



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-320164-24**

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<b>Development</b>	DART + Coastal North Railway Order 2024 - Northern Line between Dublin City Centre and Drogheda including the Howth Branch
<b>Location</b>	Dublin City Centre and Drogheda, located in counties Dublin, Meath and Louth
<b>Planning Authority</b>	Dublin City Council, Fingal County Council, Meath County Council, Louth County Council
<b>Applicant</b>	Córas Iompair Éireann
<b>Type of Application</b>	Application under Section 37 of the Transport (Railway Infrastructure) Act, 2001, as amended
<b>Prescribed Bodies</b>	Commission for Railway Regulation Department of Housing, Local Government & Heritage Dublin City Council Fáilte Ireland Fingal County Council Health Service Executive Inland Fisheries Ireland

	Meath County Council
	National Transport Authority
	Office of Public Works
	Transport Infrastructure Ireland (TII)
	Uisce Éireann
<b>Observer(s)</b>	Abbey Park & District Residents Association Baldoyle
	Adèle Sleator
	Alan and Siobhan Brown
	Alcove Ireland Eight Ltd
	Ann and Oliver Keegan
	Ann Scully
	Anne McCarthy and Others
	Anthony Davey and Isobel Murray
	Anthony Gray
	Aoibhinn Tormey
	Aoife McKinnon
	Audrey Farrelly & Others
	Balbriggan Football Club
	Baldoyle Active Retirement Association
	Baldoyle Library Bookies Book Group
	Barry and Jean Crowley
	Bayside Community Association
	BH Imports Ltd
	Brendan Clifford
	Bryan Byrne & Sarah Reilly
	Burrow Heath Residents

Cairn Homes Properties Limited  
Carmel Dowling  
Carolyn O'Laoire & Others  
Catherine & David Tattersall  
Catherine McCann & Others  
Christopher Elsom  
Cian O'Callaghan T.D.  
Clare McKenna and Others  
Cllr Cathal Haughey  
Cllr David Healy  
Cllr Deirdre Heney  
Cllr Mícheál Mac Donncha  
Clodagh Cremen  
Colin Doyle and Others  
Colm and Fiona Cahill  
Conor Rock  
Daria Lisowska Crowley & Others  
David Sweeney  
Des and Sharon Stone  
Submission  
Donahies Residents' Association  
Donal Hughes  
Donna McCauley  
Dorota Piaskowska & Pawel Lewandowski  
Drumm & Carberry Families  
Eamon O'Rourke

Eileen O'Connor & Others  
Eimear & Liam Quinn  
Elaine Hassett and Joshua Hilliard  
Emily Davies  
Eoghan Duffy and Catherine Bannon  
Eva Kane  
Francesca Lundstrom  
Gerald Langford  
Geraldine Nolan  
Gertrude Kenny  
Glencarraig Residents Association  
Greenwalk Homes Ltd  
Harold Whelehan & Elizabeth Mullan  
Helen O'Shea and Others  
Howth and District Active Retired Association  
Howth Heritage Society  
Howth Lodge Board of Management  
Howth Sutton Autism Friendly Community  
Howth Sutton Community Council (HSCC) CLG  
Howth Tidy Towns members  
Ian & Sheila Sanders  
J Murphy Construction Limited  
Jack McDonnell  
James & Emma Bradley  
James and Margaret Lillis  
James Murphy & Miriam Harrison

Jennifer Hughes  
Joanne Mallon and Simon Gregory and others  
John & Maria Lonergan  
John Flanagan  
John Towers  
Johnny and Grainne Dunne  
Joseph O'Connor  
Karen Brown  
Keith Ryan  
Kevin Enright  
Leo Martin  
Les Doyle  
Lisa Cunningham  
Lizanne Kelly  
Lorcan Blake  
Louise & Brian Lynch  
Louise Whelan  
Louise Whelan & Others  
Lys Hegarty and Neil Hayes and Others  
Malahide Marina Village Ltd  
Margaret Kelly  
Marian Smyth & Others  
Mary Clarke and others  
Mary MacLoughlin  
Mary Theresa Cleary  
Maura Murtagh and Others

McHale Family  
Melinda and Eamonn O'Brien  
Melissa Curtis  
Members of Sutton Golf Club  
Michael and Pamela Hilliard  
Michelle McGrath & Colum Crowley  
Monica Lambert  
Monobrio DAC (MO)  
Nashville Residents Alliance  
Niall Murray  
Noel Mannion & Anne O'Gara  
Norbert & Margaret Bannon  
Norman & Angela Fullam  
O'Dwyers GAA Club  
Old Castle Residents' Association  
Órla Horn & Chris Horn  
Patrick Leahy  
Paul Burke & Diane Hanrahan  
Paul Fitzpatrick & Others  
Paul Lambert  
Paul Tattersall  
Pauline M Moreau  
Peter and Margaret O'Shaughnessy  
Ravala Limited  
Residents of Asgard Road  
Residents of Corr Castle

Residents of Howth, Sutton & Surrounding Areas

Residents of Parkvale Baldoyle

Residents of Tramway Court

Residents of Warrenhouse Road

Richard and Elaine Roddy

Robert Kenny

Roderick Cooper M.I.E.I

Roger Stalley

Ronan Mannion & Others

Rosemary O'Neill

Sarah Robertson

Sarto Park Neighbours

Sean and Eimear Cremen

Sean Haughey TD

Sheila Courtney and Others

Siobhan Keegan & Piergaetano Iaccarino

St. Domhnach's Well Residents Association

Stephaney Bissett

Sutton Park & Lawns Residents Association

Sutton Tidy Towns

Teresa Dowling

Tess Tattersall

Tessa Robinson & Others

The Land Development Agency

The Residents of Dargan's Way

Thomas Galligan

Thomas McCarthy

Thomas P. Broughan

Tim O' Neill and Lindsay Bond O'Neill

Tom Brabazon

Tommy & Rosemary Drumm & Others

Valerie McLoughlin & Others

Vincent Wallace

Wendy Fagan

William Quinn

Xeolas Pharmaceuticals Limited

Yvonne Kelly

**Date of Site Inspections** 13<sup>th</sup> March 2025, 11<sup>th</sup> June 2025, 17<sup>th</sup> June 2025, 25<sup>th</sup>  
June 2025

**Inspector** Tomás Bradley



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# **Appendices**

Appendix A – Extract from Typical Submission on issues on Howth Branch

## Abbreviations

AA	Appropriate Assessment
CAF	Common Appraisal Framework
CEMP	Construction and Environmental Management Plan
CIÉ	Córas Iompair Éireann
CLO	Community Liaison Officer
CTMP	Construction Traffic Management Plan
DCC	Dublin City Council
DCIHR	Dublin City Industrial Heritage Record
DHLGH	Department of Housing, Local Government and Heritage
ECoW	Ecological Clerk of Works
EIAR	Environmental Impact Assessment Report
EIA	Environmental Impact Assessment
FCC	Fingal County Council
GHG	Greenhouse Gas
GDA	Greater Dublin Area
HGV	Heavy Goods Vehicle
IE	Iarnród Éireann
LCC	Louth County Council
LDA	Land Development Agency
MCA	Multi Criteria Analysis
MCC	Meath County Council
NIS	Natura Impact Statement
NIAH	National Inventory of Architectural Heritage

NTA	National Transport Authority
OB	Over Bridges
OHLE	Overhead Line Equipment
RO	Railway Order
RPS	Record of Protected Structures
SEB/SER	Signalling Equipment Buildings/Rooms
TII	Transport Infrastructure Ireland
UB	Underbridges
ZoI	Zone of Influence



## 1.0 Introduction

Córas Iompair Éireann<sup>1</sup> (CIÉ or ‘the applicant’) have made an application to An Coimisiún Pleanála (the Commission) under Section 37 of the Transport (Railway Infrastructure) Act, 2001, as amended for the DART+ Coastal North Railway Order.

The Railway Order will, if granted, authorise the railway works necessary to enable CIÉ to increase rail capacity on the northern line between Dublin City Centre and Drogheda, and the Howth Branch. The proposed development for DART+ Coastal North will occur in the administrative areas of Dublin City Council (DCC), Fingal County Council (FCC), Meath County Council (MCC) and Louth County Council (LCC).

This will be achieved by extending the electrification of the rail line between Malahide and Drogheda, as well as reconfiguration of the existing track layout and infrastructure in the vicinity of Drogheda (MacBride), Malahide, Clongriffin, and Howth Junction & Donaghmede Stations, including the removal of existing crossing conflicts at Howth Junction & Donaghmede Station. It is proposed to compulsorily acquire certain lands on a permanent or temporary basis in order to implement the proposed development.

DART+ Coastal North is part of a wider DART+ Programme which will see the DART network grow from its current 50 km in length to over 150 km across the Greater Dublin Area (GDA) bringing DART to more communities.

### 1.1 Timeline of Application

For clarity, the following dates are noted:

Date	Detail
October 2021	Pre-Application Consultation Request Opened
March 2024	Pre-Application Consultation Closed
July 2024	CPO Application Lodged
September 2024	Last Date for Submissions/Observations
November 2024	The Commission requests the applicant to respond to Submissions / Observations
January 2025	The applicant provides response to Submissions / Observations
March 2024	Inspector makes Oral Hearing Recommendation

<sup>1</sup> Iarnród Éireann (Irish Rail) (IÉ) which operates rail services is a subsidiary of CIÉ.

March 2025	Oral Hearing Direction Issued by the Commission, request to observers to respond
May 2025	Observers provide response to Applicant's Submission

## 1.2 Pre-Application Consultation

The Commission and the applicant held pre-application consultations (ABP-311802-21) under Section 47B of the Transport (Railway Infrastructure) Act, 2001, as amended. A total of five pre-application consultation meetings took place between the Commission and the prospective applicant on the following dates:

- 20<sup>th</sup> January 2022
- 31<sup>st</sup> March 2022
- 5<sup>th</sup> April 2023
- 15<sup>th</sup> June 2023
- 16<sup>th</sup> October 2023

The pre application discussions were closed on the 27<sup>th</sup> of March 2024. The Commission gave advice to the applicant regarding the procedures involved and what considerations relating to the effects of the proposed development on the environment or the proper planning and sustainable development may have on its decision in relation to the application.

A determination in relation to whether the project is strategic infrastructure development or not is not required under the provisions of the Act. The board directed the applicant to serve certain prescribed bodies with a copy of the draft Railway Order and accompanying documents.

## 1.3 Oral Hearing

There were several requests for an oral hearing to be held in respect of the proposed development. However, it was decided that no Oral Hearing be held as directed by the Commission in March 2025 and observers were given the opportunity to make another written submission.

It is noted that in submissions received in May 2025, many observers express disappointment that no oral hearing would be held and again requested that the Commission reconsider this direction and proceed to hold an oral hearing. However, I am satisfied that the Commission's direction remains appropriate and written

evidence has allowed for a proper and full assessment of the case without recourse to an oral hearing. It is considered that there is no issue arising that lacks clarity or detail or are so complex as to require a hearing. Many observers and objectors who had requested an oral hearing did not respond to the applicant's response to their submissions when given the opportunity in March 2025.

The holding of an oral hearing is, of course, entirely at the discretion of the Commission.

#### **1.4 Further Information**

In January 2025, the applicant provided a response to observations and objections and as noted above, third parties had a further opportunity to consider the applicant's responses and submit further written comments if deemed necessary. This information was received in May 2025.

On the basis of all the information received from the applicant and observers, it was considered there is no issue arising that lacks clarity or detail or are so complex as to require Further Information be requested from the applicant or indeed the observers and the applications can be satisfactorily assessed based on the information provided.

#### **1.5 Site Visits**

The site was visited on several occasions and by different modes of transport given the nature of the proposed scheme. These between the 13<sup>th</sup> of March 2025, 11<sup>th</sup> of June 2025, 17<sup>th</sup> of June 2025 and 25<sup>th</sup> of July 2025. The rail services between Dublin Connolly and Howth and Dublin Connolly and Drogheda were used also. In addition, the level crossings on the Howth Branch were also use by private transport and as a pedestrian.

#### **1.6 Notes for Reader**

Please note that throughout this report, the proposed scheme is considered from south to north (i.e. Dublin City Centre to Drogheda/Howth) for consistency and legibility. This aligned with the information submitted by the applicant in the planning particulars.

## 2.0 Site Location and Description

The proposed development relates to existing and operational railway on the Dublin to Belfast main line and the Howth branch line. The works extends from Fairview, Dublin to Drogheda, Co. Louth on the mainline and to Howth, Co. Dublin on the branch line. The total length of the proposed development is approximately 56 km (6 km of which relate to the Howth Branch).

The proposed development is considered in five geographic zones.

<b>Table 2: Geographical Zones</b>				
<b>Zone</b>	<b>From</b>	<b>To</b>	<b>Local Authority</b>	<b>Stations</b>
<b>A</b>	North of Connolly Station	South of Howth Junction & Donaghmede Station	Dublin City Council	Clontarf Road, Killester, Harmonstown, Raheny, Kilbarrack
<b>B</b>	South of Howth Junction & Donaghmede Station	L6165 Coast Road north of Malahide Viaduct. (Including Howth Branch)	Fingal County Council	Howth Junction & Donaghmede, Clongriffin, Portmarnock, Malahide  Bayside, Sutton, Howth
<b>C</b>	North of Malahide Viaduct	South of Gormanston Station (Fingal boundary)	Fingal County Council	Donabate, Rush & Lusk, Skerries, Balbriggan
<b>D</b>	South of Gormanston Station (Fingal border)	Louth/Meath border	Meath County Council	Gormanstown, Laytown,
<b>E</b>	Drogheda (MacBride) Station and surrounds		Louth County Council	Drogheda (MacBride)

The existing railway is a twin track and serves nineteen existing stations. The existing DART commuter service, which is already electrified, runs between Dublin Connolly and Malahide Station and Howth Station serving twelve stations. All other stations to Drogheda (MacBride) Station are served by a non-electrified commuter service. Other services include an intercity service to Belfast. Freight services also utilise the tracks.

The site is serviced by depots along the line at Fairview and Drogheda. There are a number of signalling structures controlling the services and other operational/service equipment along the line and in station areas. There are also car parking and supporting services primarily adjacent to the stations.

The railway is at different grades throughout, with certain sections within zones either at grade (e.g. Bayside to Sutton), in cuttings (e.g. Killester to Harmonstown) or elevated (e.g. Balbriggan Viaduct).

The railway crosses a number of features and there are a significant number of bridges which cross the existing railway line (comprising a mix of overbridges (OB) and underbridges (UB)) or at level crossings. Table 4-7 of the Environmental Impact Assessment Report (EIAR) provides a summary of bridge and civil structures. Some of the primary crossings and other features along the line are noted in the table below.

<b>Table 3: Crossings and other features in Geographical Zones</b>		
<b>Zone</b>	<b>Crossings and other features</b>	
<b>A</b>	<ul style="list-style-type: none"> <li>• Fairview Park</li> <li>• Clasac Theatre</li> <li>• Westwood Club (Gym)</li> <li>• Clontarf Road (R807)</li> <li>• Howth Road (R105)</li> <li>• Mount Temple School</li> <li>• Clontarf Golf Club</li> <li>• Killester Educate Together National School</li> <li>• Collins Avenue East (R103)</li> <li>• Middle Third</li> <li>• Killester Football Club</li> <li>• Venetian Hall</li> <li>• Brookwood Avenue (R808)</li> <li>• Laneway to Harmonstown Station</li> <li>• Laneway between Lein Gardens and Cill Eanna</li> <li>• Santry River</li> <li>• Station Road, Raheny (R809)</li> <li>• Our Lady Mother of Divine Grace Church, Raheny</li> <li>• Pedestrian Bridges at Kilbarrack Station</li> </ul>	
<b>B</b>	<ul style="list-style-type: none"> <li>• Kilbarrack Road (R104)</li> <li>• DDLETB Baldoyle Training Centre</li> <li>• Baldoyle Industrial Estate</li> <li>• Grange Road (R809)</li> <li>• Stapolin Educate Together National School</li> </ul>	<ul style="list-style-type: none"> <li>• Warrenhouse Road</li> <li>• Sutton Sewage Treatment plant</li> <li>• Station Road, Sutton</li> <li>• Lauders Lane</li> <li>• Sutton Gol Club</li> </ul>

	<ul style="list-style-type: none"> <li>• Station Hill (Clongriffin)</li> <li>• Mayne River</li> <li>• Moyne Road (R123)</li> <li>• Station Road, Portmarnock</li> <li>• The Old Road</li> <li>• R124</li> <li>• Malahide Golf Club</li> <li>• Back Road</li> <li>• Malahide Castle Park</li> <li>• Malahide Road (R106)</li> <li>• Stand Street</li> <li>• Malahide Marina</li> <li>• Broadmeadow Greenway (under construction)</li> <li>• Malahide Estuary</li> </ul>	<ul style="list-style-type: none"> <li>• Claremont Road</li> <li>• Howth Lodge</li> <li>• Baltray Park</li> <li>• Howth West Pier</li> </ul>
<b>C</b>	<ul style="list-style-type: none"> <li>• Corballis Lane</li> <li>• Donabate Distributer Road (R126)</li> <li>• Donabate (L1217)</li> <li>• Beverton Walk</li> <li>• Beaverstown Golf Club</li> <li>• Rogerstown Estuary</li> <li>• Rogerstown Park</li> <li>• Baleally Lane</li> <li>• Rogerstown Lane</li> <li>• Station Road, Rusk and Lusk (R128)</li> <li>• Whitepark Nurseries</li> <li>• Hayestown Lane</li> <li>• Featherbed Lane</li> <li>• Baldongan Lane (L1285)</li> <li>• Skerries Golf Club</li> <li>• Golf Links Road</li> <li>• Skerries Road (R127)</li> <li>• Skerries Shopping Centre</li> <li>• Barnageeragh Wastewater Treatment Plant (WWTP)</li> <li>• Barnageeragh Road</li> <li>• Ardgillan Castle and Demesne</li> <li>• Old Market Green (R127)</li> <li>• Balbriggan Viaduct</li> <li>• Quay Street</li> <li>• Loreto Secondary School Balbriggan</li> <li>• Lambeeher</li> <li>• Balbriggan FC</li> <li>• O'Dwyer GAA</li> <li>• Bremore</li> </ul>	
<b>D</b>	<ul style="list-style-type: none"> <li>• Delvin River</li> <li>• Gormanston Army Camp</li> <li>• Mosney Accommodation Centre</li> </ul>	

	<ul style="list-style-type: none"> <li>• St. Colmcille's (Meath) GAA Club</li> <li>• Laytown Viaduct</li> <li>• R150 Strand Road</li> <li>• Pilltown Road (L5615)</li> <li>• Colp Lane</li> <li>• Colpe Road</li> </ul>
<b>E</b>	<ul style="list-style-type: none"> <li>• Parkwood</li> <li>• Boyne Valley Hotel &amp; County Club</li> <li>• Dublin Road (R132)</li> <li>• Calvery Cemetery</li> <li>• St. Mary's Catholic Parish Primary School</li> <li>• Railway Terrace</li> <li>• Marsh Road (R150)</li> </ul>

Overall, the site is located within an urbanised environment although certain sections in Zone B, C and D are more rural with agricultural uses. There is a mix of uses along site including, residential, retail and commercial, industrial, agricultural, community and social, village centres as well as amenity space. There are a number of landscape and built heritage features along and in the vicinity of the site which are identified in the relevant sections of the EIAR submitted with the application.

### 3.0 Proposed Development

The proposed development is an upgrade to the existing railway infrastructure and will primarily include the electrification of the line between Malahide and Drogheda (MacBride). The proposed development ties into the existing electrified track between Dublin (Connolly) and Malahide.

The proposed development would facilitate a future increase in train capacity. Currently there is six (i.e. every 10 mins) trains per hour per direction. The current service of six trains per hour per direction is split between the Howth Branch and Malahide (i.e. every 20 mins). This would increase to:

- 12 (i.e. every 5 mins) trains per hour per direction at peak times to Howth Junction & Donaghmede
- 10 (i.e. every 7.5 mins) trains per hour per direction at peak times to Drogheda
- 6 (i.e. every 10 mins) trains per hour per direction at peak times to Howth (with a change to a shuttle service)

There would be a related increase passenger capacity from the current peak three hour capacity of approximately 10,800-21,600 passengers to approximately 26,600-41,000 passengers depending on the zone. A higher passenger capacity is experienced in Dublin City stations, and a lower passenger capacity is on the Howth Branch. The greatest increase in capacity would be between Donabate and Drogheda of approximately 14,100 passengers per three hour peak where no DART service currently exists.

The Board should note that this is a theoretical timetable, and the proposed development seeks to make the infrastructural changes only which would enable these operational changes. The implementation of these operational changes is not part of the DART+ Coastal North Project.

The project will require modernisation and modifications to the existing railway line, including general linear and ancillary works (drainage and utility diversions) to facilitate the electrification of the line and the upgrade of the existing network. It will include turnback facilities at facilities at Howth Junction & Donaghmede Stations, Clongriffin, Malahide and Drogheda (MacBride). In addition, specific elements are



required at certain locations along the route such as electrical substations to provide power to the network.

### **3.1 Development Description (High Level)**

The proposed scheme consists of inter alia:

- Extension of existing 1500V DC electrification, which currently terminates at Malahide, as far as Drogheda (MacBride) Station (approximately 37 km); this includes:
- The installation of foundations, masts, and overhead wires to supply power to the railway;
  - Undertaking upgrades to existing signalling, telecoms, and power supplies to support the planned increase in train services, including the introduction of new electrical substations at key locations alongside the railway line at:
    - Drogheda;
    - Bettystown;
    - Gormanston;
    - Balbriggan;
    - Skerries North;
    - Skerries South;
    - Rush & Lusk (this location also incorporates an overhead line equipment (OHLE) maintenance compound); and
    - Donabate
  - Undertaking improvements / modifications to bridges spanning the railway arising from track reconfigurations and / or meeting required electrical clearances;
  - Undertaking localised bridge modifications to enable OHLE to be fixed to bridges carrying the railway;
  - Canopy modifications at Drogheda (MacBride) Station to accommodate OHLE clearances; and
  - Modified railway boundary fences to protect the public from contacting the overhead line.
- Infrastructure works to facilitate the increase in service frequency and capacity, in specific areas of intervention as outlined below:

- works around Howth Junction & Donaghmede Station;
  - works around Clongriffin Station;
  - works around Malahide Station & Viaduct;
  - works to the existing user worked level crossing (XB001) south of Donabate; and
  - works around Drogheda (MacBride) Station.
- Modifications to existing depots at Drogheda and Fairview to support the new train fleet, including the provision of additional train stabling at Drogheda; and
  - Ancillary civils, utility diversions, drainage, and power work to cater for the changes.

These details of the proposed development are set out in the relevant Public Notices, which accompanied the planning application.

The Commission should note that the consequential works associated therewith include the works to protected structures (RPS).

This application is accompanied by an EIAR and a Natura Impact Statement (NIS).

Once commenced, it is expected that the construction phase will take approximately 36 months, with different durations at certain locations depending on the works required. The proposed development includes nighttime work to ensure the continued operation of the railway.

### **3.2 Development Description (Detailed)**

The proposed development is described further below in terms of its geographical zones. It is noted that the applicant in Chapter 4 of the EIAR sets out more detail on the development including details of:

- the OHLE System
- HV Power, Substations & Electrical Buildings
- Signalling System
- Telecommunications System
- Equipment Cabins
- Works to the Permanent Way (or track & railway corridor)
- Bridges & Structures
- Fencing and Boundary Walls

- Station Modifications
- Depots
- Other Ancillary Infrastructure
- Maintenance Works

The Commission should note that the proposed development has been designed in accordance with various technical and safety related standards which include relevant IÉ National and EU standards and guidelines. These are listed in Table 4-3 of the EIAR.

The Railway Works Plan should be read in conjunction with this general description which is taken directly from the EIAR.

<b>Table 4 Railway Works Plan in different Zones</b>	
<b>Zone</b>	<b>Works</b>
<b>A</b>	<ul style="list-style-type: none"> <li>• Minor upgrades and internal modifications to Fairview Depot and sidings; and</li> <li>• New drainage connection to combined sewer on Alfie Byrne Road.</li> </ul>
<b>B</b>	<ul style="list-style-type: none"> <li>• Modification of Howth Junction &amp; Donaghmede Station Accesses and Footbridge (OBB17A);</li> <li>• Construction of the Howth Junction &amp; Donaghmede Station Platform 2 Extension;</li> <li>• Construction of a new crossover on the Howth Branch Line at Howth Junction &amp; Donaghmede Station (Howth Junction Turnback);</li> <li>• Construction of two new turnouts on the Up Dublin Line, and a new Loop Line to the east of Clongriffin Station. (Clongriffin Turnback);</li> <li>• Construction of a new retaining wall at Clongriffin Station, utility diversions and associated earthworks;</li> <li>• Construction of new Underbridge UBB19A (Mayne River), UBB18D culvert extension and embankment north of Clongriffin Station;</li> <li>• Construction of a new central turnback line north of Malahide Station, new crossover on the Up Dublin Line and new turnout on the Down Belfast Line. (Malahide Turnback);</li> <li>• Construction of new reinforced earth wall alongside the proposed Broadmeadow Way greenway and embankment widening, north of Malahide Station;</li> <li>• Modification of Underbridge UBB30 (Malahide Viaduct) to support OHLE;</li> <li>• Closure of (user worked) level crossing (XB001);</li> <li>• Construction of a new Otter Crossing, adjacent to the Underbridge UBB31 (River Pill);</li> <li>• OHLE and Signalling, Electrification and Telecoms (SET) modifications at Malahide, Howth and Clongriffin; and</li> <li>• OHLE and Signalling, Electrification and Telecoms (SET) line-wide works north of Malahide Turnback.</li> </ul>

<p style="text-align: center;"><b>C</b></p>	<ul style="list-style-type: none"> <li>• Construction of Donabate Substation compound;</li> <li>• Modification of Underbridge UBB36 (Rogerstown Viaduct / Estuary) to support OHLE;</li> <li>• Construction of Rush and Lusk Substation and OHLE maintenance compound;</li> <li>• Upgrade of existing station access road junction at Rush and Lusk Station;</li> <li>• Track lowering at Overbridge OBB39 (carrying Station Road / R128);</li> <li>• Track lowering at Overbridge OBB44 (carrying local road in Tyrrelstown Big);</li> <li>• Construction of Skerries South Substation compound;</li> <li>• Construction of Skerries North Substation compound;</li> <li>• Track lowering at Overbridge OBB55 (carrying Lawless Terrace / R127);</li> <li>• Modification of Underbridge UBB56 (Balbriggan Viaduct) to support OHLE;</li> <li>• Construction of Balbriggan Substation compound;</li> <li>• Road overbridge parapet modifications for compliant safety standards to: <ul style="list-style-type: none"> <li>○ OBB32A (carrying the Donabate Distributor Road),</li> <li>○ OBB35 (access to Beaverstown Golf Club),</li> <li>○ OBB38 (carrying Rogerstown Lane),</li> <li>○ OBB41 (carrying local road in Rathartan),</li> <li>○ OBB46 (carrying the L1285 / Baldongan Close),</li> <li>○ OBB47 (historic access to Skerries Golf Club),</li> <li>○ OBB49 (carrying Golf Links Road),</li> <li>○ OBB55 (carrying Lawless Terrace / R127) and</li> <li>○ OBB68 (local access adjacent Gormanston Camp).</li> </ul> </li> <li>• Pedestrian footbridge parapet modifications for compliant safety standards to: <ul style="list-style-type: none"> <li>○ OBB33A (Donabate Station footbridge),</li> <li>○ OBB38A (Rush &amp; Lusk Station footbridge),</li> <li>○ OBB51A (Skerries Station footbridge),</li> <li>○ OBB54 (The Ladies Stairs) and</li> <li>○ OBB57A (Balbriggan Station footbridge).</li> </ul> </li> <li>• OHLE and Signalling, Electrification and Telecoms (SET) line-wide works;</li> <li>• Diversion of overhead power lines railway crossings into Under Track Crossings (UTX) at Rush &amp; Lusk, Tyrrelstown, Golf Links Road, Baldongan, and Balbriggan; and</li> <li>• Utility diversions.</li> </ul>
<p style="text-align: center;"><b>D</b></p>	<ul style="list-style-type: none"> <li>• Construction of Gormanston Substation compound;</li> <li>• Modification of Underbridge UBB72 (Laytown Viaduct) to support OHLE;</li> <li>• Construction of Bettystown Substation compound;</li> <li>• Track lowering at Overbridge OBB78 (carrying Colpe Road);</li> <li>• OHLE and Signalling, Electrification and Telecoms (SET) line-wide works;</li> </ul>

	<ul style="list-style-type: none"> <li>• Diversion of overhead power lines railway crossings into Under Track Crossings (UTX) at Gormanston, Laytown, and Drogheda;</li> <li>• Road overbridge parapet modifications for compliant safety standards to: <ul style="list-style-type: none"> <li>○ OBB68 (Irishtown),</li> <li>○ OBB77 (Colpe East), and</li> <li>○ OBB78 (carrying Colpe Road).</li> </ul> </li> <li>• Pedestrian footbridge parapet modifications for compliant safety standards to: <ul style="list-style-type: none"> <li>○ OBB74A (Laytown Station footbridge); and</li> </ul> </li> <li>• Utility diversions</li> </ul>
E	<ul style="list-style-type: none"> <li>• Demolition and replacement of triple span Overbridge OBB80/80A/80B (Railway Terrace);</li> <li>• Realignment of Railway Terrace and McGrath's Lane;</li> <li>• Reconstruction of Underbridge UBK01 (R132/Dublin Road Bridge);</li> <li>• Reconstruction of Overbridge OBB81 (Drogheda Station Footbridge);</li> <li>• Modification to existing Platform 1 Station Canopy;</li> <li>• Construction of new Platform 4 (on the Drogheda Freight Sidings) and associated modifications</li> <li>• to station car park and connectivity to Drogheda (MacBride) Station;</li> <li>• Track works on Drogheda Freight Sidings at Drogheda (Drogheda Turnback);</li> <li>• Construction of Drogheda Substation compound;</li> <li>• Civil Works on Light Maintenance Roads, Under Frame Cleaning (UFC) facility and Northern Headshunt;</li> <li>• Reprofilng existing earthwork bund at Drogheda Depot;</li> <li>• Track works on Stabling Roads 7a, 7b;</li> <li>• OHLE and Signalling, Electrification and Telecoms (SET) line-wide works;</li> <li>• Diversion of overhead power lines railway crossings into Under Track Crossings (UTX) at Drogheda; and</li> <li>• Utility diversions</li> </ul>

### 3.3 Land Acquisition

The lands outside the applicant's ownership that are included within the red line of the application are subject to the proposed Railway Order and compulsory acquisition. The applicant notes in the application form in respect of their legal interest, that the Transport (Railway Infrastructure) Act, 2001 (as amended and substituted) states at section 45 (1) that *"upon the commencement of a Railway Order, the Agency of CIÉ shall thereupon be authorised to acquire compulsorily any lands or rights in, under or over land or any substratum of land specified in the order and, for that purpose, the Railway Order shall have effect as if it were a compulsory order referred to in section 10(1) of the Local Government (No.2) Act, 1960 (inserted*

by section 86 of the Housing Act 1966". The draft Railway Order includes a series of schedules (Book of Reference) identifying the affected lands including the following:

- First Schedule Railway works and works authorised by this Order.
- Second Schedule-Part 1 Land which may be acquired.
- Second Schedule-Part 2 Structures to which brackets, cables, wires, poles or other fixtures may be attached.
- Third Schedule Land of which temporary possession may be taken.
- Fourth Schedule Land over which Permanent/ Temporary Private Rights of Way or Other Easements may be acquired.
- Fifth/Sixth Schedule Public/Private Rights, including Public/Private Rights of Way which may be extinguished or altered.
- Seventh Schedule Public/Private Rights of Way which may be temporarily interrupted.
- Eighth Schedule New roads including public roads and bridges which may be constructed.
- Ninth Schedule Roads including public roads which may be altered, realigned or closed.
- Tenth Schedule Utilities to be decommissioned and diverted.

