



An
Bord
Pleanála

Board Direction
BD-017898-24
ABP-316119-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/10/2024 and 17/10/2024.

The Board decided to grant the Railway Order, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

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 corridor and of the general vicinity,
- (c) 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,
 - National Investment Framework for Transport in Ireland,
 - Climate Action Plan, 2023 and 2024,
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031,

- GDA Transport Strategy 2022-2042
 - Dublin City Development Plan 2022 – 2028,
 - South Dublin County Development Plan 2022 -2028,
 - 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,
- (e) the submissions on file, including those from prescribed and public bodies, the relevant local authorities, the observers and persons affected by the proposed land acquisition,
- (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 submissions made in the course of the application; 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 alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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, 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 services for this public transport service would have a long term, positive impact on population and human health in that it would aid in improving sustainable connectivity, support compact growth, reduce transport congestion and emissions, and reduce reliance on private vehicle trips, with consequent reductions in vehicle emissions, thus assisting in the delivery of climate change goals. The project follows and expands the potential capacity of an existing operational railway, is aligned with national, regional and local policy objectives and is regarded as acceptable in principle in terms of planning and transportation policy.
- The proposed Heuston West Station would constitute significant additional railway infrastructure which would greatly enhance rail services for the city and would make a significant positive contribution to the delivery of enhanced public transport services for the Greater Dublin Area.
- There would be potential significant, negative short-term impacts on population from the construction phase of the proposed project in terms of noise, vibration, dust, access restrictions and traffic including night-time works. These will be mitigated through compliance with a Construction Environmental Management Plan, a Construction Traffic and Transportation Management Plan and best practice construction methods. Temporary rehousing will be offered to eligible owners/occupiers where the construction causes, or is expected to cause, a measured or predicted airborne construction noise level that exceeds specified parameters.
- In terms of the operational phase noise levels can be reduced to the equivalent 'Do Minimum' rail traffic noise levels at the majority of locations with the recommended mitigation measures in place, notably noise barriers. However, a limited number of properties will experience a residual negative

noise impact as a result of the proposed project. An insulation scheme will be offered to the units where a significant negative impact will arise. In the context of the realisation of this infrastructural project, which will advance the increase in public transport options, the impacts are considered acceptable.

Air and Climate

- Temporary negative impacts from dust during the construction phase will be mitigated through compliance with a Construction Environmental Management Plan and a Dust Minimisation Plan.

Material Assets

- Road closures and diversions will be required during the construction period to facilitate the proposed bridge works including replacement works. The potential predicted impacts cannot be fully mitigated by way of a Construction Traffic and Transportation Management Plan and there will be short term, negative impacts on the carrying capacity of roads and junctions in the wider vicinity which will result in increased traffic and traffic congestion.
- Permanent and temporary negative impacts will arise from land take from various individual residential and commercial properties required to facilitate the proposed scheme.

Cultural Heritage

- The demolition of the signal box (RPS No. 8866) and removal of the boundary wall of coursed limestone rubble (RPS No. 8744) at the Inchicore Works which are both protected structures are required so as to facilitate the proposed project and cannot be mitigated. They are to be recorded by means of photographs and written description prior to removal. By reference to the conditions hereby attached, the relocation and reconstruction of the signal box shall be secured as part of the project. The new end of the wall is to be repaired in accordance with a method statement to be prepared by a qualified conservation specialist.
- The demolition of Le Fanu Bridge which is not a protected structure and not on the National Inventory of Architectural Heritage shall be recorded by

means of photographs, written description, and measured drawings to English Heritage Level 3.

Landscape

- Due to the nature of the works proposed, the relatively narrow rail corridor, and the proximity of established residential areas material changes to existing views from residential properties will arise. The nature of the works and the need to maintain clearance for engineering and safety requirements necessitates the removal of existing trees and mature vegetation which, in many locations, cannot be replaced. Additional works such as noise barriers will also be in short range views. Of particular note are the visual impacts to properties at Hazelhatch, between Cherry Orchard to Khyber Pass Footbridge and Inchicore to Kilmainham. These impacts cannot be mitigated.

