

## **SCHEDULE 11**

**Conditions, Modifications, Restrictions and  
Requirements imposed by An Bord Pleanála**

# Railway Order Conditions, Modifications, Restrictions and Requirements imposed by An Bord Pleanála

## **Reasoned Conclusion:**

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 (2009), 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 modification of the Railway Order and 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 overhead line equipment (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 proposed Natural Heritage Area, 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 proposed Natural Heritage Area 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.

**Conditions:**

1. The proposed 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 Numbers 2 and 3)**

2. (a) 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

Planála” and “Errata 2 to be Submitted to An Bord Planála”, submitted at the Oral Hearing on the 28th day of September 2023 and 5th day of October 2023 respectively.

- (b) The agreement reached between Iarnród Éireann and Transport Infrastructure Ireland, which was submitted at the Oral Hearing on the 28th day of September 2023, shall be included in the Thirteenth Schedule of the Railway Order.
- (c) The agreement reached between Iarnród Éireann and Seán Malone as personal representative of the late John Malone and Gráinne Malone, which was submitted at the Oral Hearing on the 5<sup>th</sup> day of October 2023, shall be included in the Thirteenth Schedule of the Railway Order.
- (d) The Eleventh Schedule of the Railway Order shall be entitled ‘Conditions, Modifications, Restrictions and Requirements’ 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 development 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 station 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 the 28<sup>th</sup> day of 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 (CEMP), 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 Environmental Impact Assessment Report and Natura Impact Statement for the application, in addition to the following:

- (a) no removal of hedgerow shall take place between the 1st day of March and the 31st day of 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, and
- (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 interests of environmental protection and public health.

- 10. (a) Constructions 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 British Standard BS 5228-1:2009+A1:2014, parts 1 and 2.

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

**Modifications:**

Omit all 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 number 3 (which confirms that the western end of the proposed development shall terminate at bridge OBG21 (Chainage 90+200), west of Maynooth Station).

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



Dated this  day of  2024