### **3.4 Development Objectives**

In Section 2.4 of the EIAR, the applicant sets out the need for the project which is required to:

- facilitate growth in demand for rail services;
- play an important part in achieving environmental targets;
- support economic and population growth;
- encourage and enable a modal shift;
- modernise the railway;
- enable compact growth.

The primary objective of the DART+ Coastal North project is to deliver a higher frequency, higher capacity electrified rail service between Dublin City Centre and Drogheda and to support the rapid transition required to deliver on a low carbon climate resilient transport system.

### **3.5 Documents supporting the Proposed Scheme**

The following documents were submitted to the Commission in the first instance in support of the proposed development:

- Cover Letter and Annexes
  - Railway Order Application Cover Letter
    - Annex 1 - Pre-application Consultation File
    - Annex 2 - NTA Letter of Consent
    - Annex 3 - Application Payment Receipt
    - Annex 4 - List of Prescribed Bodies and Sample Letter
    - Annex 5 – Newspaper Notice
    - Annex 6 – SID Application Form
    - Annex 7 - EIA Portal Acknowledgement
    - Annex 8 - Digital Copy of Application Boundary
    - Annex 9 - List of Landowners, Occupiers and Sample Letter
    - Annex 10 - List of Documentation Submitted
    - Annex 11 - Summary of Consultations
- Draft Railway Order
- Book of Reference – Schedules
- Railway Order Book 1-3
- EIAR
  - Volume 1 - EIAR Non-Technical Summary (NTS)
  - Volume 2 - EIAR Main Body
  - Volume 3A - Figures
  - Volume 3B – Photomontages
  - Volume 4 - EIAR Appendices
- AA Screening
- NIS
- Planning Report
- Site Specific Flod Risk Assessment (FRA)

In January 2025, the applicant submitted information responding to submissions made to the file, as requested by the Commission. This included:

- Observations on the Proposed Scheme Submissions
  - Overview of Submissions
  - Response to Common Issues
  - Response to Individual Submissions
- Technical Optioneering Reports



## **4.0 Planning History**

A review of the relevant local authority planning portal and the Commission's case files was carried out in June 2025 to collate any relevant, recent (within 10 years) planning history for the site. A detailed planning history is provided in Question 8 of the Application Form submitted. This is noted.

There are a significant number of planning applications along the route which include large residential, domestic residential such as alterations to existing houses, commercial and community development and telecommunication infrastructure etc. This is to be expected in such urban and rural locations. These are all noted and considered in the context of the assessment below – in particular the cumulative and in-combination assessments.

For a detailed planning history and catalogue of plans and projects which may interact with the proposed development, the Commission should refer to Appendix A26.1 and A26.2 of the EIAR which relates to the Cumulative Effects Assessment (CEA). Similarly, Appendix 1.8 of the NIS lists projects assessed in combination with the proposed development.

A number of observers to the file made reference in their submissions to planning histories for particular sites, which are noted and acknowledged. In addition, planning authorities, in their submission, cited several other planning histories. This is also noted.

## **5.0 Policy Context**

The Commission should note the following European, national and regional level policies and guidance which will be relied on in the assessment below. They are generally all supportive, both directly and indirectly, of developments such as at proposed.

### **5.1 European Policy**

#### **5.1.1 Towards a Fair and Sustainable Europe 2050: Social and Economic Choices in Sustainability Transitions (European Union (EU) Commission 2023)**

This foresight study looks at sustainability from a holistic perspective but emphasises the changes that European economic and social systems should make to address sustainability transitions. The EU has committed to sustainability and sustainable development, covering the three dimensions (environmental, social and economic) of sustainability. Transport is identified as an area of opportunity to increase the speed of a cultural shift towards sustainability. The provision of well planned, affordable or free public transport system and bicycle lanes are encouraged.

#### **5.1.2 Sustainable and Smart Mobility Strategy 2020 (EU Commission, 2020).**

The strategy sets out how EU transport systems can achieve a green and digital transformation. In line with the European Green Deal, the result will be a 90% cut in emissions by 2050, delivered by a smart, competitive, safe, accessible and affordable transport system. In terms of sustainable mobility, pillars for action include:

- make all transport modes more sustainable,
- make sustainable alternatives widely available in a multimodal transport system, including the promotion of rail transport.
- put in place the right incentives to drive the transition.

#### **5.1.3 European Green Deal (EDG) (European Commission (EC), 2019)**

The Green Deal growth strategy sets out the EU's increased ambition on climate action. It identifies the need for a transformation in the economy and key roles for sectors such as transport, buildings, agriculture, and energy production. The Green

Deal recognises the role of rail in greening European transport and reaching both the EU targets and the Paris Agreement objectives. Rail is identified as the only mode of transport that is able to achieve economic growth whilst reducing its emission levels.

The EC has adopted a set of proposals such as making transport sustainable for all, to make the EU's climate, energy, transport and taxation policies fit for reducing net GHG emissions by at least 55% by 2030, compared to 1990 levels.

#### **5.1.4 White Paper: Roadmap to a single European Transport Area – Towards a competitive and resource efficient transport system (EC, 2011)**

This strategy document seeks to develop a transport system that meets the needs and aspirations of people while minimising undesirable impacts. The vision identifies four broad areas, including:

- Growing transport and supporting mobility while reaching a 60% emission reduction target.
- Promoting clean urban transport and commuting.

#### **5.1.5 Trans-European Transport Network (TEN-T)**

The TEN-T policy supports the development of a Europe wide network of railway lines, roads, inland waterways, maritime shipping routes, port, airports and railroad terminals. The overall objective is to close gaps, remove bottlenecks and technical barriers as well as to strengthen social, economic and territorial cohesion in the EU.

The TEN-T policy seeks to achieve the following:

- Improved use of infrastructure,
- Reduced environmental impact of transport,
- Enhanced energy efficiency, and
- Increased safety

The DART+ Programme including the DART+ Coastal North project is consistent with the objectives of the Trans-European Transport Network.

## **5.2 National Policy**

### **5.2.1 Climate Action Plan 2024 (and Climate Action Plan 2025) (DECC, 2025)**

The CAP25, builds on CAP24 and sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP25 continues to seeks the implementation of

carbon budgets and sectoral emissions ceilings that were introduced under the *Climate Action and Low Carbon Development (Amendment) Act, 2021*. Sector emission ceilings were approved by Government in July 2022 for the electricity, transport, built environment – residential, built environment – commercial, industry, agricultural and other (F-gases, waste & petroleum refining) sectors. Finalisation of the emissions ceiling for the Land Use, Land Use Change and Forestry (LULUCF) sector has been deferred from July 2022.

Citizen engagement and a strengthened social contract between the Government and the Irish people will be required around climate action. Some sectors and communities will be impacted more than others. A just transition is embedded in CAP25 to equip people with the skills to benefit from change and to acknowledge that costs need to be shared. Large investment will be necessary through public and private sectors to meet CAP24 targets and objectives.

The electricity sector will help to decarbonise the transport, heating and industry sectors and will face a huge challenge to meet requirements under its own sectoral emissions ceiling. CAP25 reframes the previous pathway outlined in CAP24, CAP23 and CAP21 under the Avoid-Shift-Improve Framework to achieve a net zero decarbonisation pathway for transport. This is a hierarchical framework which prioritises actions to reduce or avoid the need to travel; shift to more environmentally friendly modes; and improve the energy efficiency of vehicle technology. A National Demand Management Strategy was commenced in 2023 with the aim of reducing travel demand and improving sustainable mobility alternatives.

The major public transport infrastructure programme set out in the National Development Plan (NDP) rebalances the share of capital expenditure in favour of new public transport schemes over road projects. BusConnects in each of the 5 cities, the DART+ Programme and Metrolink will continue to be progressed through public consultations and the planning systems. DART+ is a key action under the major public transport infrastructure programme to deliver abatement in transport emissions, as outlined in CAP25 for the period 2025-2027.

### **5.2.2 National Sustainable Mobility Policy (DoT, 2022)**

The purpose of this document is to set out a strategic framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in carbon emissions by the end of this decade.

Goal 2 aims to reduce emissions by transitioning the bus, rail and small public service vehicle (SPSV) fleet across the country to low/zero emission vehicles in line with available technology. The actions under this goal are aligned with the actions in the Climate Action Plan.

A key objective of the document is to expand the electrification of the rail network in the GDA under the DART+ programme.

In rail, the key focus is to expand electrification. Under the DART+ programme in the GDA, electric and battery-electric fleet will be purchased to extend DART services to Drogheda in the north, Maynooth and M3 Parkway in the West, Hazelhatch in the Southwest, and to increase services to Greystones in the southeast. This will increase the length of the rail network with electrified services from 50 km to 150 km by 2030.

Goal 3 aims to expand the capacity and availability of sustainable mobility in the five cities (Cork, Dublin, Galway, Limerick and Waterford). This will be done through improved walking, cycling, bus and rail infrastructure, improved transport interchange and expanded public transport services.

### **5.2.3 National Development Plan 2021-2030 (DPE, 2021)**

The NDP Review contains a range of investments and measures which will be implemented over the coming years to facilitate the transition to sustainable mobility. These measures include significant expansions to public transport options, including capacity enhancements on current assets and the creation of new public transport links through programmes such as Metrolink.

The transport sector is responsible for 20 per cent of Ireland's GHG emissions and emissions from the sector were growing consistently pre-pandemic, despite the mitigation efforts undertaken. Major progress in decarbonising the sector is, therefore, a prerequisite for achieving Ireland's 2030 climate targets.

The NDP recognises DART+ as one of the Strategic Investment Priorities for the Eastern and Midland Region and this scheme is identified as a Strategic Investment Priority. Over the lifetime of this NDP, there will be significant progress made on delivering DART+ , by expanding the reach of the DART network.

#### **5.2.4 National Investment Framework for Transport in Ireland (DoT, 2021)**

One of the key challenges identified within this document relates to transport and the ability to maintain existing transport infrastructure whilst ensuring resilience of the most strategically important parts of the network. Population projections are expected to increase into the future and a consistent issue identified within the five cities of Ireland is congestion. Given space constraints, urban congestion will primarily have to be addressed by encouraging modal shift to sustainable modes.

Within the cities, frequent and reliable public transport of sufficient capacity and high-quality active travel infrastructure can incentivise people to travel using sustainable modes rather than by car. DART+ is identified as a project which will alleviate congestion and inefficiencies in the rail service.

#### **5.2.5 National Planning Framework Project Ireland 2040 (DHPLG, 2018 and as revised in 2025)**

The National Planning Framework (NPF) establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050.

Managing the challenges of future growth is critical to regional development. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

National Strategic Outcome 5 (NSO 5) (formally NSO 4) of the NPF, is in related to sustainable mobility recognises that Dublin and other cities and major urban areas are too heavily dependent on road and private, mainly car based, transport with the result that the roads are becoming more and more congested. The NDP makes provision for investment in public transport and sustainable mobility solutions to progressively put in place a more sustainable alternative. 'Environmentally

Sustainable Public Transport' is identified as a strategic investment priority in the NPF.

In line with Ireland's Climate Change mitigation plan, the state need to progressively electrify the mobility systems moving away from polluting and carbon intensive propulsion systems to new technologies such as electric vehicles and introduction of electric and hybrid traction systems for public transport fleets, such that by 2040 the cities and towns will enjoy a cleaner, quieter environment free of combustion engine driven transport systems.

Expand attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer term population and employment growth in a sustainable manner through measures including delivery of the key public transport objectives of the Transport Strategy for the GDA 2016-2035 by investing in projects such as Metro Link, DART Expansion Programme and BusConnects in Dublin.

NSO 1 in relation to compact growth is also relevant and seek seeks to manage the sustainable growth of cities, towns, and villages to create compact and attractive places in which people can live and work. Also of note, is NSO 8 in relation to the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050.

#### **5.2.6 Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020 (DoT, 2009)**

This is a government document that was prepared in the context of unsustainable transport and travel trends in Ireland. The overall vision set out in this policy document is to achieve a sustainable transport system in Ireland by 2020.

To achieve this the government set out 5 key goals:

1. to reduce overall travel demand,
2. to maximise the efficiency of the transport network,
3. to reduce reliance on fossil fuels,
4. to reduce transport emissions and
5. to improve accessibility to transport.

To achieve these goals and to ensure that the state have sustainable travel and transport by 2020, the Government sets targets, which include the following:

- 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%.
- Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work.

### 5.3 Regional Policy

#### 5.3.1 Regional Spatial Economic Strategy for the Eastern and Midlands Region (RSES)

The Regional Spatial Economic Strategy for the Eastern and Midlands Region (RSES) sets out the strategic plan and investment framework for the region which includes counties, Dublin and all their constituent local authorities and Meath and Louth

Chapter 5 of the RSES refers to the Dublin Metropolitan Area Strategic Plan (MASP). The MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area that sets out a vision for the future growth of the metropolitan area and key growth enablers. Section 5.3 sets out the guiding principles for the growth of the Dublin Metropolitan Area and includes “Integrated Transport and Land use” which covers a range of issues from focusing growth along existing and proposed high quality public transport corridors to supporting the delivery of DART+ and other public transport programmes. The following Regional Policy Objective (RPO) are noted.

<b>Table 5: Policies and Objective of the Regional Spatial Economic Strategy</b>	
<b>Policy/Objective</b>	<b>Detail</b>
<b>RPO 5.2</b>	Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
<b>RPO 5.3</b>	Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and



	creating a safe attractive street environment for pedestrians and cyclists
<b>Drogheda Joint Urban Area Plan</b>	Facilitate the regeneration of lands at McBride Station to capitalise on existing and planned public transport infrastructure, including the DART Expansion Programme whilst avoiding development that detracts from the town centre.

The Drogheda Urban Area Plan identified in the RSES is expected to provide a coordinated planning framework by the local authorities and other agencies to identify and deliver strategic development and regeneration areas to achieve compact growth targets and to prioritise infrastructure investment. The goal of achieving compact urban growth will increase the need to improve accessibility and sustainable mobility. On this basis the RSES identifies the benefits from the proposed DART expansion programme identified in Project Ireland 2040, which will:

*“provide for a fast, high-frequency electrified rail service to the town to enhance the existing heavy rail service. The existing McBride Rail Station will continue to be the main public transport hub for Drogheda and its environs. However, accessibility to the station will need to be improved, including access to the undeveloped lands to the east of the station, and stronger linkage should be forged between rail and bus services in the town”.*

Section 5.6 of the RSES ‘Integrated Land use and Transportation’ references the key transport infrastructure investments in the metropolitan area as set out in national policy which includes “new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda or further north on the Northern Line. Chapter 8 ‘Connectivity’ of the RSES also references that rail infrastructure and services will be delivered through DART expansion programme (Section 8.4 refers).

### **5.3.2 Transport Strategy for the Greater Dublin Area 2022-2042**

The 2022-2042 Transport Strategy sets out a framework for investment in transport infrastructure and services up to 2042. The Transport Strategy recognises a wide range of challenges for transport underpinned by climate change; the COVID 19 pandemic; servicing the legacy development patterns; revitalising city and town centres; transforming the urban environment; ensuring universal access; serving rural development; improving health and equality; fostering economic development; and delivering transport schemes.

The overall aim of the Transport Strategy is “to provide a sustainable, accessible and effective transport system for the GDA which meets the region’s climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.”

Chapter 12 of the Transport Strategy addresses public transport, and the section relate both directly and indirectly to the proposed DART+ programme. Section 12.4 sets out the strategy for an o DART+ and Rail, central to which is the delivery of a comprehensive rail network, based on enhanced level of service.

<b>Table 6: Transport Strategy for the Greater Dublin Area 2022-2042</b>	
Measure	Detail
RAIL1 – DART+	The DART+ Programme will be implemented, providing electrified services to Drogheda in the north and Maynooth plus Celbridge in the west, in addition to an enhanced level of service to Greystones. The programme will include additional fleet, aligned with higher passenger demand, and a higher frequency of service on all lines.
RAIL7 – Station Upgrades	The NTA, in conjunction with Irish Rail, will upgrade, refurbish and maintain train stations across the GDA to ensure that they are of an appropriate standard and provide a good quality experience for passengers.

With respect to walking, accessibility, and the public realm, it is recognised in the Transport Strategy that better urban design and placemaking will encourage more people to walk, cycle or use public transport. Specific measures are outlined to incorporate a high standard of urban design and placemaking into major public transport infrastructure schemes and walking and cycling projects, taking account of architectural heritage (PLAN14 and PLAN15 of the Transport Strategy refer).

Chapter 17 provides the outcomes and how the Strategy contributes to an enhanced natural and built environment (consolidated development, public realm and placemaking, reduced impacts of traffic, improved air quality and noise levels); how the Strategy leads to more connected communities and better quality of life (enhanced community interaction, high quality public transport coverage); how the Strategy contributes to a strong and sustainable economy; and how the Strategy fosters an inclusive transport system (equality, health and access to jobs)

## 5.4 County

### 5.4.1 Dublin City Council

#### 5.4.1.1 Dublin City Development Plan 2022-2028

##### 5.4.1.1.1 Specific Policy Objectives in respect of DART+

The main strategic approach of the Dublin City Development Plan 2022-2028 (DCDP) is to develop a city that is low carbon, sustainable and climate resilient. Chapter 8 of the DCDP relates to sustainable movement and transport, and highlights that the sustainable and efficient movement of people and goods is crucial for the success and vitality of the city, along with the need to move away from private car and fossil-fuel-based mobility to reduce the negative impacts of transport and climate change.

To this end Objective SMTO1 states:

*“To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the development plan, in line with the city mode share targets of 26% walking/cycling/micro mobility; 57% public transport (bus/rail/Luas); and 17% private (car/van/HGV/motorcycle)”.*

Table 8.1 of the DCDP sets out current and target mode share with cycling expected to increase by 7% by 2028 and public transport (bus, rail, and Luas) by 3% in the same timeline. It is stated that the modest increase in public transport mode share anticipates the construction of major public transport infrastructure that is proposed to occur over the lifetime of the plan, and accordingly the impact of public transport infrastructure projects on modal share is more likely to come into fruition during the lifespan of the following City plan.

Key strategic transport projects such as the proposed Metrolink, DART+, BusConnects programme and further Luas line and rail construction and extension will continue the expansion of an integrated public transport system for the Dublin region and have the potential for a transformative impact on travel modes over the coming years. DCC actively supports all measures being implemented or proposed by other transport agencies to enhance capacity on existing lines/services and provide new infrastructure. In this regard Policy SMT22 – Key Sustainable Transport Projects seeks:

*“To support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city and region and to support the integration of existing public transport infrastructure with other transport modes. In particular the following projects subject to environmental requirements and appropriate planning consents being obtained:*

- *DART +,*
- *Metrolink from Charlemount to Swords,*
- *BusConnects CBC projects,*
- *Delivery of Luas to Finglas,*
- *Progress and delivery of Luas to Poolbeg and Lucan*

#### 5.4.1.1.2 Related Policy Objectives in respect of BusConnects

There are numerous policies in Chapter 8 of the DCDP which support the principle of sustainable mobility. Related policies include:

<b>Table 7: Policies and Objective of the DCDP</b>	
<b>Policy/Objective</b>	<b>Detail</b>
<b>SMT1 Modal Shift and Compact Growth</b>	To continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth
<b>SMT3 Integrated Transport Network</b>	To support and promote the sustainability principles set out in National and Regional documents to ensure the creation of an integrated transport network that services the needs of communities and businesses of Dublin City and the region
<b>SMT11 Pedestrian Network</b>	To protect, improve and expand on the pedestrian network, linking key public buildings, shopping streets, public transport points and tourist and recreational attractions whilst ensuring accessibility for all, including people with mobility impairment and/or disabilities, older persons and people with children.
<b>SMT12 Pedestrians and Public Realm</b>	To enhance the attractiveness and liveability of the city through the continued reallocation of space to pedestrians and public realm to provide a safe and comfortable street environment for pedestrians of all ages and abilities.
<b>SMT13 Urban Villages and the 15-Minute City</b>	To support the role of the urban villages in contributing to the 15-minute city through improvement of connectivity in particular for active travel and facilitating the delivery of public transport infrastructure and services, and public realm enhancement.

<b>SMT14 City Centre Road Space</b>	To manage city centre road-space to best address the needs of pedestrians and cyclists, public transport, shared modes, and the private car, in particular, where there are intersections between DART, Luas and Metrolink and with the existing and proposed bus network.
<b>SMT16 Walking, Cycling and Active Travel</b>	To prioritise the development of safe and connected walking and cycling facilities and prioritise a shift to active travel for people of all ages and abilities, in line with the city's mode share targets.
<b>SMT18 The Pedestrian Environment</b>	To continue to maintain and improve the pedestrian environment and strengthen permeability by promoting the development of a network of pedestrian routes including laneway connections which link residential areas with recreational, educational and employment destinations to create a pedestrian environment that is safe, accessible to all in accordance with best accessibility practice.
<b>SMT19 Integration of Active Travel with Public Transport</b>	To work with the relevant transport providers, agencies and stakeholders to facilitate the integration of active travel (walking/cycling etc.) with public transport, ensuring ease of access for all.
<b>SMT20 Walking and Cycling for School Trips</b>	(a) To prioritise and target a significant increase in the number of children walking and cycling to and from schools; (b) To promote walking and cycling for school trips to all educational facilities; (c) To promote and support initiatives such as "Safe Routes to School", the 'Green Schools' and 'Schools Streets' projects, and to prioritise school routes for permeability projects and provision and enhancements of pedestrian and cycle ways.
<b>SMT34 Street and Road Design:</b>	To ensure that streets and roads within the city are designed to balance the needs and protect the safety of all road users and promote place making, sustainable movement and road safety providing a street environment that prioritises active travel and public transport whilst ensuring the needs of commercial servicing is accommodated.
<b>SMT35 Traffic Calming and Self-Regulation Street Environments</b>	To ensure that all streets and street networks are designed to passively calm traffic through the creation of a self-regulating street environment that are suited to all users, including pedestrians and cyclists.

#### 5.4.1.1.3 Zoning Objectives

The majority of proposed works are within and along the existing railway where there is no specific zoning provided in the DCDP. The Proposed development runs adjacent to lands that have been zoned in the following areas:

<b>Table 8: Zoning Objective of the DCDP</b>	
Zones	
Z1 Sustainable Residential Neighbourhoods	
Z2 Residential Neighbourhoods (Conservation Areas)	
Z3 Neighbourhood Centres	
Z4 Key Urban Villages/Urban Villages	
Z6 Employment/Enterprise	
Z9 Amenity/Open Space Lands/Green Network	
Z10 Inner Suburban and Inner City Sustainable Mixed-Uses	
Z11 Waterways Protection	
Z14 Strategic Development and Regeneration Areas (SDRAs)	
Z15 Community and Social Infrastructure	

#### 5.4.1.1.4 Specific Policies in respect of Natural Heritage

Chapter 10: Green Infrastructure and Recreation of the DCDP considers a range of policy objectives to protect and conserve natural heritage features. The following policies are noted.

<b>Table 9: Natural Heritage Policies and Objective of the DCDP</b>	
Policy Objective	Heading
G15	Greening of Public Realm / Streets
G19	European Union Natura 2000 Sites
G110	Flora and Fauna Protected under National and European Legislation Located Outside Designated Areas
G110	Proposed Natural Heritage Areas (NHAs)
G112	National and International Sites for Nature Conservation
G113	Areas of Ecological Importance for Protected Species
G114	Ecological / Wildlife Corridors
G118	Minimise Impact – Light and Noise
G129	Protect Character of River Corridors
G140	Tree Planting - General
G141	Protect Existing Trees as Part of New Development
G142	Tree Management

The following site specific objectives are noted:

<b>Table 10: Site Specific Natural Heritage Policies and Objective of the DCDP</b>	
Objective	Site

Parks	Fairview Park
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#### 5.4.1.1.5 Specific Policies in respect of Built Heritage

Chapter 11: Built Heritage and Archaeology of the DCDP considers a range of policy objectives to protect and conserve built heritage features. The following policies are noted.

<b>Table 11: Built Heritage Policies and Objective of the DCDP</b>	
Policy Objective	Heading
BHA2	Development of Protected Structures
BHA3	Loss of Protected Structures
BHA5	Demolition of Regional Rated Buildings on NIAH
BHA7	Architectural Conservation Areas
BHA8	Demolition in an ACA
BHA9	Conservation Areas
BHA10	Demolition in a Conservation Area
BHA18	Historic Ground Surfaces, Street Furniture and Public Realm
BHA19	Historic Street Furniture and the RPS
BHA26	Archaeological Heritage

The following site specific objectives are noted:

<b>Table 12: Site Specific Built Heritage Policies and Objective of the DCDP</b>	
Objective	Site
Conservation Areas	Tolka River
	Santry River
	Green Area to north of St Donagh's Road
Protected Structures	Clontarf Road Railway Bridge (RPS 880)
	Former Raheny National School (RPS 8703)
Roads, Street and Bridge Scheme	Link between East Wall Road and Fairview Park

#### 5.4.1.2 Draft Dublin City Centre Transport Plan 2023

In September 2023 DCC in partnership with the NTA published the Draft Dublin City Centre Transport Plan 2023. Key initiatives outlined in the draft plan include:

- Removing 2 out of every 3 cars in the city centre which do not have a destination there.
- Implementing traffic management measures that prioritise pedestrians, public transport, and cyclists.

The Draft Plan acknowledges that the roll out of DART+ and other public transportation projects over its lifetime will provide a major increase in public transport capacity as well as enabling buses to reach the city centre without undue

delay. A critical element of the Draft Plan is to ensure that DART+ can operate an efficient, reliable, and punctual service within the City Centre.

## 5.4.2 Fingal County Council

### 5.4.2.1 Fingal County Development 2023-2029

#### 5.4.2.1.1 Specific Policy Objectives in respect of DART+

The Fingal County Development 2023-2029 (FCDP) recognises that in order to achieve sustainable development in Fingal and respond to key transportation challenges there is a need to reduce the over reliance on private cars and reduce transport emissions. . One of the key strategic objectives is to strengthen the integration of land-use and transport planning with a priority focus on increased provision of walking, cycling and public transport infrastructure.

Specifically, it is Objective CMO23 – Enabling Public Transport Projects to

*“Support the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme so as to provide an integrated public transport network with efficient interchange between transport modes to serve needs of the County and the mid-east region in collaboration with the NTA, TII and Irish Rail and other relevant stakeholders.”*

#### 5.4.2.1.2 Related Policy Objectives in respect of DART+

There are numerous policies in Chapter 6 of the FCDP which support the principle of sustainable mobility. Related policies include:

Policy/Objective	Detail
<b>Policy CMP1 – Decarbonisation of Motorised Transport</b>	Support the decarbonisation of motorised transport and facilitate modal shift to walking, cycling and public transport and taking account of National and Regional policy and guidance, while supporting an efficient and effective transport system.
<b>Policy CMP2 – Managing Demand for Travel</b>	Concentrate compact growth around existing and planned transport services ensuring that transport and land-use are integrated to the greatest extent possible so that the demand for travel in general and for car-based travel is reduced.
<b>Policy CMP3 – Integrated Land-Use and Transport Approach</b>	Provide for an integrated approach to land-use and transportation aimed at minimising the demand for travel and prioritising sustainable modes of transport including walking, cycling and public transport.



<b>Policy CMP5 – Mobility Management and Travel Planning</b>	Promote best practice mobility management and travel planning through the requirement for proactive mobility strategies for developments focussed on prioritising sustainable modes of travel including walking, cycling and public transport.
<b>Policy CMP6 – Integrated Transport Network</b>	Support and facilitate sustainable mobility objectives set out in the NPF, RSES, Smarter Travel and the NTA’s GDA Transport Strategy and any subsequent plan to ensure the creation of a high-quality and integrated transport network to serves the needs of the County and the wider region.
<b>Objective CMO7 – Integration of Active Travel with Public Transport</b>	Work with the relevant transport providers, agencies and stakeholders to facilitate the integration of active travel (walking/cycling etc.) with public transport, ensuring ease of access for all.
<b>Policy CMP18 – Public Transport</b>	Support the provision of a high-quality public transportation system that is accessible to all to serve the needs of the County and to enable a significant shift from car-based travel to public transport.
<b>Objective CMO24 – NTA Strategy</b>	Support NTA and other stakeholders in implementing the NTA Strategy including MetroLink, BusConnects, DART +, LUAS and the GDA Cycle Network
<b>Policy CMP21 – Park and Ride</b>	Support the provision of Park and Ride facilities in conjunction with supporting ancillary infrastructure to accommodate the transition to sustainable mobility modes at suitable locations in accordance with the large-scale transportation projects being delivered under the NTA Strategy
<b>Policy CMP22 – Mobility Hubs</b>	Support the development of mobility hubs at key public transport locations and local mobility hubs in tandem with new developments to include shared and personal mobility initiatives with a focus on ease of connectivity and quality public realm.
<b>Policy CMP29 – Rail Network and Freight Transport</b>	Work with Irish Rail, the NTA, TII and other stakeholders to progress a coordinated approach to improving the rail network, integrated with other public transport modes to ensure maximum public benefit and promoting sustainable passenger and freight transport and improved regional and cross-border connectivity.
<b>Policy CMP35 – Freight Transport</b>	Facilitate the needs of freight transport in accordance with the NTA’s GDA Transport Strategy
<b>Local Objectives</b>	86 – Improve amenity and Access Beach 88 – Improvement of Access to Howth Junction & Donaghmede Station 51 - Access across rail line to Malahide Community School 34 – Completion of Broadmeadow Way 51 - Access across rail line to Tanner’s Water Lane Unknown – Clongriffin Local Centre
<b>Framework/Master Plans</b>	Kilbarrack Industrial Estate Masterplan Framework Plan for Baldoyle Industrial Estate Framework Plan for Malahide

	Framework Plan for Donabate Effelstown Rural Cluster Castlelands Master Plan
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#### 5.4.2.1.3 Zoning Objectives

The majority of proposed works are within and along the existing railway where there is no specific zoning provided in the FCDP. The Proposed development runs adjacent to lands that have been zoned in the following areas:

<b>Table 14: Zoning Objective of the FCDP</b>
Zones
CI - Community Infrastructure
GB - Green Belt
GE - General Employment
HA - High Amenity
LC - Local Centre
MC - Major Town Centre
MRE - Metro and Rail Economic Corridor
OS - Open Space
RA - Residential Area
RC - Rural Cluster
RS - Residential
RU - Rural
TC - Town and District Centre
UNZ - Unzoned

#### 5.4.2.1.4 Specific Policies in respect of Natural Heritage

Chapter 9 Green Infrastructure and Natural Heritage of the FCDP considers a range of policy objectives to protect and conserve natural heritage features. The following policies are noted.