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, 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

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the European sites in respect of which the proposed development has the potential to have a significant effect are Baldoyle Bay SAC (000199); South Dublin Bay SAC (000210); North Dublin Bay SAC [000206]; Rockabill to Dalkey Island SAC (003000); Howth Head SAC (000202); South Dublin Bay and River Tolka Estuary SPA (004024); North Bull Island SPA (004006); Baldoyle Bay SPA (004016); Ireland's Eye SPA (004117); Howth Head Coast SPA (004113, Dalkey Islands SPA (004172), and North West Irish Sea SPA (004236)

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, Baldoyle Bay SAC (000199); South Dublin Bay SAC (000210); North Dublin Bay SAC [000206]; Rockabill to Dalkey Island SAC (003000); Howth Head SAC (000202); South Dublin Bay and River Tolka Estuary SPA (004024); North Bull Island SPA (004006); Baldoyle Bay SPA (004016); Ireland's Eye SPA (004117); Howth Head Coast SPA (004113), Dalkey Islands SPA (004172), and North West Irish Sea SPA (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 would accord with 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 a significant public benefit by reason of improvements to railway services, safety, reliability and

efficiency. While negative impacts will arise on residential amenity, in particular as a result of construction noise and vibration at specific locations, and on road users and the communities who will experience delays and disturbance to transport modes and general inconvenience, these impacts were considered by the Board to be temporary and necessary to deliver the project and are overall considered acceptable. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The following modifications are made to the Railway Order:

The Ninth, Tenth and Eleventh Schedules shall be omitted. An amended Ninth 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. An amended Tenth Schedule entitled 'Costs' shall be added to the Railway Order.

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

3. The removal of the Khyber Pass Footbridge is approved by this Railway Order. The replacement of the footbridge shall be omitted and shall not be developed in accordance with the submitted Railway Order application drawings and details. Where removed, the details of treatment of the area and approach, including landscaping, shall be submitted to and agreed with the planning authority (Dublin City Council) prior to the commencement of the development.

Reason: In the interest of protecting the amenities of adjoining property and for reasons of clarity.

4. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Impact Assessment Report 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 interests of clarity and the protection of the environment during the construction and operational phases of the development.

5. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented.

Reason: To protect the integrity of European Sites.

6. Prior to the commencement of development, a finalised Construction Environmental Management Plan shall be prepared in consultation with the three planning authorities and prescribed bodies. The plan shall incorporate all mitigation measures as set out in the Environmental Impact Assessment Report, the Natura Impact Statement and the conditions set out herein and shall include details of compliance and details and schedules of monitoring supervision and reporting to the planning authorities and shall be agreed with the planning authorities.

Reason: To protect amenities, public health and safety.

7. (a) The finalised Construction and Environmental Management Plan shall include the location of all archaeological and
cultural heritage constraints relevant to the proposed development as set out in Chapter 20 of the Environmental Impact Assessment Report and any subsequent archaeological investigations associated with the project.

The Construction and Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect and all mitigation measures to be employed to protect the archaeological and cultural heritage environment during all phases of site preparation and construction activity.

- (b) The three relevant planning authorities within whose functional areas the works are proposed, and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis.

Reason: To ensure the continued preservations (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 8. The developer shall provide a property protection scheme throughout the construction period of the proposed development and shall be responsible for its management and operation. The scheme shall assess impacts on properties from vibration due to construction works including deep excavation, soil compaction, pile driving, soil anchoring and soil nailing, temporary works and enabling works along the rail corridor. Details of the scheme shall be submitted to the three planning authorities for written agreement prior to the commencement of development. In default of any agreement, the matter shall be referred to An Bord Pleanála for determination.

