot development at this location, the issue of archaeology should be subject to more detailed analysis at that time.

Note 3: The Board noted the Inspector's recommended condition no. 4 which states as follows:

'The proposed development shall not include the demolition and reconstruction of those parts of Broome Bridge, Castleknock Bridge, and Cope Bridge over the railway line. The proposed development shall be altered to provide for reduced height OHLE and/or track lowering at Cope Bridge and a combination of reduced height OHLE and track lowering at Broome Bridge and Castleknock Bridge. These alternative proposals shall be subject to further approval(s). Reason: To adequately protect these important features of architectural and heritage merit.'

The Board did not share the opinion of the Inspector in relation to this recommendation for the following reasons.

Broome Bridge (protected structure). The proposed development would involve demolition of part of this protected structure (confined to the section of the bridge between the stone piers). These works are acknowledged as constituting an irreversible loss of historic fabric, permanently altering the structure and the surrounding setting.

However, having considered the totality of the documentation on file, the Board determined that the alteration to this protected structure, including part demolition, is acceptable in this instance. The alteration to Broome Bridge is considered necessary for the effective working of the overall project and its full preservation by lowering track and associated works, as recommended by the inspector, would lead to significant, financial, programme and technical reasons relating to such option (and which reasons are considered reasonable by The Board).

The context within which Broome Bridge sits is already significantly altered in comparison to its original construction, by reason of existing elements in the immediately adjoining area. Furthermore, the proposed development will require the installation of protective expanded metal mesh on the parapets of the bridge structure, even if preserved in its current form. Finally, the reconfigured bridge, with a newly provided central element with an arch reflective of the original form and continuing to serve the clear function of spanning the railway corridor at this location, (comparable to the original intent of the bridge and matched to the then applicable

train technology) means that, in the opinion of the Board, the rationale, historic understanding and purposeful functionality of the bridge is retained.

The inspector commented that the applicant's own findings show that the retention of the existing bridge is a functional option, then offers the opinion that there are no technical reasons for not retaining this structure. On the basis of the totality of the information on file, the Board considered that the consequences for retaining the bridge (effectively lowering railway track for a distance either side of the bridge) would lead to significant complications and potential adverse implications, including the need to reconfigure proximate railway platforms, potential flood implications, along with significant disruption to the implementation of the project and the effect on operations along this vital railway corridor, during construction, such that the development as proposed would constitute an exceptional circumstance in support of removing a portion of the original historic fabric of this protected structure. This, in association with the significantly altered context in the environs of the existing bridge (since originally constructed) and also in the context of the necessary elements of change which would arise as a consequence of the proposed development, along with the capability of the replacement elements to the bridge to secure an aesthetic which evokes the memories of the original, including the form of arching, materials (subject to condition) and in terms of continuing the original intended purpose of the bridge, supports the allowance under this permission to alter the bridge fabric including elements of demolition.

The evidence presented within the overall application documentation including all expert submissions on conservation from the applicant team, the planning authority and other observers was engaged with fully assessed by the Board. Specifically, the Board acknowledged and agreed with the commentary of Dublin City Council dated 22nd October 2022, that 'we recommend that the design and detail of any proposed alteration to the bridge be agreed upon with the Conservation Section of Dublin City Council in advance'.

As a result of this balanced assessment and judgement, the Board determined that while the alteration of Broome Bridge would have a significant adverse impact on its

architectural and cultural character, a simple requirement that all other relevant elements of the proposed development should yield to an objective to retain the existing bridge structure in its current form, is not necessary by reference to applicable development plan policy and Ministerial Guidance, and on the full facts of the case, including the clear benefits of the proposed development and the changes to the bridge context in any case at this location. The imposition of condition no. 4 as recommended by the Inspector is not therefore warranted.

Castleknock Bridge, Cope Bridge. Neither of these bridges is a protected structure.

The Board determined that the proposed removal of substantial sections of each bridge over the railway line would result in an irreversible loss of historic fabric, permanently altering the structures and their surrounding settings. Consideration of the option for vertical track lowering, combined with reduced height OHLE (accepted by the applicant as being technically feasible) in each instance is noted. However, on the basis of the information submitted with the application in relation to significant, financial, programme and technical reasons relating to such option (and which reasons are considered reasonable by The Board), and to the contextual change which would arise at each bridge in any case, including the necessary addition of expanded metal mesh on the parapets, the design mitigation as proposed and as additionally imposed by condition, and noting that each altered bridge will continue to display the aesthetic fundamentals and evoke the memories of the original structure as originally purpose for spanning the railway corridor, it is determined that the full preservation of the original bridge structures is not warranted in the current case.

In conclusion, for reasons comparable to those set out above in relation to Broome Bridge, the Board determined that, subject to condition that the developer shall submit to and agree in writing with, the respective planning authorities of Fingal County Council and Kildare County Council, the design and details, including finishes and reuse where feasible of existing bridge material, of the alterations consequent to the proposed demolition and reconstruction of those parts of Castleknock Bridge, and Cope Bridge over the railway line, that the proposed development would be acceptable in terms of the proper planning and sustainable development of the area.

Note 4: The Board noted recommended condition numbers 9,10 and 11 as set out in the Inspector's report. The Board shared the intent underpinning these conditions, but determined that the replacement of these with condition no. 9 as set out in this Order, would secure the purpose of these conditions in a clear, usable and measurable manner, consistent with the attachment of such a condition on other railway corridor projects.

CPO

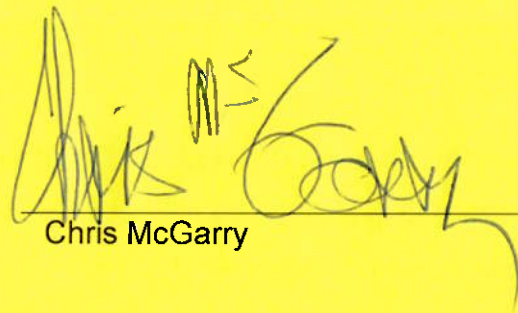
The Board determined the following:

- The need and justification for the proposed development has been adequately established in this application.
- The lands identified in the Railway Order Schedules as far the existing Maynooth Station are required in connection with the proposed development and are suitable for such use.
- The process considering alternatives in the Railway Order application formed a robust assessment of alternative options by reference to those elements of the proposed development for which consent has been granted, having regard to planning and environmental considerations, safety, economic and social factors, and the stated project need and objectives.
- The proposed development is supported by, and is in accordance with, policies and objectives of Dublin City, Fingal, Meath County, and Kildare County Development Plans.

Modifications.

Omit Second Schedule to Eighth Schedule lands, structures, public and private rights, as appropriate, by reference to the modification of the railway order as set out under condition no. 3 (which confirms that the western end of the proposed development shall terminate at bridge OBG21 (Chainage 90+200), west of Maynooth Station).

Board Member



Chris McGarry

Date: 05/06/2024