<b>Table 15: Natural Heritage Policies and Objective of the FCDP</b>	
Policy Objective	Heading
Policy GINHP1	Resilient Design
Policy GINHP2	Protection of Green Infrastructure
Policy GINHP3	Greening of Developments
Policy GINHP7	Sustainable Water Management Protection
Policy GINHP8	Archaeology and Green Infrastructure
Policy GINHP11	Biodiversity Action Plan
Policy GINHP12	Protected Site
Policy GINHP13	Fingal Ecological Network
Policy GINHP14	Biodiversity Net Gain Guidance
Policy GINHP17	Protection of European and National Sites
Policy GINHP18	Species Protection
Policy GINHP19	Ecological Buffer Zones
Policy GINHP20	Mammal Ledges

Policy GINHP21	Protection of Trees and Hedgerows
Policy GINHP26	Preservation of Views and Prospects
Policy GINHP28	Protection of High Amenity Areas
Policy GINHP26	Preservation of Views and Prospects
Objective GINHO58	Sensitive Areas
Objective GINHO60	Protection of Views and Prospects
Objective GINHO73	New Development and the Coast
Policy EEP23, 24, 28, 29, Objective EEO63, 78	Policies in relation to the protection of the rural economy, agricultural practices and its landscape and natural heritage

The following site specific objectives are noted:

<b>Table 16: Site Specific Natural Heritage Policies and Objective of the FCDP</b>	
Objective	Site
Woodland	Ardgillan Demesne Malahide Demesne Burrow Road/Claremont Road/Quarry
Highly Sensitive Landscape	From Gormanstown to Ballydongan From Rusk and Lusk Station to Clongriffin Station and From Sutton Station to Howth Station
Historic Landscape Character	Balbriggan Donabate
Ecological Corridors along Rivers	Mayne River Sluice River Milverton Stream Stream in Balbriggan Delvin River

#### 5.4.2.1.5 Specific Policies in respect of Built Heritage

Chapter 10 Heritage, Culture and Arts of the FCDP considers a range of policy objectives to protect and conserve built heritage features. The following policies are noted.

<b>Table 17: Built Heritage Policies and Objective of the FCDP</b>	
Policy Objective	Heading
Policy HCAP1	Fingal Heritage Plan
Policy HCAP2	Importance of Archaeological Resource
Policy HCAP3	Record of Monuments and Places/ Sites and Monuments Record
Policy HCAP4	Preservation-in-situ
Policy HCAP5	Development Design
Policy HCAP8	Protection of Architectural Heritage
Policy HCAP9	Re-use of Architectural Heritage
Policy HCAP10	Retention
Policy HCAP11	Conservation of Architectural Heritage
Policy HCAP12	Interventions to Protected Structures

Policy HCAP13	Retention of Protected Structures
Policy HCAP15	Character of Architectural Conservation Areas
Policy HCAP16	Conservation Best Practice
Policy HCAP18	Designed Landscape Features, Settings and Views
Policy HCAP19	Development and Historic Demesnes
Policy HCAP20	Conservation and Woodland Management Plans
Policy HCAP27	Recognition of Industrial Heritage
Policy HCAP28	Awareness of Industrial Heritage
Objective HCAO48	Historic Bridges
Policy HCAP31	Access

The following site specific objectives are noted:

<b>Table 18: Site Specific Built Heritage Policies and Objective of the FCDP</b>	
Objective	Site
Architectural Conservation Areas	Sutton Cross and Environs ACA The Bawn, Parnell Cottages & St Sylvesters Villas ACA Malahide Castle Demesne ACA Malahide Historic Core ACA Ardgillan Demesne ACA Balbriggan Historic Town Core ACA
Views	Bisset's Strand Malahide Bay Station Road (Rush & Lusk) Skerries Road (to coast)
Protected Structures	Former Station Master's House (Howth) (RPS 558) Howth Railway Station (RPS 559) Milestone (RPS 553) Station Master's House (RPS 547) Sutton Railway Station (RPS 546) Former Signalman's House (RPS 788) Rail Bridge (RPS 919) Castle Terrace (RPS 391)) Former Station Master's House (Malahide) (RPS 387) Malahide Railway Station (RPS 388) Rail Bridge (RPS 423) Malahide Railway Viaduct (RPS 420) Rail Bridge (RPS 502) Smyth's Public House (RPS 509) Former Station Masters House (Donabate) (RPS 510) Donabate Railway Station (RPS 511) Rogerstown Viaduct (RPS 516) Rail Bridge (RPS 286) Road Bridge (RPS 287) Lusk & Rush Railway Station (RPS 288) Road Bridge (RPS 292) Road Bridge (RPS 246)

	Rail Bridge (RPS 231) Skerries Railway Station (RPS 192) Station Masters House (Skerries) (RPS 192) Rail Bridge (RPS 880) Rail Bridge (RPS 879) Croom House (RPS 53) St. George's Church (RPS 52) Balbriggan Viaduct (RPS 36) Former RNLI Boathouse (RPS 35) Balbriggan Railway Station (RPS 30) Marian House (RPS 28) Chimney of Former Sea Mills Hosiery Factory (RPS 19) Railway Bridge (RPS 12) Knocknagin/Gormanston Viaduct (RPS 1)
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#### 5.4.2.2 Others Plans and Schemes

The following future plans are also noted:

<b>Table 19: Others Plans and Schemes</b>
Detail
Baldoyle-Stapolin Local Area Plan (LAP 10.A) (expired in 2023)
Portmarnock South Local Area Plan (LAP 9.A) (expired in 2023)
Donabate Local Area Plan (LAP 7.A) (extended to 2026)
Flemington Local Area Plan (LAP 4.B) (adopted in 2024)

#### 5.4.3 Meath County Council

##### 5.4.3.1 Meath County Development Plan 2021-2027, as varied

The Meath County Development Plan 2021-2027, as varied (MCDP) has a specific objective MOV OBJ 6 to *‘facilitate and encourage the upgrading of existing railway stations, and protect, as required, lands necessary for the upgrading of existing railway lines or stations or the provision of new railway stations throughout the County’*.

In relation to the Dublin-Belfast railway specifically. The Commission should note that there is a specific objective MOV OBJ 7 to *‘facilitate the provision of a train station at Bettystown (in addition to the existing station at Laytown) as part of the DART expansion works to Drogheda through the planned electrification of the Northern rail line by Irish Rail’*.

While outside of the extents of the proposed development, it is also an objective MOV OBJ 9 to *‘support the delivery of an additional train station in the Northern Environs of Drogheda as part of the future Joint Urban Plan’* and MOV OBJ 10 to *‘to*

support the delivery of an additional train station in the Northern Environs of Drogheda as part of the future Joint Urban Plan.’

#### 5.4.2.1.2 Related Policy Objectives in respect of DART+

There are numerous policies in Chapter 5 of the MCDP which support the principle of sustainable mobility. Related policies include:

<b>Table 20: Policies and Objective of the MCDP</b>	
<b>Policy/Objective</b>	<b>Detail</b>
<b>MOV POL 5</b>	To support the extension of the rail network in the County and to actively and strongly pursue a rail line from Dunboyne/M3 Parkway to Navan subject to proper planning and environmental considerations.
<b>MOV OBJ 4</b>	To improve, in conjunction with the NTA and Irish Rail, facilities at existing stations.
<b>MOV OBJ 6</b>	To facilitate and encourage the upgrading of existing railway stations, and protect, as required, lands necessary for the upgrading of existing railway lines or stations or the provision of new railway stations throughout the County
<b>MOV OBJ 7</b>	To facilitate the provision of a train station at Bettystown (in addition to the existing station at Laytown) as part of the DART expansion works to Drogheda through the planned electrification of the Northern rail line by Irish Rail.
<b>MOV OBJ 8</b>	To encourage, support and work in conjunction with Irish Rail to review the operation of the Short Hop Zone (SHZ) rail prices with an extension to stations in Laytown, Gormanston Enfield and Drogheda
<b>MOV OBJ 9</b>	To support the delivery of an additional train station in the Northern Environs of Drogheda as part of the future Joint Urban Plan.
<b>MOV OBJ 10</b>	To explore the feasibility of a train station in conjunction with Irish Rail and Louth County Council as part of the Joint Urban Area Plan.
<b>Specific Objective</b>	Southern Environs of Drogheda Masterplan Car Parking Facility at Laytown Train Station at Bettystown

#### 5.4.3.2 Zoning Objectives

The majority of proposed works are within and along the existing railway where there is no specific zoning provided in the MCDP. The Proposed development runs adjacent to lands that have been zoned in the following areas:

<b>Table 21: Zoning Objective of the MCDP</b>
Zones
RA - Rural Area
G1 - Community Infrastructure

TU - Transport and Utilities
H1 - High Amenity
B1 - Commercial Town or Village Centre
A1 - Existing Residential
WL - White Lands
E2 - General Enterprise and Employment
F1 - Open Space

#### **5.4.3.3 Specific Policies in respect of Natural & Built Heritage**

Chapter 8 Cultural and Natural Heritage Strategy of the MCDP considers a range of policy objectives to protect and conserve natural and built heritage features. The following policies are noted.

<b>Table 22: Built Heritage Policies and Objective of the MCDP</b>	
Policy Objective	Heading
HER POL 1 - 5	Archaeology
HER POL 14 - 18	Protected Structures
HER POL 24	Industrial Heritage
HER POL 27 -34	Biodiversity
HER POL 35	Non- Designated Sites
HER POL 36	Protected Species
HER POL 37 - 42	Woodlands, Hedgerows and Trees
HER POL 43 - 44	Invasive Species
HER POL 46	Geological Heritage
HER POL 49 - 50	Coastal Zone
HER POL 52 – 53	Landscape

The following site specific objectives are noted:

<b>Table 23: Site Specific Built Heritage Policies and Objective of the DCDP</b>	
Objective	Site
Record of Protected Structures	Outbuilding (Stameen) (RPS 90723) Laytown Station Masters House (91072) Laytown Viaduct (91073) Knocknagin Viaduct (91050)
Geological Sites	Laytown to Gormanston Coast

#### **5.4.4 Louth County Council**

##### **5.4.4.1 Louth County Development Plan 2021-2027**

DART+ is considered an important growth enabler for Drogheda in the Louth County Development Plan 2021-2027 (LCDP) as it would improve the connectivity to Dublin due to the increased frequency of services, making the town more accessible and attractive for economic investment and employment generating development. The LCDP has a clear policy objective in its settlement strategy related to the proposed

development under SS 13 “to support investment in public and sustainable transport infrastructure and services in Drogheda including the progression of the DART Expansion Programme which includes the electrification of the rail line and the extension of DART services to Drogheda.”

More generally in relation to its movement strategy. It is the policy under MOV 16 ‘to support the DART Expansion Programme including new infrastructure and the electrification of existing lines along the northern rail line to Drogheda.’

#### **5.4.4.2 Zoning Objectives**

The majority of proposed works are within and along the existing railway where there is no specific zoning provided in the LCDP. The Proposed development runs adjacent to lands that have been zoned in the following areas:

<b>Table 24: Zoning Objective of the LCDP</b>
Zones
A1 Existing Residential
H1 Open Space
A2 New Residential Phase 1
J1 Transportation Development Hub

#### **5.4.4.3 Specific Policies in respect of Natural & Built Heritage**

Chapter 8 – Natural Heritage, Biodiversity and Green Infrastructure and Chapter 9– Built Heritage and Culture of the LCDP considers a range of policy objectives to protect and conserve natural and built heritage features. The following policies are noted.

<b>Table 25: Built Heritage Policies and Objective of the LCDP</b>	
Policy Objective	Heading
NBG 1	draft Heritage Plan
NBG 2	Local Biodiversity Action Plan
NBG 3 – 6	Habitats/Birds Directive
NBG 8	NPWS
NGB 9 -11	Ecological Networks/Non-Designated Sites
NBG 12 - 13	Invasive Species
NBG 14 – 15	NHAs
NBG 29 -34	Trees
NBG 57	Setback from watercourses
BHC 1 - 10	Archaeology
BHC 20 - 30	Architecture
BHC 31 - 35	Architectural Conservation Areas (ACAs)

The following site specific objectives are noted:



<b>Table 26: Site Specific Built Heritage Policies and Objective of the LCDP</b>	
<b>Objective</b>	<b>Site</b>
Record of Protected Structures	Drogheda Railway Station (RPS DB-055) Bayview House (RPS DB-301) Railway Station Engine Shed (RPS DB-395) Railway Station Building (RPS DB-396) Railway Station Water Tower (RPS DB-397) Railway Station Office (RPS DB-398) Railway Station building (RPS DB-398)
Architectural Conservation Areas	Railway Terrace
Tree Preservation Order/ Trees & Woodlands of Special Amenity Value	TPO 1 Bayview House TWSAV12 Dublin Road Railway Bridge

#### 5.4.4.3.1 Drogheda Joint Local Area Plan

LCC in partnership with MCC are commencing the preparation of a Joint Local Area Plan for Drogheda. At the time of this report no plan had been adopted. This Plan will set out a land use strategy for the future growth and sustainable development of Drogheda, focusing on issues including population and economic growth, delivery of housing and community facilities, regeneration of vacant and under-utilised lands, the potential impacts of climate change, environmental protection, and investment in transportation and water services infrastructure.

The Commission should consider whether any local area plan has been adopted prior to any decision on this planning application.

#### 5.4.5 Biodiversity Action Plans

It is noted that all local authorities have prepared biodiversity action plans. These include:

- Dublin City Biodiversity Action Plan 2021-2025
- Fingal Biodiversity Action Plan 2023-2030
- Meath Biodiversity Action Plan 2025 – 2030 (under preparation)
- Louth Biodiversity Action Plan 2021 – 2026

The plans recognises that in addition to legally designated sites there are numerous habitats that have conservation value for biodiversity, including public parks and open spaces, rivers, canals, coasts and embankments. The objectives of the plans include inter alia monitoring and conserving legally protected species, particularly those listed in the annexes of the EU Birds and Habitats Directive, ensure that measures for biodiversity and nature-based solutions are incorporated into new

building projects, retrofit and maintenance works, and promotion net biodiversity gain.

#### **5.4.6 Heritage Plans**

It is noted that all local authorities have prepared heritage plans. These include:

- Dublin City Strategic Heritage Plan 2024-2029
- Fingal Heritage Plan 2024-2030

The heritage plans set out goals and priorities for heritage and in particular their protection. The goals and objectives identified in the plan are the outcomes of extensive consultation. Other core values include promoting and implementing best practice and recognising cultural heritage in its broadest sense -

## **6.0 Legal Context**

### **6.1 Environmental Impact Assessment**

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an EIA for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA. Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

Screening is the term used to describe the process for determining whether a proposed scheme requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed scheme and the significance or the environmental sensitivity of the receiving baseline environment.

Section 37 (3)(e) of 2001 Act and as amended by the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 743 of 2021) requires a railway order application to be accompanied by “a statement of the likely effects on the environment (referred to subsequently in this Part as an ‘environmental impact statement’) of the proposed railway works.”

On this basis the applicant has submitted an EIAR.

### **6.2 Appropriate Assessment**

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (‘the Habitats Directive’) is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s) (i.e. Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives

Case law of the European Court of Justice (ECJ) has determined that AA is required if likely significant effects cannot be excluded on the basis of objective information.

Case law has also clarified that measures intended to avoid or reduce harmful

effects on European sites, must not be considered when determining whether it is necessary to carry out an AA.

The applicant in this instance has screened in the requirement for AA.

## **7.0 Submissions**

### **7.1 Parent Submissions**

#### **7.1.1 Planning Authorities**

##### **7.1.1.1 Dublin City Council**

- DCC supports the Project and recognises the significant improvements it will bring to public transport serving the central and northeast part of the city. DCC is satisfied that, subject to appropriate amenity safeguards, and the application of appropriate conditions, the elements of the proposed development which fall within the DCC functional area will not have any excessive or undue impact on the amenities of the area.
- DCC notes that, from an engineering perspective, the proposed works can support the continuation of a direct service from Howth to the City Centre. Reducing this service could lead to a shift away from DART usage, as a shuttle service would introduce inconvenience and additional travel time due to the need for interchange.
- DCC recommends that consideration is given to the creation and expansion of mobility hubs and provision of shared mobility services for interchange at key stations to facilitate ease of access and transition between transport modes.
- There are locations where projects overlap and will be required to take cognisance of one another e.g. Metrolink and Bus Connects. Coordination of timelines and phasing at the implementation stage will be important.
- Appendix A includes Recommend Condition totalling Sixty Seven (67)
- Appendix B includes a List of Significant Planning Applications.

##### **7.1.1.1.1 Environment and Transportation Division**

- Design and Ease of Interchange at Howth Junction & Donaghmede Station
- Development Over Stations and Transport Orientated Development
- Interaction with other Infrastructure Developments
- Interaction with Private Development (and cumulative traffic impacts)
- Public Realm Improvements and Cycle Parking Standards
- Agreement on Access Arrangements for Substation and Temporary Compounds
- Management of Construction Traffic

- Public Lighting at Stations
- Early Consideration of Surface water management
- Risk of Flooding at Tracks where there is deep cutting below ground level.
- Construction and Operation Noise
  - Noise Control Measures for the Clasac Music Centre
  - Noise Monitoring in Zone A.
- Continuation of Liaison between DCC and CIÉ

#### 7.1.1.1.2 Architects Division

- Increased Footfall will require upgrades to Public Realm
  - Lack of Detail on Public Realm Improvements
- The Percent for Art Scheme should be implemented.
- Universal Access and Age Friendly Policy should be implemented

#### 7.1.1.1.3 Conservation & Heritage Division

- It is concluded by the Conservation and Heritage Division that due to the limited works proposed within Zone A of the railway, there will be no impact on the built heritage structures identified within the impact assessment. The Conservation and Heritage Division are satisfied with the quality of the submitted Architectural Heritage Impact Assessment

#### 7.1.1.1.4 Archaeology Division

- The submitted EIAR indicates that the groundworks associated with the proposed Dart + Coastal North route will not impact on any Recorded Monuments or known archaeological features. The Archaeology Section concurs with the archaeological mitigation outlined in the EIAR.
- The appointment of a Project Archaeologist is strongly recommended to ensure the successful delivery of the EIAR recommendations. The DCC Archaeology Section concurs with the proposed methodology for archaeological mitigation as outlined in the EIAR and recommends it be implemented in full.

#### 7.1.1.1.5 Development Management North Central, North West Areas

- The works proposed at this depot include upgrades to platforms, power services, water supply and drainage and will be mainly contained within the existing building and on the track areas adjacent to the building. The external civil works

mainly consist of the upgrade platforms and facilities for drivers and maintenance staff and will not have any visual impact on the character of the area.

- Regarding nighttime works, a Noise Management Plan for the project should be furnished to DCC for review before any nighttime works commence.

#### **7.1.1.2 Fingal County Council**

- FCC welcomes the application for a Railway Order for DART+ Coastal North which is being developed to improve capacity and level of service on the rail corridor between Drogheda, Fingal, and Dublin City through the electrification of the route and various associated infrastructure.
- The DART expansion will serve Donabate, Lusk, Rush, Skerries and Balbriggan which have are being developed and regenerated and will have a significant residential capacity in future.
- High amenity lands adjoining estuaries are designated ecological buffer zones support the estuaries and development is restricted there. These ecological buffer zones function as important feeding/roosting habitat for wader birdlife associated with the estuaries.
- A key area of concern relates to the extensive construction compound proposed within the high amenity lands of 'Racecourse Park'. These lands adjoin the Mayne River which flows into the adjoining Baldoyle Estuary, a designated European site.
  - The FDP 2023-2029 includes protection requirements in relation to the Mayne River notably, Objective IU026 which seeks to establish riparian corridors free from new development along all significant watercourses and to ensure a minimum 10m wide riparian buffer strip measured from the top of the bank either side of all watercourses.
  - Other supportive Objectives includes, Objectives DMS0154, DMS0156, DMS0158 and DMS0210
- Careful balance is required between the need to preserve and enhance the built heritage features on or adjoining the proposed scheme and the provision of this strategic infrastructure. The project should be designed to minimise the impact on the architectural, archaeological, and designed landscape heritage, having regard to the relevant protection and enhancement provisions set out in Chapter 10

Heritage, Culture and Arts of the FDP 2023-2029. A list of protected structures is provided. Conditions could address the following matters:

- It would be desirable that elements of the original design at Balbriggan Viaduct, (or a modern interpretation which addresses Health and Safety requirements), be reinstated to the outer face of the pedestrian railing and form a consideration of the proposed scheme.
- Pedestrian Overbridges Donabate, Rush and Lusk require appropriate aesthetic treatment rather than panelling currently proposed.
- Further consideration should be given to a reduction in the overall scale, massing, and height of the proposed substation building at Rush and Lusk.
- At Malahide, the location of a new signalling and telecoms equipment building should be re-examined and relocated as close as possible to the northern end of the platform, away from the original historic Malahide Train Station building.
- A new rail bridge is proposed to the east of the protected structure (RPS No. 919 Rail Bridge, Clongriffin) (Iarnród Eireann Ref. UBB19) to carry the East Loop Line. Further consideration should be given to ensuring an enhanced fencing design to the protected bridge, in place of the existing palisade fencing proposed for retention.
- The need to minimise the potential for adverse negative impacts of the proposed scheme on existing residential amenity should be carefully considered. Optimum setback relating to construction/substation compounds from existing residential development should be achieved.
- Where the proposed scheme interfaces with existing and new large scale residential development along the route, the need to protect the amenity of these areas and to provide for connectivity to high quality public transport nodes and corridors is paramount.
- FCC seek ongoing engagement in relation to the Fingal Coastal Way, Access to Howth Junction Railway Station, Sutton to Malahide Pedestrian and Cycle Route, school connectivity, the Broadmeadow Way, Donabate Pedestrian and Cycle Bridge, Rush and Lusk Train Station, Balbriggan Urban Regeneration Development, Cave Strand Construction Compound. Skerries Road (Balbriggan) Compound.



- The increased frequency of level crossing closures on the Howth branch line will create delays to pedestrians, cyclists, and motorists on the local road network, including on the proposed Sutton-Malahide Pedestrian and Cycle Route. FCC welcomes any improved coordination of train movements to minimise delays in this regard, and any future consideration of infrastructural interventions at these locations to address connectivity and severance issues.
- Planning permission was granted by The Commission under reference 311315-21 for a comprehensive parkland development incorporating active and passive recreational uses relating to the regional 'Racecourse Park' lands. Consideration should be given in this regard to modifying/reducing the extent and layout of the construction compound to avoid extended delays in delivering the anticipated sports facilities.
- Minimisation of any potential adverse environmental and visual impacts of stations, proposed compounds and substations along the route shall be carefully considered given the sensitive environmental setting of the proposed scheme within the coastal corridor.
- FCC requests the project design progresses in accordance with Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Best Practice Interim Guidance Document, from the Department of Housing, Local Government and Heritage .

#### ***7.1.1.3 Meath County Council***

- MCC supports the delivery of the proposed strategic development with its potential benefits to the region and the County, playing an integral part of the future vision for the wider development of Co. Meath.
- ABP are invited to consider a range of policy objectives in the MCDP as they interact with other plans and programmes such as road projects, a new car-parking facility at Laytown Train Station (OBJ 2 on Zoning Map Objective) , the facilitation of a new train station at Bettystown (OBJ 8) and new walking and cycling infrastructure and traffic calming measures.
- Relevant planning application cited by MCC are set out in an appendix and include North Irish Sea Array which has cables under the rail line, a multi-modal energy port and innovation district at Bremore, and a Section 85 agreement to

provide Active Travel Infrastructure along the R-132, between Drogheda Town Centre and South Gate.

- It is acknowledged by MCC that this a new station at Bettystown does not form part of the current proposal. During meetings with the applicant, MCC advised IE that the location of the proposed substation in Bettystown must not compromise the future achievement of the MCDP objective.
- There are several (c. 12 no.) public rights of way identified in coastal areas of the county adjacent to the rail line. A Geological Heritage Area covers much of this area of Co. Meath along the coast stretching from south of Gormanston to north of Julianstown (MH008 GSI County Geological Site Laytown to Gormanston IGH described as “ Coastal Plains, including sea cliffs – flat to gently undulating glacial outwash plain of sandur gravels”.)
- ABP are advised that the Army Camp runway is located between Chainage 18.18 and 18.19 and may wish to consider any related comments by the Dept. of Defence, DAA, IAA, etc. regarding the OHLE or other works within the application site, etc.
- It is also noted that it is proposed to demolish an existing structure at Ben Head, but no further details are provided. ABP are referred to the comments of MCC’s Archaeologist who noted the lack of a building assessment and mitigation. It is recorded on the 1939 Cassini map. There is a WWII / Emergency Pillbox attached to the Irishtown Bridge ITM 717346, 768200 OBB68 / BH-123 –.
- The Conservation Officer has advised that in order to make an informed assessment as to the effect on the existing Laytown Viaduct Structure, detailed drawings illustrating the proposed method of attaching the new poles to the existing structure is required (with reference to 02-Volume 3B Photomontages - Figure: 15.3.45.2); and notes that plans do not indicate any proposed parapet or viaduct modification works to Gormanston / Knocknagin Viaduct.
- The access road immediately south of the Gormanston / Knocknagin Viaduct is very narrow and hazardous for 2 cars to pass each other. This will have a knock-on effect on construction vehicle access; and a safe road management system will need to be put in place. This area is used by pedestrian and local amenity users accessing Laytown Pitch and Putt Club, Laytown United SFC, St. Colmcille’s GAA Club.

- The area of public open space associated with the Alverno Heights Housing Estate is partially overlooked by apartments in another development (Beach Grove) but is not directly overlooked by the adjacent residential development (i.e. there are no side windows in the adjoining houses). ABP are requested to include conditions ensuring that the public open space is fully restored.
- It is recommended that the impact of construction activities at several locations on existing residences is mitigated by on-site Communications Officer and Complaints Register.
- As per the planning documentation, there are no plans to provide any new lighting along the railway corridor beyond what is listed around the buildings and the depot/ stabling areas. This includes external lighting, sensor illumination of areas in front of entrances during darkness. No new lighting is proposed in the section in Co. Meath. Temporary lighting is proposed to be installed at construction compounds during hours of darkness.
- MCC requests Further Information in respect of:
  - Provisions for Future Train Station at Bettystown.
  - Provisions for Active Travel scheme along the R132
  - Architectural Impact to the Laytown Viaduct Structure and Gormanston/ Knocknagin Viaduct
  - Confirmation of whether the Meath Industrial Heritage Survey was consulted.
  - Other Archaeological Issues
- Section 11 of the report includes twenty-one conditions which MCC seek to have attached to any grant of planning permission.

#### **7.1.1.4 Louth County Council**

No submission was received from LCC initially; however, it did respond to the applicant's response to submissions. This is summarised in Section 7.3.1.2 of this report.

## **7.1.2 Prescribed Bodies**

### **7.1.2.1 Commission for Railway Regulation**

- The Commission for Railway Regulation (CRR) acknowledge the application and will engage with the applicant in accordance with its remit under the Railway Safety Act 2005, as amended.

### **7.1.2.2 Department of Housing, Local Government and Heritage**

#### 7.1.2.2.1 Archaeology

- The Department recommends the attachment of Sample Conditions C4 and C5 as set out in the OPR Practice Note PN03: Planning Conditions (October 2022).

#### 7.1.2.2.2 Nature Conservation

- The DART+ Coastal North Project might result in the increased mortality of otters where they appear to be regularly crossing the Malahide to Drogheda railway line at Kilcrea near Donabate.
- The Department welcomes the proposed provision of the otter tunnel at Kilcrea, as otter field signs on the ground strongly suggest that otters are continuing to divert around the sluice gate over the railway embankment there to move between the Outer Malahide Estuary and the Turvey/Pill Stream.
- It does not appear from the plan of the otter tunnel at Kilcrea that the tunnel's design has in fact taken account that the Malahide to Newbridge Greenway is to be laid out along the inland base of the railway embankment at Kilcrea and so no provision has been made to extend the tunnel under the greenway.
- It is therefore recommended that the Commission should request as Further Information from the applicant an amended design for the proposed otter tunnel to be installed as part of the project proposed in the railway embankment at Kilcrea, Donabate, adjacent to the sluice gate through which the Turvey/Pill stream discharges into the Outer Malahide Estuary; the amended design to provide for access from the otter tunnel on its landward side under the Malahide to Newbridge House Greenway to the Turvey/Pill Stream

### **7.1.2.3 *Fáilte Ireland***

- Work is required to make it easier for visitors to navigate the public transport network. Orientation, including signage, tourist information and integration of ticketing systems/Next Generation Ticketing can make life easy for tourists.
- As an interchange station, the role Howth Junction & Donaghmede Station will be crucial to tourists changing trains at this station to go to Howth. This underlines the requirement to ensure the station is more accessible, user friendly and customer focused station for all rail users including tourists.
- For visitors, changing trains is nothing new and is something that is expected in capital cities. Ultimately from a visitor perspective, their key consideration is that services are both more frequent and more reliable.
- At present, there are a number of different policies around the carrying of bicycles and restrictions depending on the service. Such restrictions and lack of clarity and awareness amongst visitors has the potential to curtail the growth potential of this sector. As most visitors to Dublin do not have their own bikes, there is an opportunity to enhance the provision of shared bike schemes at relevant stations as part of DART+ where appropriate. This is important for DART+ North given the development of Broadmeadow Way, Fingal Coastal Way and the Boyne Greenway.