The scheme shall include provisions for:

- (a) the criteria defining the inclusion of properties falling within the scheme's remit,
- (b) the access and registration system for the scheme,
- (c) the categorisation of damage to structures and thresholds for taking actions,
- (d) the nature and extent of pre-, intermediate and post-construction surveys/inspections to be undertaken,
- (e) the provision for construction related issues that may become evident on properties post the construction phase, and,

- (f) the mechanism through which the scheme shall be implemented and independently overseen.

In the event that structural damage is noted to any structure falling within the scheme while construction works are in progress and the damage corresponds with a defined category of damage determined to require modification to works, the contractor shall cease works at that location immediately and construction methods and/or equipment shall be modified to avoid further damage.

Reason: In the interest of orderly development and to minimise structural damage to vulnerable properties.

- 9. Prior to commencement of development, plans, specifications and details of the following shall be submitted to Dublin City Council for written agreement in respect of the proposed Heuston DART station:

- (a) provision of lift access to each platform at the new DART station,
- (b) proposed pedestrian and cyclist connections and associated works from the new DART station to the main Heuston Station concourse and Heuston Luas stop, and,
- (c) proposed pedestrian and cyclist connections and associated works from the new DART station to South Circular Road via Clancy Quay.

Reason: To ensure appropriate pedestrian and cyclist connectivity and universal access for users.

- 10. The works required as part of the development in the vicinity of the M50 and in the vicinity of the LUAS shall be undertaken following consultation with Transport Infrastructure Ireland. Prior to commencement of development the necessary plans and details of works on, or in the vicinity of the national road network, shall be submitted to the planning authority for written agreement.

Reason: To protect the public transport infrastructure and the national road network.

11. Wildflower seed mixes shall not be used in landscaping. Any areas of embankment where vegetation is removed shall be allowed to re-vegetate spontaneously. Prior to the commencement of development amended landscaping plans with the necessary alterations shown thereon shall be submitted for written agreement with the relevant planning authorities.

Reason: In the interest of protecting the flora diversity within the site.

12. 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 allocation of road space, and reinstatement works,
 - (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, and
 - (d) any areas proposed to be taken in charge.

Reason: In the interest of orderly development.

13. Prior to the commencement of development, the following details shall be submitted to Dublin City Council for written agreement:
- (a) details of the extent of masonry boundary wall to be removed within Inchicore Works,
 - (b) details of proposed interventions and/or repair of the abutments and associated retaining walls at Sarsfield Road Bridge,
 - (c) proposals, if necessary, for the underpinning of historic walls arising from the lowering of the railway track at Conyngham Road (BH-81), the Phoenix Park Tunnel (BH-82), the Royal Canal and LUAS Twin Arch Bridge (BH-12) and the Maynooth Line Twin Arch (BH-115),

- (d) proposals for dismantling, storage, care and relocation and reconstruction of the Signal Box including the intended new location for its reconstruction,
- (e) proposed finishes to replacement bridges at Le Fanu Road and Sarsfield Road, and,
- (f) the design of all interventions including railings and IP2X panels to bridge parapets.

Reason: In the interests of protecting and recording the architectural heritage.

14. (a) 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.
- (a) Oil interceptors or other filtration devices shall be installed on the inflows to the attenuation tanks which are to be constructed at Inchicore Works and Heuston Station and to the Phoenix Park Tunnel drainage system.

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

15. Prior to the commencement of the development, a community liaison plan shall be prepared and submitted to the planning authorities for agreement. The plan shall include as a minimum provision for the establishment of a community forum and community liaison officer role. The agreed plan shall be implemented for the construction phase of the development.

Reason: In the interest of effective community engagement for the construction phase of the project.

16. Prior to the commencement of the development, a detailed Construction Traffic and Transportation Management Plan shall be submitted to, and agreed in writing with, the planning authorities, following which the plan and measures contained therein shall be implemented for the duration of the construction phase of the development.

Reason: In the interest of effective traffic and transportation management during the construction phase of the project.

Board Member

Patricia Calleary
Patricia Calleary

Date: 18/10/2024