### **7.1.2.4 *Health Service Executive***

- The National Environmental Health Service (NEHS) is satisfied that the EIAR provides an adequate description of the proposed project, the potential impacts on human health.
- The NEHS emphasises the need for people to have access to a feedback mechanism where feedback including complaints are received and acted upon by a designation person/liaison within the proposed development. This feedback mechanism is recommended to be in place during all phases of the proposed development but primarily during the construction phase.
- The NEHS recommends that the mitigation measures described under Section 11.8.1.1 (groundwater quality), Section 12.6.1.3 (transport emissions), 13.6.1 and 13.6.2 (climate), section 14.6 (noise and vibration), Appendix A12.1 (dust), Appendix A5.1 (CEMP) of the full EIAR are adopted as minimum conditions of planning to protect

- Additional measures could be adopted to further reduce emissions and support healthy place making. One area to examine is the possibility of using low emission vehicles such as battery electric vehicles. Another area to include is to support sustainable and active travel modes by providing access to other public transport services adjacent to stations and to provide secure bike/scooter parking for those preferring to use active modes of transport.
- It is recommended that a Pest/Vector Control Plan is incorporated into the Design, Construction and Operation of the Proposed Development in the context of Integrated Vector Management to prevent vectors from breeding in the first place to measures that protect population health.

#### **7.1.2.5 Inland Fisheries Ireland**

- A comprehensive and integrated approach for achieving estuary and river protection during construction and operation should be implemented through environmental construction management planning. The disturbance of riparian habitats should be minimised. An undisturbed buffer zone between development areas and riverbanks should be maximised.
- Other recommendations and observations related to water include:
  - toolbox talks and familiarisation of construction personnel with mitigation measures to prevent water pollution.
  - attenuation measures for silt and petrol interceptors, constructed wetland, swales and other nature based solutions.
  - no direct pumping of contaminated water from the works to a watercourse at any time.
  - surface water outfalls to any watercourse must have detail design and subsequent method statements submitted to IFI for approval.
  - no deleterious material to discharge to any watercourse. Crossings of watercourses should ideally be by directional drilling and subject to an agreed method statement with IFI.
  - the receiving foul and storm water infrastructure should have adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters.

- An agreed detailed design must be sought with IFI for the culvert extension and new bridge over the River Mayne.
- it is recommended that the "Guidelines on Protection of Fisheries during construction works in and adjacent to waters" (2016) and the revised "Planning for Watercourses in the Urban Environment" be consulted particularly in the vicinity of surface water features.
- a suitably qualified Ecological Clerk of Works (ECoW) should be appointed to oversee the construction phase. IFI must be included in an Emergency Response Plan as a notifiable body.
- ongoing aquatic ecological monitoring both during construction and operational phases should be implemented.

#### **7.1.2.6 National Transport Authority**

- The DART+ Programme, of which DART+ Coastal North is a component, is a specific objective of Government, as expressed by, inter alia, the following: Action TR24/12(TF) of the 2024 Climate Action Plan; National Strategic Outcome 4 of the National Development Plan, which provides for DART+ as a Strategic Investment Priority; and Measure RAIL1 of the Transport Strategy for the Greater Dublin Area 2022-2042. It is also reflected in the All-Island Strategic Rail Review
- The Avoid-Shift-Improve and Compact Growth (incorporating Transit-Oriented Development) principles are embedded within the National Sustainable Mobility Policy (NSMP) and NPF, respectively. DART+ Coastal North, by providing for a significant uplift in public transport capacity, will facilitate a move towards more environmentally friendly public transport and to the reduction in carbon emissions from transport;
- The NTA is satisfied that the Railway Order as submitted to the Commission has considered the available alternatives, the views expressed during the non-statutory consultations and represents the appropriate approach to serve the existing and future communities along this corridor.
- The proposed works maintain the necessary infrastructure to provide direct services between the city centre and Howth and the city centre northwards to Malahide and Drogheda. Any future changes to service patterns and timetables will be considered through the annual timetable change.

#### **7.1.2.7 Office of Public Works**

- The OPW has identified several properties along the rail line and seeks to ensure the protection and preservation of those critical State properties, historic/national monuments, and the continuity of State business throughout the project. The properties include critical emergency services like Garda Stations within 250m of the rail line.
- Where development occurs in the vicinity of an arterial drainage scheme at Balbriggan, continued access is required by the OPW for maintenance. Development should not interfere with drainage works/flood relief works maintained by this office such as channels, embankments, walls etc. OPW requests that a 10 - metre wide strip measured back from the top edge of the bank be retained adjacent to arterial drainage scheme channels to permit access for plant and maintenance. This strip should not be fenced, paved, or landscaped in a manner that would prevent access by plant machinery.
- They would welcome the opportunity to present to an Oral Hearing, should the Commission deem it appropriate.

#### **7.1.2.8 Transport Infrastructure Ireland**

- TII are concerned that it does not appear that the submitted application includes appropriate identification and treatment of the Dublin Tunnel below proposed works area, nor the undertaking of an assessment in accordance with the requirements of the Policy SMT31 of the Dublin City Development Plan 2022-2028. It is also noted that a proposed CEMP in Appendix A5.1 and Chapter 27 of the submitted EIAR does not appear to include the required details for the mitigation of potential impact on the Dublin Tunnel.
- TII recommends a condition requiring the CEMP and CTMP to be agreed with TII should be applied in the event of the approval for this proposal in the interests of the protection of the safety, capacity, and efficiency of the national road network.

#### **7.1.2.9 Uisce Éireann**

- There is potential that works are required to facilitate the diversion of Uisce Éireann assets on third party lands. Easements to allow Uisce Éireann access to assets must be in place before diversion agreements can be finalised.



- New connections to public wastewater infrastructure required for three substations at North Skerries, Gormanston and Bettystown, Iarnród Éireann is required to enter into a connection agreement(s) for these connections prior to the commencement of development.
- Uisce Éireann notes the linear works occurring within a length of existing track in close proximity to Uisce Éireann's Barnageeragh water abstraction point. The development shall not impact any Drinking Water Source and/or waters used for the abstraction of drinking water nor cause any deterioration in quality during the construction and operational phase of the proposed development.
- Uisce Éireann recommends a condition requiring prior agreement in respect of diversions, easements and connection agreements in order to protect existing and proposed public water and wastewater infrastructure.

### **7.1.3 General Observations**

#### **7.1.3.1 Donaghmede, Bayside, Baldoyle, Sutton and Howth**

##### **7.1.3.1.1 Direct Services to and from Howth**

The primary issue raised in the majority of submissions is the loss of direct services to and from Howth Station from Howth Junction & Donaghmede Station. A trip between the city centre and Howth Station would require the user to change trains at Howth Junction & Donaghmede Station and use a shuttle service from this point. The direct service is considered convenient and vital for the communities of Bayside, Baldoyle, Sutton and Howth. The changes to the current services give rise to related issues including:

- **Frequency of Direct Services.** It is noted that Irish Rail have failed to provide adequate timetabling of services and changes in the services has a significant impact. This is clearly evidenced in service issues of September 2024. It is also noted that there have been increasing services in comparable networks like Cork which maintains direct services on the Cobh branch.
- **Overcrowding of Services.** The service is already overcrowded, and service changes will only exacerbate the situation and result in inconvenience and a reduced availability of seating on services.

There are a number of environmental considerations also as a result of the proposed changes to services, including:

- **Impact to Traffic and Transport.** The proposed change to an indirect service will result in an increase in people using private transport such as motor vehicles. There will also be significant impact as a result of the increased level crossing closures. Both these factors will conflate and make worse an area already congested with traffic, particularly at peak times and during the summer. This traffic impact would also impact on the bus services in the area also, given there is limit bus lane infrastructure. Several submissions query the traffic modelling data provided by the applicant given it is 3-4 years old and has selective sampling times. It does not factor in population increases in the area as well as the traffic patterns during weekends when tourists travel to the area. The public consultation indicated strong negative sentiments towards the proposed arrangement for the Howth branch and a likely increase in car use.
- **Impact to Human Beings (Access).** No consideration of increasing population in the area. Several new sites at Techtrech Site, Baily Court, Santa Sabina, Deerpark and Edros are cited, among others. Observations state that the applicant fails to factor in new developments planned and underway in Baldoyle, Sutton and Howth and the requirement of many to commute to the city centre for work, education and retail purposes.
- **Impact to Human Beings (Retail and Tourism).** As a result of the reduced service to Howth and related traffic impacts, there would be a significant impact to retail at Bayside, Baldoyle, Sutton and Howth. Howth is also a significant tourism destination for domestic and international visitors and benefits significantly from a direct service.
- **Impact to Human Beings (Property).** The removal of a direct services would have a direct impact on value of property in the areas of Bayside, Baldoyle, Sutton and Howth which currently benefit from a direct service.
- **Impact to Cultural Heritage.** There has been a direct service to Howth Station since 1847 and there is a historic and cultural heritage related to it. The removal of the direct service would significantly alter this.
- **Impact to Air & Climate.** As a result of the significant impacts in terms of traffic and transport, there would be a resultant increase in emissions as a result of

congestion and car idling. This is not consistent with climate and transport policies. It is noted in Appendix A3.2 PC2 Findings Report that 77% of respondents would not be encouraged to use the service, were it changed as proposed.

Overall, the submissions seek a condition to the grant of any planning permission that a direct service to Howth Station be maintained now and at all times in the future. It also points out there is precedent for such conditions in relation to restrictions on service, most notably at Dublin Airport for the second runway. It is requested that the Commission not only concern itself with the infrastructure but also the operational matters such as timetables, passenger numbers etc.

In examining the proposals, submissions cite documents from the European Union Agency for Railways titled *European Rail Traffic Management System (ERTMS)* and UNIFE (the Association of the European Rail Supply Industry) titled *Increasing Infrastructure Capacity*. These times of 1.62 minutes between intercity trains can be achieved with investment in modern signalling technology and automated train technology. This would result in 37 trains per hour being achievable on the DART line.

The JASPERS review of "Electrification and Upgrade Of TEN-T Network in Greater Dublin Area" is ongoing. This review should form an important part of the decision-making process. It has the goal of reviewing "the project material as reported in the DART Expansion Programme Business Case and other background material and provide independent technical commentary on the project development". It is difficult to understand how a decision has been taken to proceed and request permission when this review is not complete.

The submission refers to case studies on the London Central Line operated by Transport for London which achieves 34 trains per hour at max peak and up to 30 trains per hour generally. The observer is of the view that there are clear comparisons between the London Central Line and the DART line as they are both twin track systems with similar density of stations. On this basis there is availability on the line to continue the direct service to Howth.

For convenience and to ensure the Commission have full sight of the issues raised, an extract of a typical submission received on issues on the Howth Branch is found in Appendix A.

#### 7.1.3.1.2 Level Crossings

There are four level crossings between Howth Junction & Donaghmede Station and Howth Station.

- Level Crossing Gates at Baldoyle Road, Sutton (XQ001)
- Level Crossing Gates at Station Road, Sutton (XQ002)
- Level Crossing Gates at Lauder's Lane, Sutton (XQ003)
- Level Crossing Gates at Howth Lodge, Howth (XQ004)

As a result of the proposed changes these will be closed for longer. The proposed shuttle services would result in the level crossing being closed for a minimum of 30 minutes of every hour. This will impact on traffic and transport, particularly on adjoining roads. There is also an impact to emergency services which need to access the Bayside, Baldoyle, Sutton and Howth.

The operation of level crossings has been oversimplified by the applicant and are often affected by the broader social and environmental impacts such as level crossing strikes, weather, operational errors which affect services and in turn broader interactions with other transport modes.

The access to several locations is specifically cited including:

- Warrenhouse Road and Baldoyle Road (XQ001)
- Station Road, Sutton and surrounds (XQ002)
- Sutton Golf Club, Burrow Beach and Claremont Road (XQ003)
- Howth Lodge (XQ004)

The increasing closure of level crossings will directly impact the residential amenity of residents who live in proximity to them and in certain cases where there is no alternative access, affect their quality of life.

It is also suggested that during the operational phase, the applicant will find it cannot facilitate the service promised as a result of wider traffic impacts and they will simply reduce the service frequency to Howth. This negates all purported benefits of the proposed scheme as currently presented.

It is also cited by several observers that the increased level crossing closure affects their fundamental rights to freedom of movement, which are affirmed in the Universal Declaration of Human Rights and further underscored by European Union laws (EU Maastricht and Lisbon Treaties).

#### 7.1.3.1.3 Facilities at Howth Junction & Donaghmede Station

While the majority of submissions are opposed to changing over and the use of a shuttle generally. There is specific concern about using Howth Junction & Donaghmede Station. There are a range of concerns about Howth Junction & Donaghmede Station, including:

- Poor design of the proposed station
- Poor existing and future accessibility for disability users and continual operational lift issues
- High levels of anti-social behaviour in the area
- Poor shelter and exposure to weather

It is the view that the planning and design of station facilities currently fall short of expectations set out in the All-Ireland Rail Review.

It is also noted that there is existing signalling and cross over at Howth Junction & Donaghmede Station to facilitate a six car train in turning back.

Overall, the submissions question the justification for proposed development at the station. It is considered to be a waste of public finances and maintaining direct services to Howth Station would be more cost effective.

#### 7.1.3.1.4 Reasonable Alternatives

It is the view that alternative solutions have not been sufficiently examined by the applicant, including:

- There should be an examination of journey speed and overall passenger convenience rather than solely focusing on increasing frequency.
  - The increased journey times and change over at Howth Junction are assumed to be an acceptable solution with no real assessment.
  - Other criteria should be examined and given equal weight including punctuality, ease of transfer, and overall travel experience for all users.

- This is particularly in the context of assumptions about population increases, which do not adequately consider changes in post-COVID travel behaviour. It is considered that models are utilising data that appear to be more applicable to other countries rather than Ireland.
- The traffic studies did not include a figure for tourists coming to Howth every year which was estimated to be greater than 1m people.
- The primary focus of the alternatives was to prioritise services to Drogheda (urban services) and Belfast (regional service) at the expense of the Howth Branch. There is no basis for this imbalance in approach given increasing populations in Howth area.
- The development of two additional tracks along the current mainline would facilitate additional services and remove congestion on the line by separating commuter and intercity services. This additional track capacity would surely mean there is no requirement to remove direct DART services from Howth, Sutton and Bayside.
- The operational ability of Irish Rail to implement the chosen alternative is questioned given it has not been tested. The timetable is ambitious with little margin for error in terms of delay on the lines. Irish Rail's attempt to change timetables in September 2024 highlights the operational challenges.
- There is no consideration of freight transport and its integration into passenger services, despite its recognition as a priority by the Irish government and the need for enhancing rail freight capacity as indicated in the All-Ireland Rail Review.
- There has been no examination of an overhead (stacked) rail line or underground service to facilitate frequency and avoid impact to Howth services.

### **7.1.3.2 Drogheda**

#### 7.1.3.2.1 Residential Amenity

There are submissions from several residents who live in proximity to Drogheda Station. This includes:

- Weavers Way
- Railway Terrace, Drogheda

The primary concern is in relation to residential amenity and the resultant impacts during construction and operation of the proposed development.

This is particularly acute at Railway Terrace, Drogheda where they will be located in proximity to operational elements. The proposed changes will affect their quality of life. There is concern about noise and light disturbance and reduced privacy as a result of the:

- Train Cleaning Equipment,
- Platform 4 and Concourse
- Earth Bund adjacent to Service Depot
- Removal of Existing Landscape Features and Hedgerows

#### 7.1.3.2.2 New Station at Drogheda (North)

One submission queries why the scheme does not extend to the northern side of Drogheda and include for a new station and associated facilities to serve a growing population.

#### 7.1.3.2.3 General Issues

There is a general issue raised about the consultation and engagement phase which the observers considered a tick box exercise, and the submissions made during this phase have not been reflected in the final proposed scheme. It is considered that the applicant is suffering from groupthink.

### **7.1.4 Specific Observations (on lands)**

#### **7.1.4.1 Baldoyle and Clongriffin**

##### 7.1.4.1.1 Xeolas Pharmaceuticals Limited

- In preparing the EIAR the selection process was flawed in so far as the ownership and use of the site by Xeolas was not considered or assessed and the occupation and use of the site by Xeolas was not properly interrogated or reviewed. This is especially concerning given the adjoining property is State owned and substantially underdeveloped and could presumably be utilized in a much less impactful manner.

- There will be an impact to deliveries, staff parking, site security, fire protection. The impact of the proposed acquisition will potentially result in the forced closure of a significant employer in the area and a multimillion cost to DART North.
- It is the view of Xeolas that there are suitable alternative sites which could be used for the temporary compound etc required for the project, including adjoining lands which are undeveloped and would also benefit from adjoining the existing rail-line.
- Xeolas request that The Commission direct that the Xeolas lands (property reference numbers: 5005 T.1 (A), 5005 4T.1 (A), 5005 4T.5 (A)) are omitted from the Railway Order and that alternative sites be considered for the facility required.

#### *7.1.4.1.1 Applicant's Response*

- The DART+ Coastal North Project team acknowledges a lack of consultation with Xeolas Pharmaceuticals in advance of the Railway Order Application, during the design development phase. This is a result of changes in ownership. The extents of impact on Xeolas lands have been minimised to limit the level of impacts during the construction period when temporary land use will be required.
- The Applicant notes that at the time of the assessment and submission of the Railway Order application, it was not aware of the purchase of the site by Xeolas. While they are aware, since engaging with Xeolas, that it has future investment plans for the site, the assessment of effects remains the same.
- A minimum width construction access is proposed to allow for site access for wide loads. This would be required over a 3-month period and the future DART+ Coastal North contractor shall adhere to agreed restrictions on access through Xeolas property and meet all Xeolas requirements to ensure Xeolas continue to meet their own security and other regulations.

#### *7.1.4.1.2 Monobrio DAC*

- The design of the interface at Clongriffin Station with Project Shoreline has developed through this ongoing engagement and considered the scenario where DART+ Coastal North is constructed post-development of Project Shoreline, which may not have been reflected clearly in the lodged planning documentation.
- It is requested that the findings and agreements of a close out meeting (included in Appendix A of the submission) with specific reference to Section 4 ' Final



Design and Recommendations' is considered and encapsulated in the permitted scheme and planning conditions if the development is so permitted.

#### *7.1.4.1.2.1 Applicant's Response*

The DART+ Coastal North Project team appreciates the engagement and regular communications with the registered landowner, Monobrio DAC, and acknowledges the agreements that have been reached as summarised in the memorandum included in the submission to the Commission.

#### **7.1.4.2 Malahide**

##### 7.1.4.2.1 Malahide Marina Village Ltd.

- Confirms support and agreement for the proposed project provided that: compensation payment is agreed prior to commencement to cater for all damage, disturbances, disruption and inconvenience caused and that any and a restoration works are carried out or compensated for on completion of the project.

##### 7.1.4.2.2 Marina Village/Bissett's Strand Residents (incl. Stephaney Bissett,

Karen Brown, Mary Theresa Cleary, Thomas McCarthy Des and  
Sharon Stone

- These proposals for the turnaround facility at Malahide, as currently laid out, will have a significant and direct impact on property owners backing directly onto the railway line and other residents facing the tracks and would include visual and residential amenity, health and safety, noise and vibration, air quality, property values,
- Option 5A (Central Turnback south of Donabate) should have been a viable option but failed to move to the short list of options considered. Residents still do not understand why CIÉ would impact the community versus a green field area that would have limited impact on any existing residents.
- Wider impacts to Malahide have not been considered including impact to emergency services, businesses and other activities, Malahide Estuary SAC and other ecological receptors, existing residential park and bin collection. The proposed access point to the temporary compound west of rail is not sufficient for the safe access and egress of equipment etc.

- IR refused request for a blended in-person/online meeting in January 2024.

### **7.1.4.3 Donabate**

#### 7.1.4.3.1 Cairn Homes Properties Ltd

- These lands are subject to extant planning permissions under FCC Reg. Ref. F20A/0204 (ABP-308446-20) and LRD0017/53 for a total of 1,074 no. residential dwellings, associated local facilities, site and development works. Development has commenced in respect of FCC Reg. Ref. F20A/0204 (ABP-308446-20) and commencement under LRD0017/S3 is imminent.
- It is requested that further clarification is sought from the Applicant to establish the nature and extent of works proposed and the impact on the landholding and the implementation of permitted development (LRD0017/53).
- The permanent Right of Way (Ref. 5015.4T.2(A)) traverses the access road from New Road and runs the full extent of the permitted Linear Park to the north of the site. The Temporary Possession land acquisition (Refs. 5015.T.2(A) and 5015.T.7(A)) run through rear gardens and house footprints (permitted under the LRD permission) and the footprint of Apartment Block 4 as (permitted under the Phase 1 permission).
- As such, the proposed diversion works, and the proposed easements that facilitate the works, do not now require to be included in the Railway Order. Accordingly, there is no requirement for any interest to be acquired by CIÉ in order to carry out the identified works required as part of the Railway Order.

##### *7.1.4.3.1.1 Applicant's Response*

- The Applicant has reviewed the Railway Order application and identified a typographical error in the Works Layout references, which were incorrectly listed as 12/1 and 12/2. The correct reference should be 11/2, and the Applicant now seeks to rectify this inadvertent error.
- Schedules DCN.5015.T.7(A), DCN.5015.T.2(A), and DCN.5015.4T.2(A) relate solely to the decommissioning and removal of the existing overhead MV power line, with no future works or access requirements anticipated (referenced as 11.14 on Works Layout Plan 11/2) once the works are complete. These works are essential to support railway electrification.

- Having further investigated the matter, the Applicant now confirms that the proposed connection to the existing ESB network is located outside lands under Cairn Homes' control. As a result, the referencing of Schedules DCN.5015.T1(A) and DCN.5015.4P.1(A) was incorrect and should not have included the applied buffer zone slightly overlapping with Cairn Homes' lands. The Applicant agrees to remove these schedules and proposes to correct this error in the Book of References – Schedule 1.
- Schedule DCN.5015.PA.1(A) is required to acquire airspace necessary for the OHLE wire. The Applicant has verified the boundaries for LPID 331 on Land Direct, confirming their accuracy, as shown below.
- The Applicant is committed to collaborating with Cairn Homes (CH) and working collectively with ESB to facilitate both the DART+ Project and the associated development plans.

#### **7.1.4.4 Lusk and Rush**

##### 7.1.4.4.1 Alcove Ireland

- Seeks relocation of the OHLE maintenance compound which is currently proposed at Rush & Lusk station. No alternative locations appear to have been considered for the OHLE compound. Alcove have identified numerous alternatives.
- The electrical substation should be relocated to the west of the railway line where there are at least two alternative locations.
- No consideration given to impact to long term development potential of Alcove Lands. The CPO of all the lands at the R128 will compromise all potential. The proposed entrance to the R128 has not been properly considered or consulted on.
- The manner in which CIÉ propose to locate an OHLE maintenance compound at Rush & Lusk station by compulsorily purchasing the entire AITL road frontage would undermine the objectives of the County Development Plan by precluding the sustainable use of the adjoining holding for many of the uses for which it is currently zoned.

- A Transport Orientated Development Report is appended to the submission which identifies Rush and Lusk Station area as having potential to provide significant development and need to be safeguarded.

#### *7.1.4.4.1 Applicant's Response*

- The Applicant notes that to enable transit-oriented development, you must first put the public transport infrastructure in place. A clear objective of the DART+ Coastal North Project is to increase the capacity and frequency of service.
- OHLE maintenance compound needed to be included in the DART+ Coastal North Project at an appropriate location. Given the location of Rush/Lusk substation and the fact that it is located within CIÉ lands, the OHLE maintenance compound was located at the substation site.
- Accommodations have been made in the design of the access to the Rush & Lusk Substation and OHLE Maintenance compound to ensure that continued access to Station Road can be achieved via a shared access, subject to an agreed right-of-way, should the need arise in the future as part of any future planning application by AITL.

#### **7.1.4.5 Skerries**

##### 7.1.4.5.1 Land Development Agency (Lands at Hacketstown)

- The LDA was granted a 10-year planning permission for 345 no. residential units (39 no. houses, 306 no. apartments), creche and all associated site works on 21 March 2023 (Ref: TA06F.313268). Works are expected to commence on site in Q1 2025.
- Concerns regarding the location of proposed temporary compounds at Hacketstown and the potential conflict with permitted residential development at this site.
- The LDA respectfully request that the following condition is included: Prior to the commencement of development, the developer shall, in consultation with the relevant landowners : A) relocate, and/or resize, the proposed temporary compound, Works No. 15.13, so as not to impact the delivery of permitted residential development at this location; B) agree a timeframe for the utilisation of lands at Hacketstown for a temporary compound and easement (DCN.5022.T. 1 (A) and DCN.5022.4T. 1 (A)) C) amend the location of the permanent easement,

DCN.5022.4P.1 (A), so as not to interfere with permitted residential development at this location. This easement should be proposed at a location that remains publicly accessible and does not prevent the delivery of residential units.

#### *7.1.4.5.1.1 Applicant's Response*

- The temporary compound CC-23772 (W) referenced 15.13 on the Works Layout Plan 15 is required to divert the existing MV overhead power line under the railway at this location. The size and location of the compound has been carefully considered by the Applicant and is critical to facilitate the electrification of the railway.
- The Applicant acknowledges the importance of aligning the MV line diversions with the approved development plans and will continue to work closely with the LDA to deliver the DART+ Project while supporting the successful implementation of the site's road and infrastructure layout.

#### *7.1.4.5.2 Carmel Dowling, Teresa Dowling and Mary MacLoughlin*

- Concerned that the acquisition of the lands and the associated works and development will adversely affect traffic safety in the area and would disproportionately impact on their property rights, will diminish the value of their property and is contrary to proper planning and sustainable development where it will give rise to traffic hazards and arguable contravenes the site's zoning objective. Land take and/or works is greater than that what is required.
- There is no community need justifying the acquisition, rights of way and substation location of a temporary right of way on the lands that will serve to impede, for an unknown period of time, access from the dwelling to the field behind the dwelling.
- It is unclear if the development of a substation on 'RA' zoned lands to the immediate north of the lands, upon which the development of 'Utility Installations' is 'Permitted in Principle', was considered as an alternative to the compulsory purchase of the lands in question.
- The lands which are to be permanently acquired are zoned as GB (green belt) in the Fingal County Development Plan 2023-2029 the object of which is: " Protect and provide for a Greenbelt ". The development of a large concrete/cement rendered metal roofed sub-station surrounded by fencing does not protect and

provide for a greenbelt. The development of a substation is not listed as a 'Permissible in Principle' use in the zoning matrix for GB zoned lands.

- it is unclear how the development of a new permanent access point to the Golf Links Road to GB zoned lands is consistent with Development Plan objectives including objective SPQH069.

#### *7.1.4.5.2.1 Applicant's Response*

- The remaining triangle of land in the northeast corner (approx. 600m<sup>2</sup>) was requested by the Applicant to be included in the CPO as the size and shape of the remaining land was no longer suitable for agricultural use. The Applicant has ensured that the extents of land included in the CPO are the minimum necessary to accommodate the works required for the DART+ Coastal North Project and mitigate impacts on the landowner.
- The plans also include flexibility to allow for projects of strategic importance or developments that meet overriding public need. The substation does not contribute to urban encroachment or unrestricted sprawl, as it is essential public infrastructure, not a residential or commercial development. The submission references RA-zoned lands to the north, where "Utility Installations" are permitted in principle.
- Risks related to traffic have been proactively addressed through site-specific strategies. The South Skerries Substation construction incorporates measures to safeguard local traffic conditions, including managing heavy goods vehicle (HGV) movements and temporary access routes (Refer to Section 5.3.13, "Construction Traffic Management Plan," and Section 5.6.6, "Skerries South Substation," of the EIAR).
- The temporary right of way is a necessary and strictly time-limited measure to facilitate the construction of the permanent access at South Skerries Substation. The anticipated duration of works in this location is 3–6 months, after which the temporary right of way will no longer be used. The Applicant remains committed to minimising disruption for the landowner and the local community and ensuring timely completion of the works.
- While the permanent access point directly adjoins the Golf Links Road, constructing this access without temporary reliance on the laneway would require extensive road closures and significant traffic management measures. These

disruptions would disproportionately affect local traffic, including residents and St. Michael's School traffic. The temporary right of way ensures a safer and more efficient construction process, balancing the operational requirements of the Project with the needs of the local community.

#### **7.1.4.6 Balbriggan**

##### 7.1.4.6.1 BH Imports Ltd.

- The proposed development materially contravenes the following policies and objectives, names Policy EEP23, Policy EEP24, Policy EEP28, Policy EEP29, Objective EE063 and Objective EE078, which are intended to support sustainable farming, and to prevent inappropriate development in the rural areas of Fingal.
- Option 3 with respect to the substation north of Balbriggan on the objector's lands represents a material contravention of the HA Zoning, in the Fingal Development Plan, 2023-2029, in that the uses proposed, i.e. substation (being storage of plant/light industrial); road (being asphalt) and compound (being a yard/depot) are included in the not permitted uses of the Zoning Matrix.
- The proposed development materially contravenes the following objectives, names Objective GINH056, Objective GINH058, Objective GINH060, Objective GINH061, Objective GINH073, or Objective SPQH091 , and Policy GINHP21 , etc .
- The EIAR and NIS are inadequate due to sparse and incorrect data analysis regarding Mr. Bell's lands, resulting in an adverse impact on biodiversity, and protected and endangered species, including Curlews, Lesser Black-backed Gull, Common Tern, Arctic, Yellow hammer, Linnets.
- There would also appear to be certain failures in respect of obligations under Schedule 5, Wildlife Act, 1976, as amended,
- Inadequate consideration of Alternatives (in the EIAR) – regarding the proposed substation, compound and road. Lack of a detailed Landscape & Visual Impact Assessment and adverse impact on designated views, High Amenity zoned lands, and associated 'exceptional landscape'.

#### *7.1.4.6.1.1 Applicant's Response*

- The agricultural assessment has assessed the nature of farming on Mr Bell's land parcel and has assessed the impacts. It is the professional opinion of the author of the assessment in the EIAR that the tillage enterprise is a medium sensitivity receptor and that the residual effect is adverse but not significant.
- The High Amenity zoning seeks to protect and enhance sensitive landscapes while allowing limited and appropriate development that supports regional and national objectives. The substation meets strategic infrastructure needs as a vital component of the electrification of the DART line and has undergone a detailed optioneering process.
- This development is not a material contravention of the Development Plan but rather a strategic enhancement of sustainable public transport infrastructure, in keeping with the overarching goals of FCC's policies.
- The Applicant firstly notes that a robust biodiversity impact assessment for the Proposed Development has been undertaken and is presented in Chapter 8 Biodiversity of the EIAR.
- Mitigation is proposed to include for pre-confirmatory checks to be carried out within all areas of suitable badger habitat within 12 months prior to construction works.
- In specific response to those policies identified as being in material contravention (Policy EEP23, Policy EEP24, Policy EEP28, Policy EEP29, Objective EE063 and Objective EE078), the Applicant notes that the proposed substation, essential for the electrification of the Northern Line as part of DART+ Coastal North, aligns with the principles of balanced development as outlined in the cited policies.
- With the full implementation of the mitigation measures described in the EIAR biodiversity chapter and NIS as appropriate, that there is no significant impact on local bird species, either breeding or wintering birds.
- Section 3.5.2.5 presents the three options that were considered for the location of the Balbriggan substation. All three options passed preliminary sifting and were taken forward to a Multi Criteria Assessment (MCA).



#### 7.1.4.6.2 O'Dwyers GAA

- The population of Balbriggan due to increase in the current development plan. Current planning applications can cater for approximately 6097 people. The club could grow by 10-15% year on year as a result.
- O'Dwyers will shortly be moving into the new clubhouse and grounds located at Bremore which are adjacent to the proposed access road (item no.17.24) for the electrical sub-station (item no.17.25).
- The plans for Bremore Regional Park will impede the expansion of the club to the south. Expansion northwards will not be possible if the access road is constructed as currently proposed.
- Request from the club is that the access road and substation are moved northwards by a distance of at least 200 m to allow O'Dwyers to acquisition land and locate 3 no. future full size GAA pitches linked to and accessed from their current lands.
- If the sub-station must be located as currently proposed, O'Dwyers would ask that the access road is re-routed to run parallel with the railway line for 200 m northwards and then run west to meet the R132.
- Should the proposal for the access road and compound border O'Dwyers land / future lands they would need to have a level of agreement for access to retrieve sports equipment.

##### *7.1.4.6.2.1 Applicant's Response*

- Moving the access road by 200 m to the north as proposed in the submission would introduce a more impactful and costly design over that which has been included in the Railway Order application. Should O'Dwyers GAA Club seek to expand in future, the Applicant is open to discussing solutions that work for both parties, including potential access road crossing points, as may be appropriate at that time.
- In the event that The Commission is to grant approval to the Railway Order Application, and the Project progresses, the Applicant is open to discussing arrangements for access to retrieve sports equipment, noting that some restrictions may apply given the nature of the access road and its intended purpose.

#### 7.1.4.6.3 Balbriggan Football Club

- It is noted that there is no land acquisition is required from Balbriggan FC either temporary or permanent and they trust this situation will not change without prior discussion and agreement with representatives of Balbriggan FC.
- It is also noted that on 'Server Map Plan No. DCN-SM-001117-5028' there is an area of land marked as a 'right-of-way to be acquired'. There is currently a pedestrian walkway which is used by people to access Balbriggan FC. It is expected a replacement footpath will be provided.

#### 7.1.4.6.4 Keith Ryan

- The owner/occupier objects to the use of his property or accessway. It is the only access and there are health safety concerns including access for emergency services. Details are not sufficiently detailed and construction phase of ten years is too long.

##### *7.1.4.6.4.1 Applicant's Response*

- Section 17.7.1.2 of Chapter 17 of the EIAR includes measures to mitigate the impact of the proposed Project on access to property during the construction phase.
- A partial road closure is required to facilitate the works and access for emergency vehicles will be maintained throughout.
- The Applicant acknowledges this inadvertent error when referring to "Works Layout Drawing No 17/2. The correct reference, relevant to the location of the submission, is "Works Layout Drawing No 17/1" and the Applicant now seeks to correct this.
- The articles of the Draft Railway Order for the Proposed Development are written so as to ensure that all aspects of the Project proposals are described in a sufficient level of detail to avoid confusion.

#### **7.1.4.7 Bettystown**

##### 7.1.4.7.1 Greenwalk Homes Ltd.

- It is requested that any grant of permission for the proposed undergrounding works be appropriately conditioned to have regard to the future road network

layout on the objector's site as may be permitted, under a live planning application on the site (i.e. MCC Reg. Ref. 2460334)

- It is requested that the Commission seek the introduction of a station at Bettystown by way of requesting further information from the applicant to amend the given proposals to include same.

#### *7.1.4.7.1 Applicant's Response*

- The Applicant acknowledges the concerns raised by Greenwalk Homes Ltd and reaffirms its commitment to collaborate with the developer to ensure the proposed undergrounding works are appropriately integrated with any approved development plans for the site. At the time of submission, no planning permission for the Proposed Development on Greenwalk's site had been granted.
- The delivery of new stations is not included as part of the DART+ Coastal North Project which will, if required, be progressed by Iarnród Éireann as separate projects. The DART+ Coastal North Project does not preclude any future development of any potential new stations, such as that proposed at Bettystown in the East Meath Local Area Plan, along the Northern Line.

#### **7.1.4.8 Drogheda**

##### 7.1.4.8.1 Conor Rock

- It is requested that Mr Rock be permitted to access Dublin Road via the existing Irish Rail maintenance depot entrance from McGrath's Lane and route through the railway station for the duration of the construction phase. A condition requiring same attached previously to Ref: PL54.123480)
- It is also requested that the temporary access arrangement to Marsh's Road be maintained permanently also post construction. It is also requested that access is provided at Dublin Road via the existing Irish Rail maintenance depot entrance from McGrath's Lane and route through the railway station for the duration of the construction phase.
- It is submitted that appropriate mitigation measures are included in Chapter 22 of the EIAR to make specific reference to Chanticleer to ensure no significant negative direct or indirect impacts arise from the operational phase of the proposed development.

- On the basis of the potential hazard that the presence of the tree belt could present to the substation, it is requested that Irish Rail facilitate the removal of a section of trees at the western perimeter and the construction of a 2 metre high block wall along the length of the perimeter. There is concern about the 'work package area' for the ESB Substation to the west of the property.
- Due to its proximity, there is concern regarding the potential for impact from electromagnetic fields (EMF). No survey was undertaken in relation to the proposed substation north of Drogheda (MacBride). It is requested that appropriate mitigation measures make specific reference to Chanticleer.
- It is submitted that Irish Rail provides comfort to the objector that the proposed permanent acquisition of land parcel DCN.5038.P.14(A) and temporary acquisition of land parcel DCN.5038. T.14(A) will include a replicated and appropriately landscaped approach to Chanticleer on McGrath's Lane to maintain the amenity and attractive appearance to the property currently existing.
- It is requested that owing to the scale and volume of works proposed to be undertaken over a construction phase of at least 3 years in close proximity to his property, an air quality and dust monitoring station be placed within the boundary to continuously monitor levels. This situation will effectively result in Mr Rock residing in a construction site for that period.
- It is respectfully requested that Irish Rail seriously review and reconsider the proposed mitigation measures at Section 14.6.1 of the EIAR which are entirely inadequate having regard to the nature, scale and cumulative impact of the works being proposed in respect of the objector's property,
- It is recommended that the proposed bridge incorporates the material from the existing Railway Terrace bridge into its construction to retain an element of architectural value at the location and to benefit the character and setting of the location.
- This will have a direct impact on quality of life arising from a number of factors including noise, vibration, anti-social working hours, light pollution, negotiating construction traffic and an inconvenient rerouting via an alternative access to Drogheda town centre and railway station along the R150.
- There is a general concern about the devaluation of the property value as a result of the proposed development.

#### *7.1.4.8.1.1 Applicant's Response*

- A suite of mitigation measures has been identified to ensure that environmental impacts are minimised through the construction period. These are all documented in the individual chapters of the EIAR and in Chapter 27 Summary of Mitigation and Monitoring Measures.
- At Drogheda specifically, the assessment concluded that when the dust minimisation measures detailed in the mitigation section of the Air Quality chapter are implemented, fugitive emissions of dust from the site are not predicted to be significant and pose no risk of dust nuisance or risk to human health or to ecological receptors.
- Given the proximity of construction activity to some noise sensitive locations, the mitigation measures proposed may not be sufficient to fully mitigate the noise impact and that temporary accommodation will be offered to eligible owners/occupiers where the criteria in Table 14-4 as presented in Section 14.3.6.2 (within the EIAR) are met.
- The Applicant acknowledges that for the duration of the construction phase of the Project in this location, there will be an impact both on journey distance and journey times for the residents of Chanticleer (and the adjacent property).
- It is not possible to provide access to the railway station via the existing Irish Rail maintenance depot from McGrath's Lane for the duration of the construction phase. This is a heavy maintenance facility which is a high-risk environment with strict safety controls and practices.
- There is an existing operational 10 kV substation in proximity to the property at Chanticleer, in the Drogheda depot building (the depot building being closer to the location than the new traction substation at Drogheda will be located, approximately 110 m away from Chanticleer).
- No mitigation measures are required for any of the electromagnetic environments adjacent to the traction power system of DART+ Costal North, including the residential electromagnetic environment where the Chanticleer is located.
- The Applicant acknowledges the error in this regard in Section 4.10.5.1 and takes this opportunity to correct the statement. The assessments in the EIAR remain unchanged.

- The substation building itself is approx. 20 m away from the tree line at its closest point. The trees are not considered to be of sufficient height and weight to cause significant damage in the event of one falling to both destabilise the substation and damage the equipment housed within. It is proposed to retain the hedge and tree line.
- Mitigation measures for retention and protection of existing trees and vegetation, where possible during construction are specified in Section 15.6.2 of Chapter 15 of the EIAR. Mitigation measures for replanting – to match existing and/or use native species are specified in Section 15.6.3 of Chapter 15 of the EIAR.
- The proposed removal of OBB80/80A/80B Newtown Bridges McGrath's Lane will have a negative visual impact on Drogheda (MacBride) Station (BH-146), the magnitude of which is low. The potential Operational Phase impact is Indirect, Negative, Slight, Long term.

#### 7.1.4.8.2 Johnny and Grainne Dunne

- It is requested that vehicular and pedestrian access to the Dublin Road is maintained during the construction phase of development via the existing Irish Rail maintenance depot entrance from McGrath's Lane and route through the railway station. At the very least, pedestrian access to Dublin Road should be maintained.
- It is submitted that the Railway Order is amended to provide Mr. & Mrs. Dunne direct access to the completed road to the northeast which serves the unoccupied residential development at Newtown View.
- It is submitted that the Book of References in draft Railway Order is reviewed and amended to minimise impact on the objector landholding at Newtown Lodge in order to mitigate the direct impact on privacy and residential amenity during the construction and operational phases of the proposed development.
- It is requested that air quality and dust monitoring station be placed within the boundary to monitor levels continuously and remotely.
- It is therefore respectfully requested that Irish Rail seriously review and reconsider the proposed mitigation measures at Section 14.6.1 of the EIAR which are entirely inadequate having regard to the nature, scale and cumulative impact of the works being proposed.

- It is recommended that the proposed bridge incorporates the material from the existing Railway Terrace bridge into its construction to retain an element of architectural value at the location and to benefit the character and setting of the location.

#### *7.1.4.8.2.1 Applicant's Response*

- The Applicant acknowledges that for the duration of the construction phase of the Project in this location, there will be an impact both on journey distance and journey times for Mr and Mrs Dunne. Temporary access restrictions will be managed with alternative safe routes provided, and Mr. and Mrs. Dunne will receive updates to minimise disruptions to social and family activities (as per the CTMP, which is included as sub-Appendix G to the Construction Environmental Management Plan, Appendix A5-1 in Vol 4 of the EIAR).
- The Applicant is committed to ensuring the safety and well-being of Mr. and Mrs. Dunne, their family, and visitors through the following measures as detailed in the EIAR.
- A suite of mitigation measures has been identified to ensure that environmental impacts are minimised through the construction and operation period. These are all documented in the individual chapters of the EIAR and in Chapter 27 Summary of Mitigation and Monitoring Measures.

#### *7.1.4.8.3 J Murphy Construction Limited / Ravala*

- The Railway Order application does not adequately accommodate the future development of a 'Transportation Development Hub' at Newtown. The proposed use of embankments results in unnecessary acquisition. The development should be adjusted to include retaining walls (preferably a piled wall) to enable the objector to construct the necessary high-density development.
- The proposed substation should be relocated to other lands which are more suitable. The assessment of alternative locations for the ESB Substation compound is inadequate.
- The project should provide for the extension of the upgraded footbridge at MacBride station to give a direct access to the "JI" Newtown lands for pedestrians/ cyclists and enhance accessibility of the train station for the emerging community at this location.

- Remove the temporary construction compounds from the Murphy / Ravala lands and relocate/ rationalise the extent of these areas on other lands in the vicinity that are unzoned and in public ownership.

#### *7.1.4.8.3.1 Applicant's Response*

- In respect of zoning, it is noted that the lands in question are within lands zoned as J1 – Transportation Development Hub in the current Louth County Development Plan 2021 – 2027. This zoning objective includes several types of development aimed at enhancing connectivity and promoting sustainable urban growth.
- The design has been developed to adopt a sustainable and cost-effective solution. This meant that, in this location, earthwork embankments were selected as the most appropriate solution. The earthworks solution is a more economical solution for the Project (reduced capital cost), a more sustainable solution (reduced carbon footprint) and an enhanced solution from a biodiversity perspective (they are retaining the existing hedgerow).
- Chapter 3 Alternatives of the EIAR (see Section 3.3 in particular) provides an overview of the alternatives considered and describes in detail the process followed. Section 3.4 of the EIAR describes the stakeholder engagement and consultation undertaken during the design process. This section also references the key documentation published during the non-statutory consultations and the Applicant would like to highlight in particular the Option Selection Report Volume 1 that can be found on the [www.dartplus.ie](http://www.dartplus.ie) webpage (this is also included as Appendix A3.4 in Volume 4 of the EIAR). The full Option Selection Reports are also now included as an appendix to this report. This describes in detail the options considered and assessed as well as the rationale for the decisions made.
- The Applicant acknowledges the concerns of J Murphy Construction Limited / Ravala Limited (MCL / RL), and points towards a period of extensive consultation with MCL / RL carried out during the Project development as detailed above, where numerous iterations of the Project design were developed further to feedback with a view to minimising potential impacts on MCL / RL lands and their future plans.
- It is important to reiterate the wider benefits of the DART+ Coastal North Project. By electrifying and enhancing the railway network, the Project will reduce reliance



on private car travel, lower carbon emissions, and significantly improve connectivity for communities along the corridor. The substation compound is an indispensable component of this broader vision, and its design has been optimised to balance functionality with land use considerations.

- The upgrade works proposed to OBB80/80A/80B aim to establish this connection as an active travel priority crossing, with local vehicle access to the two existing landowners along McGrath's Lane. This represents an enhanced connection for pedestrians and cyclists to use the existing connection via Railway Terrace from the Proposed Developments already under construction. OBB81 is a connection to the Depot facility from the station and is not in use as a public connection. Shared access is not possible due to the risk of members of the public trespassing into the Depot.

## **7.2 Applicant's Response to Submissions**

In January 2025, the applicant responded to submission made to the file. The applicant has also responded to each individual submission in detail, often cross referencing to other sections where the detail is set out. Table 1, 2 and 3 of the response provides a summary of common scheme wide themes identified in submissions received which largely correspond to that as set out above in previous sections. Similarly, summaries are provided for the Donaghmede, Bayside, Baldoyle, Sutton and Howth and Malahide areas.

The response is set out as follows:

- Section 1.4 - Overview of the Submissions.
- Section 2.0 - Summary Response at a Scheme Wide Level.
- Section 3.0 - Response to the Planning Authorities.
- Section 4.0 - Response to Prescribed Bodies.
- Section 5.0 - Response to Landowners affected by the CPO.
- Section 6.0 - Response to other Parties

Please note that some direct responses to landowner/occupier who are to have lands acquired have been set out above under the relevant landowner/occupier.

## **7.2.1 Response to the Planning Authorities**

### **7.2.1.1 Dublin City Council**

- Works to improve pedestrian and cycle connectivity to the station and the public realm are not included in the DART+ Coastal North Project.
- The Applicant would like to make clear that the enhancement of the service on the Howth Branch will include a combination of a direct service to the city centre and a DART shuttle service between Howth and Howth Junction & Donaghmede Station.
- In respect of other parallel projects such as Metrolink and BusConnects, where construction phases may overlap with DART+ Coastal North, this has been considered fully in the EIAR, in particular in Chapter 26 Cumulative Effects. It is fully acknowledged by the Applicant that close collaboration between the proponents of these projects, their appointed contractors and the relevant Authorities, including DCC is required to ensure that significant effects on traffic are avoided or minimised to the extent possible.
- In respect of the integration of land use and transportation at stations, the Applicant notes the comments from DCC, which it acknowledges do not relate to the DART+ Coastal North Project. The Applicant is committed to working with all relevant stakeholders in this regard.
- At Howth Junction & Donaghmede Station provision has been made below the stairs in the station entrances, for secure bike storage to be provided for passengers to encourage active travel and give a direct link from the bike storage into the station.
- In respect of the Clasac music centre, the Applicant notes that this music centre is across the track from the Fairview Depot on the Alfie Byrne Road. The Applicant would note that only minor works are proposed at the Depot.
- As described in Section 14.4, baseline noise monitoring was conducted near sensitive properties that have the potential to be impacted by noise. Since the Proposed Development is likely to result in a negligible noise impact in Zone A, the strategic noise maps and operational noise model of the Do-Nothing Scenario have been considered sufficient to define the baseline noise climate for the receiving environment in this area.

- In respect of artworks, the Applicant can clarify that the proposed upgrades to the Howth Junction & Donaghmede Station provide station wide upgrades including new signage, lighting, finishes as well as artwork opportunities with the intent of using local artists. The rail works do not include specific provision for any other artworks as part of the Proposed Development.
- In respect of a response to points f) to k) above, the Railway Order application includes all of the detail necessary for the Proposed Development within the relevant application drawings, EIAR, NIS and associated documentation. The Applicant would like to clarify that no changes to stations within the DCC administrative area, outside of the proposed upgrade to Howth Junction & Donaghmede Station
- In respect of conditions sought by DCC, the Applicant is satisfied that the proposed conditions are already catered for in the EIAR documentation and Construction Environmental Management Plan (CEMP) commitments in the draft Railway Order, and that no additional conditions are required in the event of a grant of the draft Railway Order. Table 4 of the submission provided more detail.

#### **7.2.1.2 Fingal County Council**

- The construction compound at Racecourse Park' on high amenity lands is temporary and therefore, it will be a temporary/short-term impact, and the area will be fully reinstated post completion of the construction works. The Applicant recognises the challenges presented by the limited access and constrained compound area at Clongriffin Station. Careful consideration has been applied to ensure that the construction methodology and compound layout are efficient, minimise disruption, and Submissions on Observations to the Draft Railway Order Application Page 104 respect the surrounding developments and parklands, including the Baldoyle Racecourse Regional Park to the east and Shoreline Developments to the south.
- The applicant provided a response on architectural, archaeological, and designed landscape heritage issues at Balbriggan Viaduct, pedestrian overbridges at Donabate, Rush and Lusk, Malahide and Clongriffin.
- In selecting the sites for the substations (and their associated construction compounds) proposed for the DART+ Coastal North Project at various locations

in Fingal, the Applicant followed the process set out in Chapter 3 Alternatives of the EIAR. This included engagement with FCC and relevant landowner.

- Significant consultation with planned developments has been undertaken, particularly where the Proposed Development interacts with such planned developments (e.g. to the east of the station in Clongriffin) and agreement has been reached as to how such developments can proceed with the DART+ Coastal North Project, minimising conflicts between and effects on both developments.
- There are 18 watercourse crossings within the Proposed Development area. Of these, 17 railway crossings utilise existing bridges, and the flows are not restricted by the works to these bridges. However, the Mayne River crossing requires the construction of a secondary bridge adjacent to the existing UBB19, which has the potential to restrict or impact flows. The development does not propose mitigation measures other than best practice construction methods, which utilise nature-based solutions, which will ensure the flood risk is managed.

#### **7.2.1.3 Meath County Council**

- Provision of a new railway station at Bettystown is not within the current scope of the DART+ Coastal North Project. However, they fully acknowledge the Meath County Development Plan (MCDP) objective to deliver a station at this location in the future. Through extensive consultation with MCC, they have ensured that the proposed works, including the substation, do not impede the realisation of this objective. This has been demonstrated through the sketches and technical details shared with MCC, which show that the MCDP objective can be achieved at a later stage.
- The Applicant is aware, through consultation with both MCC and LCC, that there is an active travel scheme being planned for the R132. However, to the Applicants knowledge, the active travel scheme has not been progressed to a stage where sufficient information is available.
- The applicant has considered preserved view from various locations including inter alia Laytown Strand (Meath Ref. No. 65), View from South Co. Meath towards Broomore, Gormanston Viaduct, Gormanston Army Camp and Ben Head Access Road, St. Columcille's Playing Pitches to Laytown Viaduct, Bettystown Substation, Construction Compounds to the south of Colpe Road.

- A comprehensive assessment of the potential for contaminated land and the potential for impacts of same on aquifers, surface water and coastal water bodies within the development boundary and wider study area was carried out in Chapter 9 Land and Soils, Chapter 10 Water and Chapter 11 Hydrogeology of the EIAR.
- At between 6 to 12 km from the core area (and 5 to 11 km from the buffer area), the section of railway (Drogheda to River Nanny crossing at Laytown) nearest and east of Brú na Bóinne World Heritage Site is at significant distance. In addition, the railway is ground based infrastructure, and generally well-integrated and screened within the landscape – even when viewed at relatively close distances.
- The Applicant is aware of this adjacent Proposed Development and has engaged with the developers of the NISA project from an early stage in a collaborative manner to ensure that there are no conflicts with the infrastructure proposed as part of this offshore wind farm.
- The comments of the archaeology section are noted. The Applicant would note the detailed archaeology and cultural heritage assessment which has been undertaken, as documented in Chapter 20 Archaeology and Cultural Heritage of the EIAR. The Meath Industrial Heritage Survey 2010 was consulted.
- In respect of conditions sought by MCC, the Applicant is satisfied that the proposed conditions are already catered for in the EIAR documentation or can be attached in any grant of planning permission.

## **7.2.2 Response to Prescribed Bodies**

### ***7.2.2.1 Commission for Railway Regulation***

- The Applicant notes the submission by CRR in this respect and is committed to continued engagement with the CRR in respect of its remit under the Railway Safety Act, 2005, as amended.

### ***7.2.2.2 Department of Housing, Local Government and Heritage***

#### ***7.2.2.2.1 Archaeology***

- The Applicant would note the detailed archaeology and cultural heritage assessment which has been undertaken, as documented in Chapter 20

(Archaeology and Cultural Heritage) of the EIAR. Section 20.6.1 details the role of the Project Archaeologist which will be implemented during the construction Phase.

#### 7.2.2.2.2 Nature Conservation

- The Applicant has considered this recommendation by NPWS to extend the otter tunnel underneath the Broadmeadow Way and would have no objection to a condition being attached to any Railway Order grant of permission, such that “the landward side of the railway line fencing, leading from the otter tunnel, would be modified to include a wider splay guiding otters directly to the River Pill between the railway embankment and Broadmeadow Way, including vegetation to screen the fence from the Broadmeadow Way side”.

#### 7.2.2.3 *Fáilte Ireland*

- In respect of the tracking of the visitor flow on the DART routes, regular customer satisfaction monitoring does not get down to granular detail of the purpose of customers’ journeys, but the Applicant is happy to add pre-agreed questions to surveys in the future, if Fáilte Ireland wishes. The Applicant would make a general note that it would have no objection to Fáilte Ireland undertaking surveys at stations. The Applicant is happy to work with Failte Ireland in this regard.
- Much work has been undertaken in recent years to improve station way finding. The designs are clear and easy to understand, focusing on less words and more pictographs. This has been well received by customers.
- Iarnród Éireann’s policy on travelling with bikes is clearly set out here Bicycle Information for Rail Travel. They cannot accommodate non folding bikes onboard DART & Commuter trains at peak times. Bikes can be accommodated onboard during off-peak periods and as acknowledged by Fáilte Ireland in its submission the majority of tourists do not travel during peak periods. The Applicant also notes that the new DART+ fleet has dedicated bike storage spaces.

#### 7.2.2.4 *Health Service Executive*

- The Applicant notes the recommendation of NEHS and is committed to the full implementation of all mitigation measures included in the EIAR. These measures will be incorporated into the scheme if approved by The Commission, as it is part of the plans and particulars submitted with the Railway Order application.

- In respect of conditions sought by the HSE, the Applicant is satisfied that the proposed conditions are already catered for in the EIAR documentation or can be attached in any grant of planning permission.

#### **7.2.2.5 Inland Fisheries Ireland**

- The Railway Order application includes full details of the proposed works, including proposals for the protection of estuarine and riverine waters. The Applicant notes as detailed within Chapter 10 Water of the EIAR, that no in-stream works are proposed as part of the DART+ Coastal North Project. This demonstrates that the Applicant has fully considered the recommendations of IFI in this regard and no further measures are necessary.
- The Railway Order application acknowledges the need for a Section 50 consent from OPW for the new bridge and culvert extension over the River Mayne. As detailed in the EIAR, no instream works are proposed during the construction phase. The Applicant will continue to engage with IFI throughout the further design development phase, in this regard.

#### **7.2.2.6 National Transport Authority**

- The Applicant notes and welcomes the NTA submission to The Commission in respect of the DART+ Coastal North Railway Order application.

#### **7.2.2.7 Office of Public Works**

- No works are proposed to any of the properties noted by OPW. It is acknowledged that these properties lie adjacent to, or within a 250 m buffer zone of, the Proposed Development boundary.
- The Applicant notes, as set out in Chapter 10 Water of the EIAR, that no in-stream works are proposed as part of the DART+ Coastal North Project. It is clear from the documentation provided in the Railway Order application that the development will not interfere with drainage works/flood relief works maintained by OPW. The temporary compound is restricted to the existing car park area and does not extend beyond this. The Applicant will continue to engage with OPW to agree any access requirements which may be needed to the drainage scheme, during the construction phase of the DART+ Coastal North Project.

- The Applicant acknowledges and understands the requirements of the Arterial Drainage Act, 1945 and the consents which are required under the Act, particularly in respect of the proposed DART+ Coastal North Project.
- It is noted that the Drogheda Flood Relief Scheme (FRS) is still at design stage and no consent application has been submitted to date. The Applicant will continue to engage with OPW throughout, to ensure that any overlaps both temporally and spatially can be appropriately managed.

#### **7.2.2.8 Transport Infrastructure Ireland**

- The Applicant acknowledges the roles and responsibilities of TII with regard the requirement to assess the potential for impacts on the Dublin Port Tunnel from the Proposed Development. In particular, the Applicant has sought to comply with Policy SMT31 of the Dublin City Development Plan 2022-2028.
- With regard to Construction Compound CC-2650, referenced 1-01 as per the Works Plans, the Applicant is happy to confirm that all surcharge limits will be complied with, as defined in the Guidance Notes for Developers for the Assessment of Surface and Sub-surface Developments in the Vicinity of the Dublin Port Tunnel

#### **7.2.2.9 Uisce Éireann**

- The Applicant notes the requirements set out by Uisce Éireann. The Applicant consulted with Uisce Éireann throughout the design development and agreed in principle any required diversions/build overs and build near Uisce Éireann assets. The Applicant will continue to engage with Uisce Éireann throughout the development of the DART+ Coastal North Project.
- The Applicant will, as part of the further development of the CEMP, ensure that it engages further with Uisce Éireann to ensure that there will be no negative impact to any of Uisce Éireann’s drinking water sources and/or abstractions which may be in proximity to the development.

### **7.2.3 Response on Scheme General Observations**

<b>Table 27 Applicant’s Response to Submissions</b>	
<b>Scheme Wide Issues</b>	<b>Detail</b>
Principle of Development	The principle of the development is generally accepted by parties, however there is concern related to services to Howth.



Request for Oral Hearing	Not a matter for the applicant address.
Observation Cost	Not a matter for the applicant address
Inadequate Time to Review Documentation	Not a matter for the applicant address
Insufficient communications	There have been two non-statutory public consultation periods, direct engagement with potentially affected landowners, continued engagement through a CLO.
Call for additional stations	Additional stations is a matter for the NTA. Any new stations will be a future provision and be provided for separately.
Calls for additional track capacity (particularly south of Howth Junction & Donaghmede Station)	This project aims to maximise effectiveness of existing infrastructure. The Four North Project is at an early preliminary assessment.
Improvement of station amenities	Any amenity upgrades will be a future provision and be provided for separately. It is noted there are several multi modal interchange projects, station enhancement projects and car parking projects ongoing or planned.
Loss of vegetation	The loss of vegetation cannot be avoided; however, it will be minimised where possible. Chapter 8 of the EIAR addresses biodiversity impacts as a result of vegetation removal. Additional planting will also be provided to enhance landscape and visual amenity. However, due to safety requirements and proximity to electrified lines planting in certain locations is not possible.
Property impacts/compensation	Chapter 14 Noise and Vibration of the EIAR assessed the likely significant vibration effects of the proposed DART+ Coastal North on the receiving environment. no adverse structural impacts are anticipated. A noise and vibration monitoring programme will be implemented by the appointed contractor. The property owner will be entitled to submit a claim for compensation once the Railway Order is granted, and an official notice is sent.
Condition surveys	No adverse structural impacts to third party properties are anticipated. Condition surveys may be carried out before any construction works commence.
Nuisance (control of rats & vermin)	The Contractor will have responsibility for prevention and management of pests and vermin as part of the A Construction Environmental Management Plan (CEMP).
Noise & Vibration	Operational Noise Impacts are presented in Section 14.5.2 of the EIAR. Where necessary, mitigation measures were proposed as detailed in Section 14.6.2. Both residential and non-residential receptors within the study area are predicted to experience negligible, or minor adverse impacts. It was determined that no significant vibration arises from the Proposed Development during the operational phase.

	<p>It is acknowledged that short-term increases in noise impacts in certain areas will occur during the construction phase. Section 14.6.1 of the EIAR identifies general mitigation measures that will be implemented during construction works.</p> <p>When night-time works are required, they will be undertaken in accordance with the mitigation measures included in the EIAR, which aim to reduce impacts as much as possible. A Noise Management Plan will be developed as part of the construction stage</p>
Air Quality / Dust	Chapter 12 Air Quality of the EIAR has assessed the likely significant effects on Air Quality, including dust impacts. A number of mitigation measures are proposed in Section 12.6.1. An air quality management plan to be prepared by the contractor also
Electromagnetic Fields (EMF)	EMF has been addressed in Chapter 22 of the EIAR. The Project has been designed to ensure that public exposure to EMF complies with the recommended guidelines. No impacts on human health from EMF are envisaged during the Construction Phase or Operational Phase
Health concerns	Chapter 23 of the EIAR considered Human Health. The human health impact assessment included consideration of a number of factors, including air quality, noise and vibration, the hydrological and hydrogeological environment (including flood risk and drinking water), land and soils (including contaminated land), electromagnetic effects and stray current, as well as psychological effects, impacts on physical activity, socioeconomics effects on health and access to services. With the implementation of the mitigation measures proposed in Chapter 27 (Summary of Mitigation and Monitoring Measures) of the EIAR, no significant residual human health effects are predicted during the Construction Phase.
Biodiversity	A robust biodiversity impact assessment for the Proposed Development has been undertaken and is presented in Chapter 8 Biodiversity of the EIAR. This assessment has been undertaken in accordance with best practice methodology and guidance, as set out in Section 8.2 of the EIAR. A NIS has also been prepared and accompanies the Railway Order application. Again, this assessment has been undertaken in full accordance with relevant legislation and best practice guidance.
Parking during Construction	The contractor will minimise the Construction footprint throughout the construction programme and return the maximum number of car spaces back to public use

	when construction works are completed, and the compounds are no longer required
Impact on Intercity/Enterprise Trains	The Applicant acknowledges that the extension of the DART network to Drogheda and the proposed increase in DART frequency operating on the Northern Line will have an impact on journey times of other Enterprise services. The future Enterprise journey times have not been quantified in the DART+ Coastal North assessments as they will be dependent on future timetables. Actual journey times, and timetables, for DART services originating from Drogheda, Malahide, Clongriffin and Howth, have yet to be determined. Any substantial timetable change will go through a public consultation process of its own organised by the NTA known as the Timetable Customer Consultation Process.
Issues with previous timetable changes	With regards to the timetable introduced by Iarnród Éireann in August 2024, it is now clear with hindsight that the timetable introduced was overly ambitious. The objective of the timetable revision was to reduce journey time and add extra service slots to provide an hourly Belfast-Dublin service. The timetable did not allow for sufficient dwell times at stations and it compounded delays through Dublin Connolly. DART+ Coastal North will greatly improve the operational flexibility and overall resilience on the Northern Line.
Long term planning in public transport strategies and land use planning	The development of public transport strategies and land use planning are a matter for the NTA, the Department of Transport, and Local Authorities and cannot be commented upon by the Applicant as part of this Railway Order application.
Issues with existing congestion and resilience of the Northern Line.	The Applicant acknowledges the potential benefits of introducing additional passing loops in addition to the interventions currently proposed by DART+ Coastal North. However, in order to deliver the service requirements of TSS1C, it is not considered necessary to introduce infrastructure beyond those passing loops proposed by the Railway Order application at this time. The turnback proposed at Drogheda, Malahide, Clongriffin and Howth Junction & Donaghmede Stations will allow for the service frequencies proposed by TSS1C to be delivered and will also improve the overall resilience of the existing rail network.
<b>Donaghmede, Bayside, Baldoyle, Sutton and Howth</b>	
Concern over removal of Direct Service	It should be noted that the DART+ Coastal North Project proposals will result in a greatly enhanced level of service on both the Northern Line and Howth Branch (3 trains per hour to 6 trains per hour during peak periods). The Applicant would like to make clear that the enhancement of the service on the Howth Branch will

	<p>include a combination of a direct service to the city centre and a DART shuttle service between Howth and Howth Junction &amp; Donaghmede Station.</p> <p>The Applicant has been clear throughout the non-statutory public consultation process and in the application documentation that while the Proposed Development seeks to make the infrastructural changes which would enable these operational changes, the implementation of these operational changes is not part of the DART+ Coastal North Project.</p> <p>It is important to note that the operation of a DART shuttle service is not something that would come into effect immediately upon the delivery of the DART+ Coastal North Project. Following completion of the Project, there will be different phases of timetable development that will be gradually introduced as the passenger demand grows towards the maximum level of service. It is also envisaged that shuttle services would operate at peak times with direct services being maintained at off-peak and weekends. Once DART+ Coastal North is complete (if consented) and as demand increases, the operational detail will be worked through, with these operational changes likely made on a phased basis.</p> <p>Any substantial timetable change, such as the introduction of a shuttle service, will go through a Public Consultation process of its own organised by the NTA known as the Timetable Customer Consultation Process.</p>
<p>Need for interchange at Howth Junction &amp; Donaghmede (Journey times / Journey Amenity / Journey Characteristics)</p>	<p>On the basis of a timetable change, the applicant sets out a number of scenarios to better illustrate how the interchange would work and the potential journey times, noting that these are estimates and subject to future timetable development.</p>
<p>Impact on Level Crossings / Increased wait times / Increased traffic / Increased traffic due to people choosing to drive rather than interchange.</p>	<p>Chapter 6 Traffic &amp; Transportation of the EIAR, the Applicant's approach to the Traffic &amp; Transportation impact assessment is in line with standard industry practice and in accordance with TII's Traffic and Transport Assessment Guidelines. The operational modelling took account of demographic growth and spatial planning data.</p> <p>It should be noted that while the proposed level crossing closure frequency (and in most cases level crossing closure durations) will increase, the operational constraints will remain in line with, and below, current</p>

	<p>level crossing closure durations and frequencies in other parts of the DART network (Section 4-8 in Appendix A6.1 of the EIAR).</p> <p>Traffic modelling has shown that queue lengths are likely to remain within the available queueing road space. Hence, additional infrastructural interventions at the four level crossings are not considered necessary.</p> <p>It is acknowledged that the effect on traffic and transportation in terms of general traffic is expected to be a negative, moderate, medium-term effect on the whole. From an air quality perspective, the increases in queueing times are not considered significant from an air quality perspective as the changes in duration are considered minimal.</p>
Improvements / Optimisation of Level Crossings	<p>To approximate a range of potential timetables and resulting optimisations of train arrivals at level crossings, the departure times of the train varied in 10 different timetable sensitivity scenarios. The analysis has shown that queue lengths on the road for vehicular traffic are likely to remain within the available queueing capacity (Appendix A6.1 of the EIAR, Section 6). The assessment therefore concludes that the level crossings can continue to operate and provide an appropriate level of cross connectivity and accessibility whilst meeting the increased DART service frequency requirement.</p>
Impact on climate policies / Sustainable transport goals	<p>In providing infrastructure that will enable a significant increase in service frequency on the Howth Branch, the DART+ Coastal North Project is fulfilling that objective, and is aligning with relevant international, national and local policy frameworks, including the National Planning Framework, the Climate Action Plan 2024 and the Transport Strategy for the Greater Dublin Area 2022-2042</p>
Accessibility and impact on those with a disability, the elderly, the vulnerable.	<p>Accessibility is an important aspect of the design of the DART+ Programme. Where new interventions are made as part of the DART+ Programme, Iarnród Éireann will ensure that step free access is provided at DART platforms and that all current access &amp; mobility standards and guidelines are followed in the designs. The new DART+ Fleet which will operate on the Northern Line and Howth Branch will provide DART trains that are better equipped to cater for the needs of any passengers who may suffer from mobility issues.</p>
Emergency Services	<p>The Applicant notes that consultation with representatives from the Emergency Services (Dublin Fire Brigade, which also provides ambulance services in the area) has taken place to ensure that the</p>

	<p>requirements of these vital services are met by DART+ Coastal North. No issues were raised by the Fire Brigade with regard to the proposals. Emergency services are accommodated without any significant issues on a daily basis. In an emergency event, the Emergency Services can contact the Irish Rail Centralised Traffic Control (CTC) in advance, on approaching a level crossing, and ask that the level crossing gates are maintained open or, if closed, opened at the earliest opportunity for them to pass.</p>
Impact on Local Businesses	<p>The significant increase in the level of service for the Howth Branch, which can only have a positive impact on local businesses in Baldoyle, Sutton and Howth.</p>
Inaccurate Survey Information relating to population growth in Howth	<p>DART+ Programme and DART+ Coastal North in particular, are compliant with European, national, regional and local policy frameworks. It is clear that limited frequency and capacity on the DART network, including limited frequency and capacity on the Howth Branch, limits the potential growth of new communities along the railway corridor.</p>
Access to Schools	<p>It is acknowledged that the effect on traffic and transportation in terms of general local traffic is expected to be a negative, moderate, medium-term effect on the whole. This means that there will likely be increases in travel time for vehicular traffic as well as pedestrians and cyclists at the level crossings, particularly during the AM peak, when school traffic coincides with peak commuter traffic. However, the above takes no account of the likely positive impact that optimised and increased rail services, and the implementation of the Climate Action Plan agenda will have on vehicular traffic, such that traffic levels will reduce or remain at current levels over time.</p>
Impact on tourism	<p>Chapter 7 Population of the EIAR (Section 7.5.4.2) considers tourism. No negative impact on tourism is anticipated.</p>
Security and anti-social behaviour concerns at Howth Junction & Donaghmede Station	<p>Upgrades are proposed to the station footbridge and connections to the centre platforms, as well as to the lighting, CCTV system, signage and finishes throughout. The improvement at the Donaghmede entrance will also provide direct access to Platform 4 and connectivity via the footbridge. Other network wide measures are also in place including text alert systems, policing operations, CCTV monitoring, security operatives. Iarnród Éireann's also publishes Safety and Security reports regularly. The record of incidents at Howth Junction &amp; Donaghmede Station are in fact lower than those of both Bayside and Howth stations. The majority of train users travel without incident.</p>

<p>Passenger capacity on receiving trains arriving from the north at Howth Junction &amp; Donaghmede Station.</p>	<p>It is expected that there will be ample capacity on receiving trains arriving at Howth Junction &amp; Donaghmede Station to cater for passengers connecting from services on the Howth Branch. While this is the case, it is acknowledged that there may not always be a seat available for those joining. The journey time to the city centre, however, is relatively short and worldwide it is normal practice for commuters to stand at peak travel times.</p>
<p>Need to consider alternatives</p>	<p>Options such as developing sections of four-tracking or introducing underground sections of railway are seen as being overly impactful on the surrounding areas and environment, being extremely costly, and as being unnecessary to allow for DART+ Coastal North to achieve its objectives. As noted above, the DART+ Coastal North Project would not prohibit the development of these types of projects in the future under separately funded projects should the need be identified. There was no requirement for intervention, such as a tunnel under the line, at the level crossings.</p>
<p>Lack of clarity with Howth Shuttle</p>	<p>The Applicant understands the concern expressed in this regard but has been clear, as further clarified in the response above, that a DART shuttle service is required in order to maximise the frequency of service on both the Northern Line and the Howth Branch and explains the reasons for this.</p>
<p>Concerns of people of Howth being taken into account</p>	<p>The concerns of the people of Howth were particularly raised by respondents to both non statutory public consultations undertaken as part of the DART+ Coastal North Project (PC1 and PC2). Comprehensive responses to the issues raised were provided in the PC1 Findings Report and the PC2 Findings Report, both of which were included in the Railway Order application (Annex A3.1 and Annex A3.2, Volume 4 Appendices of the EIAR). The Applicant has listened to and responded to these concerns. In particular, with respect to Howth Junction &amp; Donaghmede station.</p>
<p>Impact on access across the railway at Claremont level crossing</p>	<p>This increased level of service will increase the frequency and duration of the level crossing closures along the Howth Branch, including at Claremont level crossing. The Applicant acknowledges that this will have an impact on the residents of Howth Lodge and Claremont Road as a result.</p> <p>While the likelihood of vehicles/pedestrians incurring delay will increase in the future due to the increased train frequency, it is not expected to have a significant impact in terms of queue length or waiting times, due to the low volumes of vehicles/pedestrians that cross at this level crossing.</p>

	<p>The applicant notes a clerical error in Table 4.30 in Appendix A6.1 DART+ Coastal North Level Crossing Assessment, in Volume 4 of the EIAR. The corrected version of Table 4.30 does not impact on the assessment, with the residual impacts remaining</p>
<p>Impact on legal right of way associated with Claremont level crossing</p>	<p>Contrary to the submission that has been made, the Railway Order, if granted, will not interfere with the right of freedom of movement within the State referred to in the Universal Declaration of Human Rights, or the right of free movement between member states of the European Union referred to in the 1992 Maastricht Treaty. In particular, it is not accepted that a restriction on road traffic for short periods could ever constitute an interference with the right of freedom of movement within the meaning of the Universal Declaration of Human Right as alleged or at all</p>
<p>Impact on Emergency Services at Claremont Level Crossing</p>	<p>The Applicant notes that consultation with representatives from the Emergency Services (Dublin Fire Brigade, which also provides ambulance services in the area) has taken place to ensure that the requirements of these vital services are met by DART+ Coastal North. No issues were raised by the Fire Brigade with regard to the proposals. Emergency services are accommodated without any significant issues on a daily basis. In an emergency event, the Emergency Services can contact the Irish Rail Centralised Traffic Control (CTC) in advance, on approaching a level crossing, and ask that the level crossing gates are maintained open or, if closed, opened at the earliest opportunity for them to pass.</p>
<p>Potential for traffic impacts on Howth Road.</p>	<p>The incidence of any impact on the adjacent Howth Road or the regional road network (in terms of queues extending beyond the junction and onto Howth Road) is likely to be infrequent. The effect on traffic and transportation in terms of general traffic is expected to be negative, moderate, medium-term effect on the whole.</p>
<p><b>Malahide</b></p>	
<p>Impact on Landscape &amp; Visual amenity</p>	<p>The Applicant notes in this regard that the original preferred location for the Malahide turnback was to the east of the existing railway located between Malahide Station and the Malahide Viaduct. However, feedback received from various stakeholders following public consultation no.2 (PC2), raised significant concern in respect of this proposal, in particular with respect to the closer proximity of the railway line to properties on the eastern side of the railway and perceived increased visual, noise, vibration and residential amenity impacts, both during the Construction and Operational Phases.</p>



	<p>Overall, the turnback facility will be experienced in the context of an existing operational railway, and they will not alter the existing townscape / landscape character in this zone. The magnitude of change will be low, and the effect in the Operational Phase will be Slight / Moderate, Negative, Long-term. A suite of mitigation measures is proposed to reduce the potential effects of the Proposed Development. These are detailed in Section 15.6 of the EIAR.</p>
Noise and vibration	<p>Chapter 14 Noise &amp; Vibration documents the assessment that was undertaken for the Proposed Development in terms of the potential effects of noise and vibration. It is fully acknowledged in the EIAR (see Section 14.5.1) that the construction of the Malahide turnback has the potential to result in a moderate or major impact at residential properties. A suite of mitigation measures is proposed to reduce the potential effects of the construction work on sensitive receptors.</p>
Traffic and Transportation	<p>The following mitigation measures are to be implemented to reduce the impact from construction traffic in and around Malahide Marina Village and its potential effect on the local community including access management, a traffic management plan and scheduling restrictions including on Old Street and James's Terrace.</p>
Human Health concerns	<p>The Applicant acknowledges that the construction of the proposed turnback at Malahide and the installation of the OHLE will impact on the residential amenity of nearby residents during construction. However, Chapter 23 Human Health concludes (See Section 23.9.1) that, with the implementation of the mitigation measures proposed in Chapter 27 (Summary of Mitigation and Monitoring Measures) of the EIAR, no significant residual human health effects are predicted during the Construction Phase.</p>
Re-consider alternative options	<p>A total of 16 options were developed for the Malahide area, with 5 of these options passing the preliminary sifting and brought forward for more detailed multi-criteria assessment. This included four options south of the Malahide viaduct (Options 1A, 1B, 2A, 2B) and one option north of the viaduct (Option 5B). The summary findings of the MCA represented in Table 3-35 of Chapter 3 of the EIAR, and more details are provided in Appendix A3.3 (Preliminary Options Selection Report – Main Report) and A3.4 (OSR – Volume 1 – Preferred Option Report) of the EIAR. As detailed therein, Option 2B was identified as the preferred option for a turnback at Malahide. It is acknowledged, as referenced in the submissions, that in terms of transport integration,</p>

	<p>Option 5B is more favourable than Option 2B. Likewise, in respect of noise and vibration, Option 5B is more favourable than Option 2B. However, under environmental and economy criteria in particular, Option 5B was considered less favourable than Option 2B in respect of Archaeology, Architectural and Cultural Heritage, Biodiversity, Water Resources, Geology and Soils, CAPEX, OPEX, Train Operations</p>
<b>Drogheda</b>	
<p>CPO on Weaver's Way</p>	<p>The adjoining neighbours CPO relates to the works associated with the removal of the existing overhead lines, as outlined in section 5.8.8.1 of Chapter 5 of the EIAR. This CPO is temporary in nature and once the required works are completed the lands will be reinstated (if necessary) and returned to the relevant landowner. A Construction Environmental Management Plan (CEMP) has been prepared as part of the draft Railway Order application. The CEMP will inform the construction on site.</p>
<p>Railway Terrace, Drogheda</p>	<p>As noted in section 14.5.2.7 of the EIAR, the installation of a new wheel lathe and a new train wash are not being progressed as part of the Proposed Development and are part of a separate project to DART+ Coastal North. No modifications are required to the existing wheel lathe or the existing train wash. The new wheel lathe and train wash are expected to be operational when the Proposed Development works (at the depot) are completed.</p> <p>The proposed extension of DART services to Drogheda will likely result in some increase in the frequency that the train wash may be in operation. However, the associated noise levels are expected to remain similar to those experienced today with no significant adverse effects from the proposed DART+ Coastal North works at the depot predicted, as detailed in Chapter 14 Noise &amp; Vibration.</p> <p>The Applicant acknowledges the concerns raised by the submission in relation to noise disturbance from maintenance equipment and machinery, however the assessments completed do not suggest that additional mitigation measures are required based on the noise change that does not result in likely significant noise effects.</p> <p>The Applicant is sorry to hear of the issues raised in the submission from the residents of Railway Terrace in relation to experiences in the past. With regards to the</p>

	proposed DART+ Coastal North Project construction phase, prior to the commencement of construction works, a dedicated CLO will be appointed to communicate details of all upcoming works and to oversee the implementation of all required mitigation measures, thereby minimising any potential disruption resulting from the works.
Operational Hours	With regards to concerns raised in relation to future operational hours, it should be noted that the railway is a 24/7 operation, and it is Iarnród Éireann's statutory obligation to operate and maintain it to the required standards of safety and level of service
Construction Hours	Given that some works will often need to be undertaken when the railway is closed to train services, a number of the construction compounds will often need to be active at night and at weekends, to allow Contractors to marshal construction plant and materials, involving both road and rail vehicles.

### 7.3 Further Submissions on Applicant's Response to Submissions

There were an additional sixty further observations made in May 2025 in respect of the applicant's response of January 2025.

#### 7.3.1 Planning Authorities

##### 7.3.1.1 Fingal County Council

- An ongoing concern of FCC is the impact of the proposed construction compound on the Baldoyle Racecourse Regional which is currently being developed. In particular, the Active Regional Hub which forms a key component of the planned Baldoyle Regional Park which has full planning approval and is currently under development would be very significantly impacted by the construction compound. Urgent consideration should be given in this regard to modifying/reducing the extent and layout of the construction compound to avoid extended delays in delivering the anticipated and much needed sports facilities.
- FCC would still ask for this modification to the outer face of the outer fence/railing of the Balbriggan viaduct and for a condition to be included to facilitate this.
- Due to the proximity of the location of the two-storey OHLE Maintenance Compound Building to the protected structure of the Rush and Lusk Train Station there should be a better design quality to the proposed building.

- It is asked that a condition be included that the colour of brick for the SEB does not match that of the historic station building but is a neutral colour that minimises its visual impact (e.g. grey brick or other colour to be agreed with the local authority).
- FCC supports the inclusion of a condition for the existing Palisade fencing to or in the vicinity of the protected structure RPS No. 919 Rail Bridge, Clongriffin (Iarnród Eireann Ref. UBB19) to be replaced with Paladin Fencing. The colour of the fencing should be a neutral colour (such as grey) to limit the visual impact on the protected bridge.
- the inclusion of a temporary acquisition of a newly developed public plaza that forms the centrepiece of the URDF funded regeneration of Balbriggan is excessive and unnecessary.
- FCC requests a Stage 3 FRA analysing all existing watercourse crossings with mitigation plans to enable unrestricted current and future flow. Future flow modelling should also consider existing crossings in context of their current and future suitability.

### **7.3.1.2 Louth County Council**

LCC did not make an initial submission, however, did respond to the Applicant's Response to Submissions. The submission can be summarised as follows:

- LCC gave an overview of its development plan which came into effect on the 11th of November 2021 which superseded the Drogheda Borough Council Development Plan 2011-2017 and the North Drogheda and Environs Local Area Plan.
- The plan recognises that the "DART Expansion Programme" is an important growth enabler for Drogheda as it would improve the connectivity to Dublin due to the increased frequency of services, making the town more accessible and attractive for economic investment and employment generating development.
- LCC gave an overview of relevant planning histories in proximity to the proposed development including grants of permission for residential schemes at Bayview House to the west of the railway station and another east of the railway station.
- An overview was also provided for the NPF, NDP, RSES and other transport and climate strategies in the context of Drogheda and the DART+ Programme.

- Key policies of the LCDP include SS13, MOV 2, MOV16. It is the planning authority's view that the proposed development is supported by the plan.
- by the following policies
- LCC also identified European designations, National Heritage Areas, Protected Structures, Architectural Conservation Areas.
- The planning authority reference active travel schemes currently be prepared. And that bridge widening or access across Irish Rail lands may be needed to ensure adequate connectivity and continuation of cycles lanes and footpaths.
- The planning authority has set out eight conditions which they request are attached to any grant of planning permission. A memorandum which is attached to the submission from the Senior Executive Engineer seeks eleven conditions.

### **7.3.1.3 Meath County Council**

MCC advised that the Commission refer to its original submission and have nothing further to add.

## **7.3.2 Prescribed Bodies**

### **7.3.2.1 Transport Infrastructure Ireland**

TII is of the opinion that the consideration and responses to the original TII submission do not appear to fully reflect the matters raised in the TII's submission such that, critically, the Observations Report does not appear to commit to clear, traceable commitments to mitigation of potential national road network impacts in the form of operable Order approval development conditions as identified in the original TII submission which is a concern. TII recommends that conditions be applied.

## **7.3.3 General Observations**

The general observations received were largely in respect of services on the Howth Branch and reiterated many of the issues set out in Section 7.3.1 above.

Observations were received from:

- Adele Sleator
- Ann Scully
- Anne McCarthy & others
- Anthony Gray
- Audrey Farrelly & others

- Baldoyle Library Bookies Book Group
- Barry & Jean Crowley
- Bayside Community Association
- Brendan Clifford
- Chris Elsom
- Cian O'Callaghan TD
- Colin Doyle and Others
- Colm and Fiona Cahill
- Donaghmede Estate Residents Association
- Donahies Residents Association
- Donal Hughes
- Dorato Piaskowska & Pawel Lewandowski
- Elaine Hassett & Joshua Hilliard
- Eoghan Duffy and Catherine Bannon
- Gertrude Kenny
- Harold Whelehan & Elizabeth Mullan
- Howth and District Active Retired Association
- Howth Lodge Board of Management
- Howth Sutton Autism Friendly Community
- Ian & Sheila Sanders
- James Murphy & Miriam Harrison
- Jennifer Hughes
- John Flanagan
- John Towers
- Joseph O'Connor
- Kevin Enright
- Les Doyle
- Lorcan Blake
- Louise & Brian Lynch
- Louise Whelan & Others
- Louise Whelan
- Maura Murtagh

- Mgt Committee of Sutton Golf Club
- Michelle McGrath & Colum Crowley
- Norbert & Margaret Bannon
- Patrick Leahy
- Pauline Moreau
- Residents of Asgard Road
- Residents of Tramway Court
- Residents of Warrenhouse Road
- Roger Stalley
- Rosemary O'Neill
- St Domhnachs Well Res. Association
- Tim O'Neill & Lindsay Bond O'Neill
- Tommy & Rosemary Drumm & Others

Some of the issues reiterated included:

- The applicant's response does not directly address issues raised and simply re-quotes section of the EIAR.
- The public consultation was entirely inadequate and did not engage with certain groups in the community. The statements in the response in respect of how the applicant engaged are incorrect.
- The applicant has essentially deferred any decisions in respect of timetable and will be unable to deliver an enhanced service to Howth.
- The information relied on for traffic impacts is from a traffic survey taken in 2023 which is considered out of date and is a flaw in the assessment.
- The proposed development will impact the human rights of residents in Howth as a result of their movement be restricted by level crossing closures.
- The closure of level crossings, 30 minutes out of every hour is not acceptable and will have an unacceptable impact on all modes of travel. Emergency services will be affected also. Mitigation proposed like yellow boxes are insufficient.
- The access and circulation arrangements at Howth Junction & Donaghmede Station are unacceptable for or the elderly, wheelchair users, those with buggies or those with difficulty walking or learning difficulties. It is generally considered unsafe.

- The proposed development will devalue homes along the Howth Branch as well have an impact on retail and tourism.
- The historic service operating since 1847 should not be curtailed. It should be preserved.
- The response does not address the growing population in Howth and along the branch which will not be best served by a shuttle service.
- The consideration of alternatives like four tracking, transfer station at Bayside is not fully evaluated.
- There is an absence of toilet facilities on DART services, and this has not been addressed in the planning application.
- The proposed development ignores services north of Drogheda and there is no consideration of the impact to the enterprise service to Belfast.

There is a general request that the Commission include a condition for the retention of direct DART services to Howth, Sutton and Bayside including at peak morning and evening times as part of a Railway Order.

### **7.3.4 Specific Observations (on Lands)**

#### **7.3.4.1 Malahide Marina Village Ltd**

- The submission acknowledges the CPO process they would note the very significant impact that the proposed Construction Compounds (CC-16250 and 16400) together with connecting construction access routes will have on the operation of the facility during this phase of construction and will require adequate compensation to recognise these impacts and implications.
- They would welcome and anticipate early consultation on this matter and will require agreement and discharge of compensation in advance of any works being undertaken and contractor's compounds being established.

#### **7.3.4.2 Alcove Ireland Eight Ltd (Rush and Lusk Station)**

- The submission reminds the Commission of its legal responsibilities in confirming CPOs and the heightened scrutiny required and that the Commission may not have as the specialist planning appeals body the legal expertise to carry out the constitutional analysis in exercising this jurisdiction as mandated by the jurisprudence.



- The acquisition manifestly impairs the development potential of the lands that would be retained by AITL as it has not been designed with any consideration for access for the potential uses of those lands. The scheme can be designed in such a manner that mitigates the impact on the land that would be retained by AITL, and this is fatal to the proposed acquisition from AITL.
- There is no explanation as to why the acquiring authority considers it necessary to acquire the freehold simply to obtain access rights. This is acquisition overreach that cannot be justified under the proportionality test.
- AITL do not accept CIÉ's submission that the existing level of access to their lands would be "maintained and unaffected by the proposed works". AITL also deny that agreement in principle was reached during pre-application consultations in regard to the integration of the proposed road junction with AITL's strategy for the area.
- The CIÉ submission does not give due consideration to the planning merits of the AITL proposal as set out in the masterplan by CCK Architects.
- The construction compound for which the temporary land take is proposed could be located elsewhere on the AITL holding by agreement rather than by compulsory purchase.
- An oral hearing would be particularly appropriate in this case given that (a) there are differences of opinion between CIÉ and AITL in regard to the relevant statutory provisions and the proportionality of the proposed compulsory purchase; (b) there are differences of opinion between CIÉ and AITL in regard to the potential of the AITL landholding for transit-oriented development adjoining the Rush & Lusk rail station; (c) a full review of the legal options in an oral hearing setting would facilitate an agreement between AITL and CIÉ on an alternative access arrangement for the proposed site, which would not involve compulsory purchase

#### **7.3.4.3 Greenwalk Homes Ltd (Bettystown)**

- The submission welcomes that the undergrounding of works will be appropriately integrated with any approved plans for the subject lands.
- The submission's concern is they are stating they will only engage with the objector if planning permission is obtained. However, it is submitted that CIÉ

should engage with the objector to ensure any works is incorporated into a proposed and or planned scheme.

#### **7.3.4.4 Joanne Mallon and Simon Gregory and others (Railway Terrace, Drogheda)**

This submission largely reiterates the initial submission with some additions in relation to use of Platform 4 to the rear of Railway Terrace .

- Should Irish Rail choose to use this cleaning equipment to service the non-electric fleet, residents would be subject to even further noise disturbance from engines on these tracks at any time of the day or night. Should equipment like this be installed in such proximity to any home a condition should be imposed to prevent usage for any non-electric fleet.

#### **7.3.4.5 Conor Rock**

- The primary concerns of the objector remain unresolved given the unsubstantiated and insufficient responses set out at section 5.5.1 of the Arup submission of 29th January 2025
- The potential for the offer of temporary accommodation is not acceptable given this is most likely to occur during nighttime hours and during weekends, when levels of enjoyment and amenity are most valuable. Chanticleer residents include an old-age pensioner, and a person diagnosed with psoriatic arthritis. Neither experiencing “very significant” effects from construction works, nor having the disruption of being relocated to temporary accommodation constitute an acceptable solution to this substantial concern given the health and mobility requirements of Chanticleer residents.
- The alternate proposed access routes are unsafe, environmentally unwelcoming, and costly in terms of time and transport options. The travels to Dublin frequently during a typical week and will be considerably impacted by the proposed alternative routes imposed throughout the construction phase.
- the objector has concerns over the lack of detail in respect of the 'Work Package Area' and the form of this encroachment as this area is not identified for any form of compulsory acquisition and appears to fall outside the red line development boundary of the application. Clarity should be sought from the applicant and

details of this 'Work Package Area' provided to the satisfaction of Mr. Rock in respect of this matter.

- It is noted that the plan refers to the existing hedgerow but does not include the additional tree-lined driveway leading to the entrance of Chanticleer which add very significantly to the visual amenity, setting and character of the property. the objector objects to this omission and requires Figure 15.3 to be updated to reflect the existing conditions on McGrath's Lane and the retention or replanting of these trees.
- The submission reiterates concern with the design of the bridge facades which do not appear to respect or protect the extant architectural heritage. It is recommended that this is reconsidered by CIÉ.
- Mr. Rock and his family are pedestrians and currently utilise the route across the bridge on Railway Terrace to access the station and beyond. In this respect the proposed gradient and levels at the western part of McGrath's Lane adjacent to the entrance to Chanticleer are unacceptable and not in compliance with DMURS, as stated by the applicant.
- These impacts go well beyond what can adequately be compensated for in relation to the CPO of lands and as conceded in the CIÉ application and submission dated 29th January 2025, there will be significant long term negative effects on the objector property and associated amenity.
- The potential for the offer of temporary accommodation to the objector is not acceptable given this is most likely to occur during nighttime hours and during weekends, when levels of enjoyment and amenity are most valuable. Chanticleer residents include an old-age pensioner, and a person diagnosed with psoriatic arthritis. Neither experiencing "very significant" effects from construction works, nor having the disruption of being relocated to temporary accommodation constitute an acceptable solution to this substantial concern given the health and mobility requirements of Chanticleer residents.

#### **7.3.4.6 Johnny & Grainne Dunne**

- The submission continues to seek an arrangement to be incorporated into the proposals, via the existing route through Drogheda (MacBride) Station connecting to Dublin Road.

- As an alternative option, it is proposed to utilising the temporary compound construction traffic route to the west of Newtown Lodge and north through the adjacent field, it is respectfully submitted that the Railway Order is amended to provide Mr. & Mrs. Dunne direct access to the completed road to the northeast which serves the unoccupied residential development at Newtown View. It is not accepted that this connection cannot be facilitated.
- The submission reiterates concern with the design of the bridge facades which do not appear to respect or protect the extant architectural heritage. It is recommended that this is reconsidered by CIÉ.
- These impacts go well beyond what can adequately be compensated for in relation to the CPO of lands and as conceded in the CIÉ application and submission dated 29th January 2025, there will be significant long term negative effects on the objector's property and associated amenity.

#### 7.4 Technical Report accompanying Submissions

The Commission should note that this report has had full regard to the following technical reports which accompanied observations received. The Commission should consider these given many of these reports challenge the applicant's design and/or environmental assessment of the proposed development. These reports are typically commissioned by the observer to dispute the applicant's conclusions and may have been prepared by persons who hold competencies on certain technical topics.

<b>Table 28: Technical Report accompanying Observations</b>			
<b>Observer</b>	<b>Consultant</b>	<b>Expertise</b>	<b>Detail</b>
Alcove Ireland Eight Ltd.	McCutcheon Halley	Planning	Submission on behalf
	McCutcheon Halley	Planning	Transport Orientated Development Opportunities between Malahide and Drogheda DART+ Stations
	Conroy Crowe Kelly	Architecture and Urban Design	Framework Masterplan for development of lands to the east of Rush & Lusk Train Station
Balbriggan Football Club	KT Designs	Architecture and Planning	Submission on behalf

BH Imports Ltd	RMK Planning	Planning	Submission on behalf
Cairn Homes Properties Ltd	Declan Brassil + Company	Planning	Submission on behalf
Carmel Dowling, Teresa Dowling and Mary MacLoughlin	Sheehan Planning	Planning	Submission on behalf
Conor Rock	Joh Spain Associates	Planning	Submission on behalf
	ILTP Consulting	Land Use and Transport Planning	Submission on behalf
Greenwalk Homes	Joh Spain Associates	Planning	Submission on behalf
Howth Lodge Board of Management	Wyse	Property Management	Submission on behalf
J Murphy Construction Limited / Ravala Limited	BMA Planning	Planning	Submission on behalf
Johnny and Grainne Dunne -	Joh Spain Associates	Planning	Submission on behalf
	ILTP Consulting	Land Use and Transport Planning	Submission on behalf
Sutton Golf Club	O'Neill Town Planning	Planning	Submission on behalf
Monobrio DAC	CS Consulting Group	Engineering	Submission on behalf
	ARUP	Engineering	Design Note
O'Dwyers GAA Club	KT Designs,	Architecture and Planning	Submission on behalf

Tommy & Rosemary Drumm & Others	Kiaran O'Malley and Co. Ltd	Planning	Submission on behalf
Xeolas Pharmaceuticals Limited	Ogier	Legal	Submission on behalf

## 8.0 Planning Assessment

I have read the entire contents of the file including the Planning Report, EIAR, NIS and all supporting documentation submitted with the application. I have visited the subject site and its surroundings on several locations. I have read in full the observations submitted in respect of the application including the third-party observations, the observations from the planning authority and the observations from prescribed bodies.

There are a variety of issues raised within the submissions received, I have considered them on a themed or locational basis within the relevant sections of the report hereunder. I consider the critical issues in determining the current application before the Commission are as follows:

- Principle of the Development
- Direct Service to and from Howth
- Railway Works at various locations
- Substations
- Bridges
- Provision of New Train Stations
- Residential Amenities
- Flood Risk
- Consultation and Engagement

All other matters raised in submissions are considered under the relevant topic in the EIA, AA CPO sections as required having regard to the requirements of the legislation.

- Planning Assessment (this Section)
- EIA (Section 9.0)
- WFD (Section 10.0)
- AA (Section 11.0)
- CPO (Section 12.0)

Each assessment has had regard to all submissions made by parties to the planning application. There is an inevitable overlap between the assessments with certain matters falling into the planning assessment, EIA, AA, WFD and CPO. In the interest

of brevity, matters are not repeated but the Commission should have regard to all sections when deliberating and reaching its conclusions in respect of the planning application and each discrete assessment under EIA, WFD, AA and CPO.

## 8.1 Principle of the Development

The current electrified DART network is circa 50 km long, extending from Malahide/Howth to Bray/Greystones. The DART+ Programme is seeking to increase the high capacity and electrified network to 150 km to meet current and future demands. This will be achieved by the modernisation of the existing railway corridors to include electrification, re-signalling and certain interventions to remove constraints within the GDA. The programme includes the following:

<b>Table 29 DART+ Programme</b>		
<b>Project</b>	<b>Location</b>	<b>Status</b>
DART+ Coastal North	circa 50 km from Drogheda to the City Centre	This project
DART+ South West	circa 16 km between Hazelhatch & Celbridge Station to Heuston Station and also circa 4 km between Heuston Station to Glasnevin Junction, via the Phoenix Park Tunnel Branch Line (c. 20 km in total).	Granted subject to conditions
DART+ West	circa 40 km from Maynooth & M3 Parkway Stations to the City Centre	Granted subject to conditions
DART+ Coastal South	circa 30 km from Greystones to the City Centre	Optioneering

I also note that the DART+ Fleet project entails the purchase of new electrified fleet to serve new and existing routes and has commenced.

The importance of public transport and the move away from reliance on the private car is clearly acknowledged at a European, national, regional and local level and there is a suite of documents that support and promote the transition to a low carbon and climate resilient society.

At a European level, the Trans-European Transport Network seeks to ensure that railway infrastructure is fully electrified, save in the case of isolated networks. The DART+ Programme including the DART+ Coastal North project is consistent with the objectives of the Trans-European Transport Network.



At a national level, the National Development Plan notes that the transport sector is responsible for 20 per cent of Ireland's GHG emissions and emissions from the sector were growing consistently pre-pandemic, despite the mitigation efforts undertaken. Major progress in decarbonising the sector is, therefore, a prerequisite for achieving Ireland's 2030 climate targets. The National Planning Framework and National Development Plan acknowledge the need to expand attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer term population and employment growth in a sustainable manner through measures including delivery of the key public transport objectives of the Transport Strategy for the GDA. This includes investment in the DART Expansion Programme which is identified as a strategic investment priority and key future growth enabler for Dublin. It will be the cornerstone of rail investment within the lifetime of Project Ireland 2040, and it represents the single biggest investment in the Irish rail network.

The imperative as articulated at national level is distilled in the RSES for the Eastern and Midlands Region. Objective RPO 5.2 of the Metropolitan Area Strategic Plan (MASP) seeks to support the delivery of key sustainable transport projects including the DART expansion programme and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned. The strategy identifies the Dublin - Belfast Economic Corridor as a key strategic corridor and specifically identifies railway electrification as a growth enablers which would allow for the growth of Drogheda in particular.

The GDA Transport Strategy 2022 2042 in Measure RAIL1 supports the implementation of the DART+ Programme. It reiterates the fact that the level of accessibility afforded by such infrastructure and services allows for a higher intensity of development. The strategy also identifies the ability of the DART+ Coastal North to increase capacity on the northern commuter line and support ongoing large-scale urban expansion of the North Fringe lands (i.e. Clongriffin) and Donabate.

The rail line subject of this Railway Order traverses four local authorities, DCC, FCC, MCC and LCC. At a local policy level all city and county development plans support the rail project and advocate for a transition to more sustainable travel modes and effective integration of land use and transportation recognising the opportunities presented by DART+. The policies are clear and explicit and include:

- Policy SMT22 of the Dublin City Development Plan,
- Objective CMO23 of the Fingal County Development Plan
- Objective MOV OBJ of the Meath County Development Plan
- Objective SS 13 and MOV 12 of the Louth County Development Plan

In conclusion, and as evidenced from the policy context assessed above, the proposed development is a strategic project aligned with European, national, regional and local objectives to improve sustainable connectivity, support compact growth and reduce the reliance on private vehicle trips, with the consequent reductions in vehicle emissions. It is clear that there is an obvious need and justification for the proposed development which has been clearly demonstrated from a population growth and congestion perspective and in the interests of land use and transport planning integration. The project follows and expands the potential capacity of an existing operational railway and is regarded as acceptable in principle in terms of planning and transportation policy.

### **8.1.1 Material Contravention**

The Commission should note that discrete elements of the proposed development, namely the substations at Donabate, Skerries South, Skerries North and Balbriggan maintenance compound may not fully comply with certain zoning objectives and its vision as they are uses which are neither ‘permitted in principle’ nor ‘not permitted’ and need to be assessed in terms of their contribution toward the achievement of the zoning objective and vision and their compliance and consistency with the policies and objectives of the development plan. This matter is further addressed in Section 8.4 below and the Commission should have full regard to it prior to making a decision.

## **8.2 Direct Services to and from Howth**

The primary issue raised in the majority of submissions is the loss of direct services to and from Howth Station from Howth Junction & Donaghmede Station. A trip between the city centre and Howth Station could, in theory, require the user to change trains at Howth Junction & Donaghmede Station and use a shuttle service from this point. The observers consider that the direct service is convenient and vital for the communities of Bayside, Baldoyle, Sutton and Howth in respect of a variety of social, economic and environmental factors.

The applicant has made clear that the any theoretical changes to the service on the Howth Branch will not result in the removal of every direct service but include a combination of a direct service to the city centre and a shuttle service. The Commission should note that the transition to the shuttle service is dependent on future passenger demand and would not happen immediately. The applicant sought to communicate this throughout the non-statutory public consultation process and in the planning application documentation.

At this juncture, and notwithstanding the many submissions from observers on the topic, the Commission should make the distinction between what are infrastructural changes and operational changes. The Commission, in the context of this planning application and the relevant legislation, are considering the infrastructural changes . It should be the view that any operational changes are a separate matter for CIÉ. Such operational changes are addressed through a separate public consultation process under the remit of the NTA known as the 'Timetable Customer Consultation Process'.

While infrastructural changes are intrinsically linked to and facilitate operational changes, and the implication of the infrastructural changes are fully considered in the EIA in terms of various environmental topics. I am satisfied that the timetabling of trains is a matter between CIÉ and the NTA and the infrastructure proposed as part of this Railway Order would not prohibit the manner in which the timetable is currently operated should CIÉ wish to maintain it in perpetuity.

It is of course the fact that CIÉ and the NTA could change a timetable at any time and without any recourse to the Commission. In fact, a timetable change, as highlighted by many an observer as a shambles, was already imposed in September 2024 and the Commission had no jurisdiction to be involved.

In short, the infrastructure proposed could be installed and the timetable may never be changed, however, it gives CIÉ the flexibility and options to consider such changes and decision in respect of their public service and commercial obligations . This is a reasonable approach in the operation of an urban rail network with both inter-city, commuter and freight traffic and I am satisfied it is beyond the powers of the Commission to adjudicate on.

Several observers note that there have been increasing services in comparable networks like Cork and in doing so IÉ have maintained direct services on the Midleton and Cobh branches. It is their view that this is similar to the Drogheda and Howth branches. While this is noted, I am satisfied that it is not a like-for-like scenario given it is largely a commuter service and there is an absence of intercity services on the Cork to Midleton and Cobh lines. Regardless, as discussed, the timetabling of train services are not matters for consideration by the commission.

I acknowledge the observers concerns about previous timetable changes implemented by IÉ which occurred most recently in September 2024. It is the view that changing the timetable was not successful then and it is unclear whether IÉ could successfully implement a higher frequency timetable as set out in this planning application. The applicant has also acknowledged the issues that occurred in September 2024 (see Section 2.2.20 of the Response to Submissions) and considered the timetabling as 'overly ambitious'. Regardless, CIÉ have since made amendments since then and the performance and punctuality has improved. While the theoretical timetable is also ambitious and increase in frequency would result in little margin for error in terms of delay on the lines. I would not consider the timetable changes in 2024 as an indication of how timetable changes may work out in future. Should the proposed development be granted, any timetable change would have the benefit of infrastructure interventions like turnback facilities to give greater flexibility to timetabling in any case. The Commission should be satisfied that the proposed infrastructural interventions would not give rise to significant environmental impacts and that matters of timetabling, while challenging, is a separate regulated process.

The applicant in its response to submissions has provided theoretical scenarios to illustrate how an interchange for Howth services could work and also set out journey times – the Commission is reminded that is a peak scenario and dependant on a number of factors. During peak times, trains will take approximately 31 minutes (median) southbound and 32 minutes (median) northbound. This result in an additional 6 (southbound) or 7 minutes (northbound). This is an increase in journey time; however, the journey time is negated by the fact that frequency would be every 10 minutes, rather than 20 minutes at present. The dwell time for passengers at both Howth Station and Howth Junction & Donaghmede Station would reduce overall. While there is an inconvenience in these scenarios, it is normal practice worldwide

for commuters to change trains. Many commuters in Dublin presently change between buses and trains and even between buses, trains and trams depending on the destination. It is a feature of an integrated public transport network.

In relation to overcrowding of services, it is acknowledged that services may already be overcrowded at peak times. However, it is unclear how any service changes would exacerbate the situation given the wider provisions for increased frequency, turnback facilities at locations close to Howth Junction & Donaghmede Station. Again, there is an inconvenience in these scenarios, it is normal practice worldwide for commuters to stand on trains, particularly at peak times, and this would be acceptable in the context of the journey time durations. It is noted that CIÉ have measures in place to ensure those certain needs are accommodated with seating, however, no planning permission will enforce such social etiquette on trains.

It should also be noted that the NTA, who made a submission and have a competence in public transport services, is satisfied that the Railway Order as submitted to the Commission has considered the available alternatives, the views expressed during the non-statutory consultations and represents the appropriate approach to serve the existing and future communities along this corridor. They are also satisfied that the works maintain the necessary infrastructure to provide direct services between the city centre and Howth should the outcome of process on setting the timetable result in direct services being maintained.

The impacts highlighted by observers in respect of traffic and transport, human beings (access, retail and tourism, property devaluations, cultural heritage, air and climate) and addressed in various sections under the EIA below. In respect of these topics raised, I am satisfied on the whole that the proposed development would not have any unacceptable direct or indirect effects on the environment. The EIAR has considered that the main significant direct and indirect effects of the proposed scheme on the environment would be primarily mitigated by environmental management measures, as appropriate.

In respect of tourism specifically, I note that Fáilte Ireland, who have particular competence in tourism matters, have no objection in principle to the use of a shuttle service in any future timetable for services. They are clear and of the view that, for visitors, changing trains is nothing new and is something that is expected in capital

cities. Ultimately from a visitor perspective, their key consideration is that services are both more frequent and more reliable. As made clear in this section, I am satisfied that such a frequency and reliability can be achieved and that changes to Howth Junction & Donaghmede Station will result in a more accessible, user friendly and customer focused station for all rail users including tourists.

The requests by observers for a condition, obligating CIÉ to continue direct services to Howth Station would be beyond the remit of the Commission and is related to CIÉ's operational remit and commercial business. It is requested that the Commission not only concern itself with the infrastructure but also the operational matters such as timetables, passenger numbers etc. I am satisfied it is not a matter for the Commission and members of the public would have the opportunity to participate in the Timetable Customer Consultation Process' should changes be proposed.

I note extensive references to precedent conditions in Dublin Airport for the second runway. That condition limited the growth of Dublin Airport to 32 million passengers per annum because of the potential negative impact that building the new runway might facilitate on the surrounding environment of the airport and the communities that lie in its footprint if passenger numbers were not so capped. This condition is acknowledged. however, I am satisfied that this is not an applicable precedent, and the impacts are not comparable between an existing operational railway and new airport runway.

Other submissions question whether a direct train service could be maintained were investment made in modern signalling and automated train technology. The applicant has stated that implementing new signalling on the Howth Branch or on the mainline will not enable an increase in capacity that would allow a direct service to Howth to be maintained. The limiting conditions are the crossing movements required for trains routed towards Howth and trains from the Howth branch attempting to merge with the traffic coming from the Malahide direction. I note references to the European Union Agency for Railways titled European Rail Traffic Management System (ERTMS), UNIFE (the Association of the European Rail Supply Industry) titled Increasing Infrastructure Capacity and JASPERS review, however, I am satisfied the applicant has considered this issue fully in its consideration of the various alternatives in its EIAR and its modelling under the Train Service

Specification (TSS) is satisfactory. Examples to other European examples are also noted, including frequencies being achieved by Transport for London on the Central Line. However, and as the applicant points out, the DART+ Team consisted of specialists who have worked internationally and have accumulated a competence in railway planning. It is the view of CIÉ that the most appropriate intervention to deliver the DART+ Programme objects has been put forward. I am in agreement with this.

### **8.3 Railway Works**

This section considers the various railway works along the proposed development and highlights certain issues with same.

#### **8.3.1 Fairview Depot**

At Fairview Depot, it is proposed carry out minor upgrade works to provide for new track pans for train cleaning, walkways, low level lighting, new localised access platform and water and power services. This necessitates a temporary construction compound off Alfie Byrne Road and an existing service entrance on Clontarf Road. The compound will be located on existing CIÉ lands.

Overall, I consider this all relatively minor and is contained within the existing railway domain. It is noted that no specific observations have been made in respect of these works save for DCC submission in respect of noise impact to the Clasac Theatre – this is addressed in the noise assessment under EIA. Otherwise, the impacts will be limited owing to its location between parkland and amenity centres with no significant residential receptors identified.

#### **8.3.2 Howth Junction & Donaghmede Station**

There are infrastructure works proposed at Howth Junction & Donaghmede Station primarily to facilitate the turn-back facility and improve the user experience. The works include:

- modification of station accesses and footbridge (OBB17A);
- construction of an extension to Platform 2;
- construction of a new crossover;

The applicant in its response to submissions has set out that the proposed works will involve modifying the entrances to provide a more accessible, user friendly and customer focused station for all rail users, as well as improving the connection to the

surrounding areas of Donaghmede and Kilbarrack. In addition, there are upgrades to the existing footbridge and connections to the centre platforms will also be carried out, as well as upgrades to lighting, signage, and finishes throughout. These facilities are primarily designed with those with access and mobility needs in mind and meet the relevant design standards for accessibility.

While the majority of submissions are opposed to changing over and the use of a shuttle generally. There is specific concern about using Howth Junction & Donaghmede Station. There are a range of concerns about Howth Junction & Donaghmede Station, including:

- poor design of the proposed station;
- poor existing and future accessibility for disability users and continual operational lift issues;
- high levels of anti-social behaviour in the area
- poor shelter and exposure to weather

Some of the observations submitted argue that the overall design and scale of the station in question are of an inappropriate scale and finishes. Furthermore, it is suggested that the layout of the buildings does not properly engage with the public or public space and do nothing to increase or improve access.

The architectural approach and design relating to the station is primarily based on safety and accessibility considerations. It is in effect a retrofit to the existing buildings and structures given the station has been in existence for some time. It can be somewhat challenging to provide a necessarily largescale infrastructure/civic structure intervention within an existing station urban area which can be considered sympathetic and appropriate in scale, particularly a railway station which has specific access and movement requirements. I am also cognisant of the public expenditure constraints the applicant is working to also.

Overall, I am satisfied that the redesign of the station has provided the best architectural solution in the context of an existing station and constraint of an operational railway. The architectural approach will positively contribute to the visual environment at Howth Junction and Donaghmede and reflect the core function and purpose of a railway station.



A common intervention through the external façades of the station is transparent cladding which provides better passive surveillance inside and outside of station. It is my opinion that the design approach is successful in creating a more open and inviting station. Notwithstanding this point, the façade treatment continues to partially screen the day to day operations of the railway station.

A deeper retrofit or even demolition and rebuild would be an onerous intervention in the context of the aims of the proposed development, notwithstanding the expected increase usage in future as a result of a shuttle service. It would also require increased expenditure which is a concern of submissions on file already.

The design approach in my opinion represents a successful cost-effective architectural solution for a civic structure and provides an appropriate compromise in opening up visibility into and out of the station and respecting the size and scale of buildings in the vicinity and its setting in a suburban location, particularly to the west of the railway at St Donagh's Road and Carndonagh Lawn.

The photomontages contained in the EIAR together with the detailed drawings submitted adequately provide details of the external elevations and façades. I consider the information provided as part of the application in the form of detailed annotated drawings together with the representations contained in the photomontages are more than adequate for the Commission to determine whether or not the proposed development is acceptable from a visual amenity point of view.

The proposed changes to the station have been designed for increased access. The station has been designed so as to facilitate increased and universal movement into and out of the station for rail services. It will also increase linkages between both sides of the railway line. Additional provisions are also made for cyclists. Many submissions raise concern about the lift/elevator access and constant operation issues with same – however, it is beyond the scope of this planning assessment to resolve disruptions in lift/elevator access. While it is regrettable that this occurs, CIÉ are responsible for maintaining these in the course of their day to day activities and have complaints mechanisms the public can utilise to report such issues. I am also satisfied that the platform covering provided at the station will provide sufficient shelter from the elements in so far as practicable and in a cost effective way. To

completely roof the station would be unreasonable in the context of this planning application.

It is the view of the submissions that the planning and design of station facilities currently fall short of expectations set out in the All-Ireland Rail Review. Any developments which may arise from the implementation of the Review that have the potential to result in negative effects shall be accompanied by an assessment of the potential impacts of any such development. I am satisfied that the proposed development, adheres to the measures set out in the *Review* and the design is appropriate in this context.

The issue of anti-social behaviour at Howth Junction & Donaghmede Station was cited in many submissions as an issue and a reason some would not use DART services that require a change at the station. It is not considered the proposed scheme in of itself would generate an anti-social or general social nuisance. These matters are wider social issues and would be subject to general criminal and civil laws and policing by An Garda Siochana, should it arise – and it is accepted such social nuisance has arisen in the past and is well documented in media. It has to be acknowledged, however, that the improvements proposed at the station should assist in minimise the potential for anti-social behaviour to arise. This is in addition to the many existing measures in place in including TEXT Alert Systems, joint operations with AN Garda Siochana, CCTV Monitoring, deployment of security operatives, and ticket inspectors. A Safety and Security Report published in 2024 also notes comparable statistics for Howth Junction & Donaghmede Station and other stations on the network.

I note Xeolas Pharmaceuticals has concern in respect of the location and extent of the temporary construction compound proposed on their lands. This matter is address in Section 12.0 below.

### **8.3.3 Howth Branch Level Crossings**

There are four level crossings between Howth Junction & Donaghmede Station and Howth Station.

- Level Crossing Gates at Baldoyle Road, Sutton (XQ001)
- Level Crossing Gates at Station Road, Sutton (XQ002)
- Level Crossing Gates at Lauder's Lane, Sutton (XQ003)

- Level Crossing Gates at Howth Lodge, Howth (XQ004)

The level crossing gates at Baldoyle Road, Sutton and Station Road, Sutton are both regionally classified roads and experience higher volumes of traffic than Lauders Lane and Howth Lodge which facilitate local roads.

While no infrastructural changes are proposed at these level crossings, these will be closed for longer should the operational changes effect when future passenger demand is met. The proposed shuttle services would result in the level crossing being closed for a minimum of 30 minutes of every hour – in the future scenario where future passenger demand is realised and a shuttle is required more often this would be 31 minutes and 34 seconds, as clarified in Section 2.3.2.1 of the Applicant's Response to Submissions. This effectively doubles the current closure time of 15 minutes 47 seconds.

There are exact points along the line which trigger the level crossing closure. The best case scenario is that two trains would pass a level crossing at the same time. The worst case is when two trains are separated by just less than twenty seconds which results in the level crossings being closed for the maximum amount of time. The applicant acknowledges in Appendix 6.1 Level Crossing Assessment that while there is potential to optimise a timetable to minimise level crossing closure, it is unlikely to be able to optimise train crossings at more than one major crossing.

This would impact on traffic and transport, including on adjoining roads. However, the sensitivity analysis has shown that queue lengths are likely to remain within the available queueing capacity.

This is particularly the case at XQ001, where there is a possibility that a long southbound queue may occasionally form which may block back across the Warrenhouse Road/Dublin Street Junction during the AM peak hour. In addition, there is a possibility that a northbound queue may occasionally form that may block back across the Dublin Road/Baldoyle Road Junction during both the AM and PM peak hours. While traffic may worsen, it is considered within acceptable limits. A comparative analysis was also carried out across the DART network. Figure 4-15 of the Appendix A6.1 illustrates how the level crossings on the Howth Branch compare the existing baseline for the Maynooth and Greystones lines. At present crossings on the Howth Branch are closed 25% of the time, whereas crossings on the Maynooth

line are closed 40-70% and on the Greystones line at 45-65% of the time at the AM peak hour. The figure illustrates that the Howth Branch, which will be closed over 50% of the time at AM peak, will in effect become more aligned with existing closure on the wider DART network, such as at Porterstown (55%), Clonsilla (52%), Sydney Parade (53%), Sandymount Ave (55%) and Strand Road (45%). While it may be argued that this comparison is irrelevant and it does not negate the traffic impact compared to the baseline currently experienced – when coupling the closure periods with the traffic volumes at the level crossings (1,700 vehicles AM peak hour on the Howth Branch and 2,800 vehicles AM peak hour on the Greystones Line) the impacts may be lesser on roads approaching the Howth branch. On this basis I am satisfied that the level crossings, under the current operational parameters, will remain in line with, and below, current level crossing closure durations and frequencies in other parts of the network.

The applicant has clearly demonstrated in its surveys that vehicular usage the levels crossings at Lauder's Lane and Howth Lodge are relatively low, with only 6 vehicles travelling northbound and 8 travelling southbound across the rail line between 08:00 and 09:00; and 10 northbound and 6 southbound between 17:30 and 18:30 at Claremont. There would be very little queueing on this basis. Similarly pedestrian usage is low, with 97 pedestrians crossing the level crossing on a daily basis between 06:00 and 20:00 at Claremont. The applicant also points out that frequency, similar to that which may be achieved on the Howth Branch already occurs on other rail lines at present and does not create an undue burden for those residents while at the same time, it ensures a high quality of public transport in those areas. The concern of several observers, that the operation of level crossings have been oversimplified by the applicant is noted. However, on the whole the operation of level crossings is consistent, and it is beyond the control of CIÉ when *force majeure* events occur such as level crossing strikes, weather, operational errors and other public events which generate increased crossing needs such summer access to Burrow Beach. While these are disruptive and do occur, the applicant has a range of operational and emergency measures which it can implement to mitigate the disruption in so far as possible.

In relation to access for emergency service vehicles, I note that the applicant is in contact with and accommodate such services when requested and necessary. It also

noted that level crossing has the converse effect of allowing for emergency services to easily bypass queuing general traffic and get to the front of the traffic queue, minimising any delays.

I do not agree with the several observer's views that the increased level crossing closure affects their fundamental rights to freedom of movement, which are affirmed in the Universal Declaration of Human Rights and further underscored by European Union laws (EU Maastricht and Lisbon Treaties). Access to various points off the Howth Branch such as Sutton Golf Club, Burrow Beach, Claremont Road and Howth Lodge is being maintained.

In respect of residential amenity of those who require access across the Howth Branch to areas such as Sutton Golf Club, Howth Lodge and Claremont, a more frequent service mean potentially more instances of queuing; however, it does not directly impact the residential amenity of any property and does not create an excessive burden for those residents and visitors.

I should remind the Commission at this point that the closure times are theoretical as previously discussed in Section 8.2 and peak timetable as put forward by the applicant may never be implemented. All residents and users at Sutton Golf Club, Howth Lodge and, Claremont would have an opportunity in future to put their case forward in respect of timetabling to the NTA under that separate process.

I am satisfied that there would be limited impact on Sutton Golf Club as a result of the proposed development and it is already impacted by level crossing closure and continues to operate. While there would be an increase in railway closures, pedestrians and indeed golfers, under the theoretical timetable, such users would be first across the level crossing once opened. It is noted that are other local access points via Claremont Road to access/egress/the golf club by vehicular means should members and staff need to reach their destination by certain times. The applicant has not proposed an under or overbridge at this location at Lauder's Lane to overcome the level crossing closures but based on the traffic and transport assessment, I am satisfied it is not required at this time and it is a matter between the applicant and the observer if they wish to pursue it outside of this planning application. There is nothing in this planning application that would prohibit providing such a facility in future.

Finally, a point in respect of legal rights of way is noted particularly in respect of access to Sutton Golf Club. The right of way will not directly be interfered with but, like the situation is presently, crossing the track would be limited at level crossings due to passing trains if such a theoretical timetable were implemented. Regardless, issues of burdens on the land like rights of way are noted, but do not hinder the assessment of the proposed development as it is presented. While all land title, burden, rights of way and conveyancing issues may need to be resolved. The applicant will be aware that a person shall not be entitled solely by reason of a permission under the PDA to carry out any development and may need to resolve any other legal issues arising with the land and attain any other such licences or consents required. This is a matter that cannot be address under this current planning process.

The Commission again should differentiate between infrastructure that may in time enable a timetable and an actual timetable change. In this case, the applicant is applying for the infrastructure only and not a timetable. Matters of timetabling is between the NTA and CIÉ. The applicant may in future chose to operate at increased level of service on the Howth branch and increase level crossing closure at Cosh, but it is beyond the remit of the planning process to prohibit or require this.

#### **8.3.4 Clongriffin Station**

The most significant works at Clongriffin include the construction of a Signalling Equipment Building (SEB), including installation of equipment and cable connections to receiving network. This requires permanent access which shall be via Myrtle Close. Further north, a Telecommunication Equipment Room (TER) is required within the station.

There will also be works to the tracks at this location to serve a new eastern platform for the turnback facility. These works are the east of the existing railway and require the construction of a retaining wall of approximately 2.5 m height. The utility diversions are noted.

These works necessitate a temporary construction compound along the eastern side of the railway with access proposed from Mayne Road (R123). I note that the eastern side of the railway has provision for a local centre as part of its local area

plan. The proposed development, including temporary construction compound would not undermine the future achievement of this plan generally.

I note the submission of the adjoining landowner Monobrio DAC who seeks additional reassurances on construction phase arrangement, which is addressed in Section 12.0

### **8.3.5 Mayne River Crossing**

The first turnback proposed is north of Clongriffin Station. This requires the construction of a culvert extension to existing UBB18B and a new single span arch bridge (UBB19) to support and carry rackwork. The new bridge will be constructed adjacent to existing UBB19/19A. The proposed works will be serviced by the same extensive temporary construction compound that will be used for Clongriffin Station.

It is noted that the existing railway bridge crossing, mid-19th century double arch, of the Mayne River is a protected structure (RPS 919). However, I am satisfied that the proposed development is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

FCC have specific concern in respect of this construction compound which is on high amenity lands. I note Objective IUO26, which seeks to establish riparian corridors free from development of 10 metres. However, I am satisfied that the applicant requires access to the bridge which is inherently in a sensitive location. The works will be a temporary/short-term impact, and the area will be fully reinstated post completion of the construction works. Other objectives in relation to ecological corridors and development along water courses included Objectives DMS0154, DMS0156, DMS0158 and DMS0210 are noted as well, however, the applicant has fully considered the impacts arising at the Mayne River Crossing and will implement a range of mitigation measures to lessen any impacts. I am satisfied the applicant is compliant with said policies and objectives of the FCDP.

I also note the parkland development proposed at this location incorporating active and passive recreational uses relating to the regional 'Racecourse Park' lands. I am satisfied continued liaison between the applicant the planning authority and timing of works would ensure that the construction works on both projects can proceed and I do not see an impediment to the timely development of the park project. The

applicant may where possible minimise construction access routes and compound areas and will be required to reinstate said lands to their current state on completion of the proposed development. While not an optimum solution, it is necessary to achieve other policies FCC advocate for, including providing reliable public transport to communities in this area.

I note concern by FCC in respect of the fence arrangement proposed around the crossing and in the context of the protected structure. I am satisfied for this detail to be agreed between the applicant and the planning authority for the area prior to commencement of development.

### **8.3.6 Broomfield**

There is a Local Objective (No. 51) provided in the FCDP to provide for a walkway and cycleway across the rail line to Malahide Community School at Broomfield. While this is not included as part of the Railway Order. I am satisfied that the proposed development would not undermine the achievement of this objective in future were it progressed and implemented.

### **8.3.7 Malahide Demesne**

There is an ACA located at Malahide Castle. While the proposed development skirts this designation. I am satisfied due to the level and cut of the railway relative to the demesne landscape and the intervening vegetation that there would be no significant impact on the ACA at this location.

### **8.3.8 Malahide Station**

At Malahide, a similar arrangement to Clongriffin is being proposed with a Signal Equipment Building and track work including installation of new turnback and associated points and crossings to the west of the track. The turnback shall include a new friction buffer stop and a new raised lit walkway for drivers. The track work including realignment of the existing Down Main track.

I note the numerous protected structures at Malahide Station including the Station building itself, Signal Box, Pedestrian Bridge & Entrance (RPS 388). These are associated with the railway. I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural



features. The Malahide Historic Core ACA encompasses some of these structures but again, I am satisfied there is no significant impact on the ACA. I note FCC's concern in relation to the location of the signalling equipment; however, this is a functional and operational railway and set in the context of other modern interventions at the station including the modern ticket barrier structure which sits between the station building and the proposed SEB. Vehicle access to the SEB was key consideration in its location as well as maintaining the existing car parking provision at the station. I am satisfied with the applicant's response, however, consider it reasonable that the Commission, should it be minded to grant planning permission, include a condition for the final details to be agreed with the planning authority.

The turnback is adjacent to an existing residential area at Marina Village. Certain residents of Marina Village oppose the location of the turnback on the basis of significant residential amenity impact. However, I am satisfied that the applicant has given due consideration to residential amenity in the design. The applicant has also extensively considered reasonable alternative through the EIA process which is well documented using a multi-criteria analysis. The existing railway is also a material consideration at this location and the addition of a turn back facility would not give rise to any significant impact in terms of noise and vibration, air quality and climate including dust, light pollution and privacy.

There are several temporary construction compounds required at Malahide Station, including Bisset's Strand and further north at the Marina. This Bisset's Strand compound is already in use as construction compound for the Broadmeadow Way and I note the applicant has mitigation measures including to mitigate for flood impact which are addressed in Section 8.8 below. This location is acceptable and required to gain access to the westerns side of the railway. The other compound is existing hardstanding and generally acceptable also.

The railway bridge at Bisset's Stand (RPS 423) is also a protected structure from the mid-19<sup>th</sup> century. Again, I am satisfied that the proposed development is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

I note concern of local residents in terms of car parking, domestic waste collection and other day to day activities. These public road at this location will not be closed at times but it is expected that day-today activities would continue and be facilitated by the contractor under the CEMP. It is accepted that during construction and while there may be some disruption in services for local residents during construction, this will be temporary and short term.

### **8.3.9 Malahide Viaduct**

Malahide Viaduct (UBB30) is a protected structure and will require works to provide supports for new overhead electrification equipment. Masts will likely be installed on masts supported on concrete pad foundations placed within the ballast layer under the tracks. In addition, signalling and communications infrastructure will be required on the viaduct.

I am satisfied that the proposed development will not detract from the protected structure (RPS 420) and the applicant has considered the environmental impacts of same including the risk of bird collision with OHLE. There are numerous examples of OHLE on protected structures on the rail network in Ireland including this line at Clontarf Road. The OHLE in this instance does not detract from the protected structure and is viewed as part of a functional an operational railway. The same applies to the Malahide Viaduct.

I note Local Objective (No. 34) of the FCDP which seeks the completion of the Broadmeadow Way between Malahide and Donabate to be prioritised during the lifetime of the Development Plan. The greenway is under construction and is likely to be completed prior to the commencement of DART+. Either way, I am satisfied that the proposed development has taken into considered the completion of the greenway and its development would not undermine the achievement of this objective.

### **8.3.10 South of Donabate Distributor Road**

There are works proposed south of the distributor road at Donabate which will include the closure of a user worked level crossing (XB001). This is in the interest of safety, and I note that there is no objection to same in the submissions received. This area may be important for otters, which is a protected species, therefore, the applicant, in consultation with the NPWS, has sought to compensated for the closure

of the crossing with the introduction of an underground otter crossing. Other biodiversity enhancement works are also proposed. This provision of biodiversity enhancements is addressed elsewhere in this report.

The applicant is proposing a large temporary construction compound adjacent to the distributor road with access onto the Corballis Back Road (R126). Part of this site will be permanently acquired for the construction of Donabate Substation and compound to enable electrification of the line. Access will remain at Corballis Back Road (R126). The compound will include a track access point to maintain track and electrification assets. There will also be certain modification to the distributor road bridge parapets to ensure compliance with OHLE infrastructure safety requirements.

The substation will be located on lands designated High Amenity in the FCDP. Utility installations are not mentioned in the zoning matrix for these lands. On such lands, therefore, uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. The issues this raises are addressed in Section 8.4 below.

There are no works proposed to the railway bridge on Corballis Back Road (R126) which is a protected structure (RPS 502) save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.11 Donabate Station**

There will be extensive utility diversion at the station as well as Modifications to Donabate Station Footbridge (OBB33A) parapets providing compliance with OHLE infrastructure safety requirements. FCC have concern about the aesthetic treatment which can be agree prior to construction. Further north, it is also proposed to carry out modifications to overbridge Access to Beaverstown Golf Club (OBB35) parapets providing compliance with OHLE infrastructure safety requirements. A temporary compound is proposed to the east of the station with access via the station car park.

I note the numerous protected structures at Donabate Station including the Station building itself, Signal Box (RPS 510, 511). These are associated with the railway. I

am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features.

I am conscious that works are underway to the east of the railway to provide a residential scheme. I note the concern of the developer of the site in respect of its ability to progress construction, this is addressed in Section 12.0 below. I am satisfied that the applicant may require the works area to gain access to the railway and carry out required works but it is not intended to disrupt the completion of the housing scheme. Continued liaison between parties can resolve any conflicts which may arise.

### **8.3.12 Rogerstown Viaduct**

Rogerstown Viaduct (UBB36) is a protected structure (RPS 516) and will require works to provide supports for new overhead electrification equipment. In addition, signalling and communications infrastructure will be required on the viaduct.

My view is similar to that outlined for Malahide Viaduct. I am satisfied that the proposed development will not detract from the protected structure and the applicant has considered the environmental impacts of same including the risk of bird collision with OHLE. There are numerous examples of OHLE on protected structures on the rail network in Ireland including this line at Clontarf Road. The OHLE in this instance does not detract from the protected structure and is viewed as part of a functional an operational railway.

There are no works proposed to the railway bridge on Balleally / Rogerstown (UBB37) which is a protected structure (RPS 286) save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.13 Rogerstown Lane**

It is noted that minor modifications are required to overbridge (OBB38) carrying Rogerstown Lane parapets providing compliance with OHLE infrastructure safety requirements. While this is a protected structure (RPS 287), I am satisfied these works will not detract from the protected structure.

### **8.3.14 Rush and Lusk Station (and north of)**

Another substation is required at Rush and Lusk Station to enable electrification. It will result in the expansion of an existing car park location. In addition to the substation, OHLE Maintenance Compound is proposed at this location also, adjacent to the substation. Both will be access via the existing point at R128 Station Road. A temporary compound will be required here also with a portion of land outside the control of CIÉ also required.

I note the numerous protected structures at Rush and Lusk Station including the Station building itself and Signal Box (RPS 288). These are associated with the railway. I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features.

I note FCC concern in relation to the scale, massing, and height of the proposed substation building at Rush and Lusk. However, I am satisfied that the applicant has set out the utility requirements for such a structure which needs to accommodate electrical plant and various equipment for maintaining the railway. There are numerous modern interventions at this station already.

Within the station, modifications to the station footbridge (OBB38A) parapets are required to provide compliance with OHLE infrastructure safety requirements. FCC have concern about the aesthetic treatment of the footbridge which can be agreed prior to construction.

I note there is an objection from the landowner/occupier to the east of the railway who will have land acquired to facilitate the substation and maintenance compound. I am satisfied that the applicant has chosen an appropriate location for the substation and maintenance compound and that the land take is proportionate. The improved access to the R128 Station Road is also appropriate and will provide safe sightlines in order to facilitate access and egress (Drawing D+WP56-ARP-P4-NL-DR-RO-000725). Having visited the site and used the existing access I am satisfied an improvement, in the interest of safety, is required. The land take required for this improved access will remove the landowner's direct access to the regional road, however, access to the field is being maintained. I am satisfied that continued access to Station Road can be achieved via the improved shared access which

should benefit the landowner. While it may give rise to uncertainty for the landowner at this time, in the absence of a planning application for a 'future transit-oriented development' at this time and noting the current zoning of the lands. It is noted that CIÉ could facilitate a shared access, subject to an agreed right-of-way, should the need arise in the future as part of any future planning application by AITL. I am satisfied that the proposed access road would not prohibit a wider scheme on AITL lands and any legal issues in terms of ownership and can be agreed under the CPO process.

North of the Station Road (R128), there are extensive works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables. It is also noted that there are modifications to overbridge carrying Local Road in Rathartan (OBB41) parapets providing compliance with OHLE infrastructure safety requirements. These interventions are acceptable.

Trackwork to under overbridge (OBB39) carrying Station Road (R128) and (OBB44) Local Road in Tyrrelstown including lowering of tracks is required also to provide sufficient vertical clearance to install overhead line electrification. The bridge in Tyrrelstown (OBB44) is a protected structure. There are no works proposed to it save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points. These are considered acceptable.

It is noted that there are also modifications proposed to overbridge carrying L1285 / Baldongan Close (OBB46) which is a protected structure (RPS 246) and overbridge Historic Access to Skerries Golf Club (OBB47) parapets providing compliance with OHLE infrastructure safety requirements. At Baldongan Close (OBB46), I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.15 Golf Links Road (Skerries)**

#### **8.3.15.1 South of Golf Links Road**

A substation is proposed at this location as well as a temporary construction compound to facilitate its construction. This includes permanent and temporary acquisition of lands to the east of the railway.

It is noted that the applicant is seeking two separate access points at this location. The permanent access will be the east of the railway and west of the residential dwelling. This will result in the temporary works area wrapping around the residential dwelling to the east of the railway to gain access Golf Links Roads. It is noted that the owner/occupiers of this property have made extensive submissions in this regard. This is addressed below in Section 12.2.3.5.

It is noted there are some modifications to overbridge carrying Golf Links Road (OBB49) parapets providing compliance with OHLE infrastructure safety requirements.

#### **8.3.15.2 North of Golf Links Road**

North of the Golf Links Road, there are extensive works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables.

There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

R127 Skerries Road (UBB50) is a protected structure (RPS 231). There are no works proposed to it save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.16 Skerries Station**

At Skerries Station, the applicant is proposing Modifications to footbridge (OBB51A) parapets providing compliance with OHLE infrastructure safety requirements. A temporary construction compound is required with access from Skerries Station car park, off Station Road.

I note the numerous protected structures at Skerries Station including the Station building itself and Signal Box (RPS 191). These are associated with the railway. I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features.

North of Skerries Station, and before Barnageeragh there are two bridges Barnageeragh Cattle Pass (UBB52) and Barnageeragh Road to R127 (UBB53) which are protected structures (RPS 880 and 879 respectively). There are no works proposed to them save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.17 Barnageeragh (Skerries North)**

It is noted that a Traction Paralleling Hut is proposed adjacent to Barnageeragh Road with an associated construction compound.

Further north, a site is identified off the Barnageeragh Road (L1270) for the construction of Skerries North electrical substation to enable electrification of the line. It will be located within a dedicated compound accessed via private road. A temporary construction compound will be required to undertake the works.

### **8.3.18 Ardgillan**

It is noted that the applicant proposed modifications to overbridge The Ladies Stairs (OBB54) parapets providing compliance with OHLE infrastructure safety requirements. Along this location, there are extensive works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables. There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

The railway runs along Ardgillan Demesne ACA, I am satisfied there is no significant impact on the ACA, and it is well screened by vegetation.

There is a Local Objective (No.2) provided in the FCDP to provide for a pedestrian over-bridge as part of an attractive walkway along Tanner's Water Lane to the



proposed coastal path linking to the town centre. I am satisfied that the proposed development would not undermine the achievement of this objective in future were it progressed and implemented.

### **8.3.19 Balbriggan**

South of Balbriggan Station, it proposed to carry out trackwork under overbridge carrying Lawless Terrace / R127 (OBB55) including lowering of tracks to provide sufficient vertical clearance to install overhead line electrification. The bridge itself also required modification.

There are no temporary construction compounds proposed in the vicinity of these works. The primary compound in Balbriggan is in the town centre at Quay Street Car Park with access as that existing. It is noted that FCC has concern about the use of this car park given it is currently undergoing redevelopment into an urban plaza. Having visited the site and seen the progress of the plaza development in the intervening year since making the planning application I tend to agree with FCC that it should not be used as a temporary construction compound. However, I am reluctant to omit it from being temporarily compulsorily acquired given CIÉ still need to be able to gain access to the viaduct in order to carry out the necessary works. On that basis I am proposing a condition which would limit said compound to a works area only and restrict the use of the site for site offices, welfare facilities, storage facilities and workshops as well as storage of certain construction plant and equipment required to carry out the works. The requirement to reinstate the lands should be stressed also.

Balbriggan Viaduct (UBB56) will also require works to provide supports for new overhead electrification equipment. Masts will likely be supported on the walkway which shall be modified locally to suit. Public walkways across the viaduct will be impacted during the works. FCC have design concerns about this bridge which I am satisfied can be agreed prior to construction. The footbridge (OBB57A) parapets at Balbriggan Station are also being modified providing compliance with OHLE infrastructure safety requirements.

I note the numerous protected structures at Balbriggan, including the viaduct (RPS 36), Former RNLi Boathouse (RPS 35), St. George's Church (RPS 52), Croom House (RPS 52), the Chimney of Former Sea Mills Hosiery Factory (RPS 19),

Marian House (RPS 28) and the station itself (RPS 30). I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features.

### **8.3.20 Bremore**

North of Balbriggan, at Bremore another electrical substation is required to enable electrification of the line. It will be located within a dedicated compound accessed via R132. The compound will include a new track access point to maintain track and electrification assets. It will also require a larger temporary construction compound during the construction phase. It is located on lands zoned HA – High Amenity, which is addressed in Section 8.4 of this report.

It is noted the railway passes King's Arch (UBB61) which is a mid-19th century single-arch stone railway bridge over laneway to the north of Bremore Castle. There are no works proposed to it save for the OHLE works. I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.21 Gormanstown Station**

At Gormanstown Station, there a numerous works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables.

There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

No structural works are proposed to Gormanstown Viaduct save for line wide works to install the OHLE. The viaduct is a protected structure (RPS 1 (FCC) / MH028-114 (MCC)) I am satisfied that the OHLE works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.

### **8.3.22 Irishtown**

It is proposed to establish a permanent electrical substation compound in the townland of Irishtown, north of Gormanstown Army Camp. The lands will also be used as a temporary construction compound. The compound is outside of current CIÉ lands. Access is via a lane off the R132. It is noted that the lane serves a number of residential dwellings and agricultural complexes.

There is a derelict (roofless) structure within the lands that is currently overgrown. It is of block construction and used by the Irish Army during training operations. A photo is provided by the applicant in Figure 9 of the Response to Submission. Its built heritage interest is noted but unclear and the applicant has been unable to gain access to it to survey it due to the restricted nature of the lands. This structure appears on a 1939 Cassini map. Regardless, I am satisfied the applicant has taken all measures necessary to appraise the structure. However, I have recommended a condition be attached should the Commission be minded to grant permission, that when compulsory acquisition is commenced that a full survey is undertaken by the applicant and, should the structure be of architectural heritage value, it be appropriately surveyed, detailed and recorded in consultation with the planning authority.

It is also proposed to undertake modifications to overbridge Local Access Adjacent Gormanston Camp (OBB68) parapets providing compliance with OHLE infrastructure safety requirements. I note that MCC has also sought Further Information in respect of the WWII Pillbox at Irishtown. The applicant has provided information in this regard, and it is noted that the pillbox is located approximately 9 m back from the end of the existing bridge.

It is also noted that modification is required at a location removed from the existing railway at the existing junction on Camp Road to improve sightlines to facilitate access to temporary compounds at Irishtown.

### **8.3.23 Laytown**

South of the River Nanny, there are numerous works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables.

There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

Laytown Viaduct (UBB72) is a protected structure (MH028- 03) and will require works to provide supports for new overhead electrification equipment. Masts will likely be supported on additional steelwork attached to the bridge at the outer pier locations. I am satisfied that the works is sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed. I note MCC concerns in respect of the treatment of the historic structure but am satisfied with the applicant's response that the bridge length is short enough to allow the OHLE masts to be placed in the embankment either side of the bridge, with the OHLE wires spanning the full length of the viaduct without the need to attach support structure to the bridge.

My view is similar to that outline for Malahide, Rogerstown and Balbriggan viaducts. I am satisfied that the proposed development will not detract from the protected structure and the applicant has considered the environmental impacts of same including the risk of bird collision with OHLE. There are numerous examples of OHLE on protected structures on the rail network in Ireland including this line at Clontarf Road. The OHLE in this instance does not detract from the protected structure and is viewed as part of a functional an operational railway.

North of the River Nanny, and in an around the station, modifications to Footbridge (OBB74A) parapets is required to provide compliance with OHLE infrastructure safety requirements. Laytown Station Masters House is a protected structure (MH028- 302). I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features.

In addition, there a numerous works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables. There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

### **8.3.24 Bettystown**

An electrical substation will be established in Bettystown, east of the railway and west of Ardmore Close and Avenue. The site will be access via Narrowways Road (L5632), this will remain permanently. This is a suitable location for such infrastructure within an existing settlement and adjacent to the railway.

Further north at Pilltown Road (L5615) and in the townland of Colpe (adjacent to OBB78) numerous works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables.

### **8.3.25 Colpe Road (south Drogheda)**

In order to clear Colpe Road (OBB78), the applicant is proposing trackwork under the overbridge to lower the tracks to provide sufficient vertical clearance to install overhead line electrification. A temporary construction compound is required on the southern side of Colpe Road to facilitate works. The bridge parapets also required works.

To the east of Park Risk and north of Park Wood, works required to install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables. There is temporary construction compounds required at various locations either side of the railway also in order to carry out these works, including the provision of temporary access points.

### **8.3.26 Weaver's Way**

To the rear of residential dwellings on Weaver's Way, there is a requirement to decommission and remove existing overhead 38 kV voltage power lines to accommodate the electrification works.

These are minor works and while there will be disruption for residents of Weaver's Way, the works will be short term and temporary and the lands will be reinstated following completion of the works. I note the submission of Aoife McKinnon who has concern in respect of these works. However, the applicant has set out a suite of mitigation measures intended to lessen any impacts. These will be managed through a CEMP and CTMP which will be agreed with the planning authority prior to commencement and ensure safety of residents of the estate and that complaints can be raised and resolved.

### **8.3.27 Drogheda (MacBride) Station**

There is extensive works proposed in the vicinity of Drogheda (MacBride) Station on the CIÉ and privately owned lands. This is reflected in the extensive tracts of land that are required as temporary construction compounds and works area as the railway enters the station.

The general works which are common to the entire line include:

- install, divert and decommission utilities including low and medium voltage powerlines and telecommunications cables.
- Proposed track work and overhead electrification including installation of new stabling siding and realignment of an existing siding.

These are understood and the principle accepted.

At Railway Terrace which leads to McGrath's Lane it proposed to carry out the following:

- Replacement of overbridge carrying Railway Terrace (OBB80/80A/80B) to provide sufficient vertical clearance to install overhead line electrification.
- Realignment of McGrath's Lane (north of overbridge) to suit overbridge replacement works.
- Temporary access to properties shall be via an access road from the R150.

The replacement of McGrath's Bridge is extensively discussed at various sections of this report owing to its local built heritage importance and indeed a primary access for two dwellings on the eastern side of the railway who will be disrupted and inconvenienced by the proposed development.

To facilitate the DART and provide separate facilities to the intercity services, it is proposed to create a new Platform, Platform 4. This will include:

- Construction of access ramp up to new Platform 4 concourse level.
- Construction of new concourse area between existing Platform 1 and proposed Platform 4. Includes ticketing gates, passenger information systems, CCTV and fencing.
- new entrance to Platform 1.
- Construction of Telecommunication Equipment Room (TER)

- Construction of new Platform 4 including platform furniture, fencing, lighting, CCTV, passenger information systems and shelters
- Rearrangement of parking to provide new pedestrian pavement area including bike shelters, CCTV and passenger information systems
- Alterations of Dublin Road underbridge (UBK01) to facilitate widening for installation of Platform 4. Includes widening of existing abutments as well as deck replacement.
- Proposed track work and overhead electrification including realignment of track for turnback facility, mast and overhead line electrification installation and modifications to associated signalling and rail systems.
- Construction of emergency egress to existing public footpath on St Mary's Villas including ramp, walkway and fencing.

There are submissions from residents who live on Railway Terrace which will be in close proximity to Platform 4. The primary concern is in relation to residential amenity and the resultant impacts during construction and operation of the proposed development. proposed changes will affect their quality of life There is concern about noise and light disturbance and reduced privacy as a result of the:

- Train Cleaning Equipment,
- Platform 4 and Concourse
- Earth Bund adjacent to Service Depot
- Removal of Existing Landscape Features and Hedgerows

It is noted that no modifications are required to the existing wheel lathe or the existing train wash. The new wheel lathe and train wash, which is being progressed as a separate project to DART+, and the associated noise levels are expected to remain similar to that currently experienced with no significant adverse effects.

The applicant has a general concern about noise, particularly during operation given the proximity of the concourse and increased frequency of trains using it. I am satisfied with the environmental noise survey which have determined the change in noise level to be negligible or minor adverse impacts as a result of the implementation of the proposed development. No mitigation was required as part.

The creation of the earth bunds will result in the removal of vegetation the site. The applicant considered replanting trees however this would not result in the mitigation

of noise. The applicant is also limited in what replanting can occur due to the operational and safety requirements of the railway. However, the applicant has undertaken to retain and replant trees where possible and appropriate to do so – but it is accepted that this is not always possible. This is appropriate, notwithstanding any landscape impacts residents of Railway Terrace may experience. Operational noise from Tannoy systems, train horns would be subject to CIÉ standards and procedures.

I note that part of Railway Terrace is an ACA and while the proposed development skirts this designation. I am satisfied that Railway Terrace itself will not be directly impacted and that there would be no significant impact on the ACA at this location given the intervening properties and distance to the works area.

The Commission should also note an area identified as Trees & Woodlands of Special Amenity Value on the northwest side of the railway at St Mary's Villas. The applicant considered the residual impact Moderate, Negative, Long-term. This will be mitigated with replanting of woodland area adjacent to Dublin Road rail bridge / Railway Terrace, Drogheda, as far as reasonably practicable. There is a wider area considered at Bayview House & Bayview Cottage (RPS DB-301) under a Tree Preservation Order; however, this is largely outside the site and removal of certain trees in this area is already proposed as part of a separate residential scheme (ABP-310849-21). In that instance it was considered that proposed loss of trees is acceptable having regard to the quality of the proposed landscaping scheme which includes replacement planting at a ratio which is over and above Development Plan requirements and the need to develop the subject site to its maximum potential in accordance with strategic land use policy for urban areas.

There are also works proposed at and adjacent to the Maintenance Depot

- Construction of Drogheda electrical substation that will also be used as a temporary construction compound and (accessed through Drogheda Depot)
- Modifications to Drogheda Depot Footbridge Access (OBB81C) parapets providing compliance with OHLE infrastructure safety requirements.
- Construction of Traction Paralleling Hut, including installation of equipment and associated cable connections
- Installation of a new screen at the under frame cleaning



- Construction of SEB,

The issues which this gives rise to is addressed under the relevant landowners in Section 12.2.3.8 of this report under Compulsory Acquisition.

Within the existing station, other works are proposed including:

- Replacement of Drogheda (MacBride) Station Footbridge span (OBB81) to provide sufficient vertical clearance
- Modification to Drogheda Platform 1 station canopy to provide sufficient clearance.

I note the numerous protected structures at Drogheda (MacBride) Station including:

- Drogheda Railway Station (RPS DB-055)
- Railway Station Engine Shed (RPS DB-395)
- Railway Station Building (RPS DB-396)
- Railway Station Water Tower (RPS DB-397)
- Railway Station Office (RPS DB-398)
- Railway Station building (RPS DB-398)

These are associated with the railway. I am satisfied that the proposed development compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural features. This is a functional and operational railway and set in the context of other modern interventions at the station.

The Commission should refer to the full Schedule 1 of the Railway Order for greater detail in respect of these works. This schedule should be read in conjunction with the Plan of the Railway Works - the referenced Railway Works Drawings (which includes Property Details Drawings

### **8.3.28 Common Works**

#### **8.3.28.1 *Lineside Cabling Works***

There is cabling works occurring through the existing railway. This is very minor works and not of concern in terms of significant impacts.

### **8.3.28.2 Utility Installations and Diversions**

The utility installations and diversions have the potential to generate significant impacts but in the context of other works are generally minor. The access is often indirect making the temporary works area larger; however, this space facilitates working, utilised existing farm tracks and gates where appropriate and avoids removal of hedgerows. These are all considered acceptable.

### **8.3.28.3 Track Access**

The applicant requires track access at specific locations for operational reasons. Many of these access points are existing. Some are proposed at controlled locations next to proposed infrastructure such as substations and maintenance locations.

### **8.3.28.4 Temporary Construction Compounds**

Works will include fencing / hoarding and may also include site offices, welfare facilities, storage facilities and workshops as well as storage of certain construction plant and equipment required to carry out the works. These have been addressed as they arise at various locations in preceding sections. Generally, I am satisfied that the applicant has qualified and assessed all locations.

## **8.4 Substations**

In order to electrify the railway, there is a requirement to introduce new electrical substations at certain locations alongside the railway line including Donabate, Rush and Lusk, Skerries South, Skerries North, Balbriggan, Gormanston, Bettystown and Drogheda. The Commission will note that the line is already electrified between Connolly and Malahide and Howth and therefore does not require new substations.

All substations are located adjacent to the existing railway. However, the majority are located on greenfield sites which are in agriculture or adjacent to hard surface parking as in the instance of Rush and Lusk. The zoning objectives for lands has been set out in the table below for clarity.

<b>Name</b>	<b>Location</b>	<b>Use</b>	<b>Zoning</b>	<b>Zoning Objective</b>
Donabate	South of the R126	Agriculture	HA - High Amenity	Uses which are neither 'Permitted in Principle' nor

				'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan
Rush & Lusk	East of Railway	Hard Surface, Agriculture	RU - Rural	Utility Installations - Permitted in Principle
Skerries South	South of Golf Links Road	Agriculture	GB - Green Belt	Same as High Amenity above.
Skerries North	East of Barnageeragh Road	Agriculture	HA - High Amenity	Same as High Amenity above.
Balbriggan	North of Playing Fields	Agriculture	HA - High Amenity	Same as High Amenity above.
Gormanston	Towland of Irishtown	Agriculture	RA - Rural Area	Utility Structures – Permitted Uses
Bettystown	South-West of Ardmore Avenue	Agriculture	RA - Rural Area OBJ 1 Provision of Train Station	Utility Structures – Permitted Uses
Drogheda	North of Depot	Agriculture	J1 Transportation and Development Hub	Utilities - Open for Consideration

Many submissions request some form of permanent tree line and/or landscaping is either outside or inside the boundary fences of the proposed substation to mitigate its visual impact when viewed from future housing and commercial development. I

accept that due to technical and safety requirements landscape provision within the compound is not possible and that there are limitations as to what can be provided immediately outside, again for technical and safety reasons. I also accept that safety and technical requirements dictate the form of fencing required. There are means by which to visually soften the immediate context of the substation and I note that the applicant will engage with the neighbours at detailed design stage in relation to suitable measures which could be implemented to minimise visual impacts of the substation. Whilst the substations may be opposite existing and future housing and commercial development, particularly at Donabate, Rush & Lusk, Skerries North, Balbriggan, Bettystown, Drogheda, subject to adequate setbacks being maintained, substations like this are not uncommon in urban or rural areas and would not raise any specific health and safety concerns.

In terms of the drainage regime, no conflicts have been identified, and no diversions are required. Should such a conflict materialise on commencement I consider that it can be adequately addressed so that no impact on the adjoining roads and lands can be ensured. It is acknowledged that the CEMP is a working document and that any necessary conditions, modifications, restrictions or requirements emanating from the railway order, if approved, and any further detailed design compliance requirements from continued stakeholder engagement will be included. This will include TII Standards (procedural and technical) to be followed for any works that would interact with any TII owned and/or operated infrastructure.

The substations at Donabate, Skerries South, Skerries North and Balbriggan are located on lands designated High Amenity/Greenbelt in the FCDP. Utility installations are not mentioned in the zoning matrix for these lands as either 'Permitted in Principle' nor 'Not Permitted'. On such lands, therefore, uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. It is noted that submissions on behalf of Carmel Dowling, Teresa Dowling and Mary MacLoughlin at Skerries South and BH Imports Ltd. at Balbriggan question whether a material contravention arises given they are uses which are neither 'Permitted in Principle' nor 'Not Permitted'.

The term 'material contravention' or "contravene materially" in connection with a development plan is not one that arises with regard to the grant of approval under the 2001 Act. Section 37(2) and 37G(6) of the 2000 Act, which establish the jurisdiction of the Board to grant planning permission that 'contravenes materially' a development plan, expressly applies only in the context of an application for planning permission made under the 2000 Act and does not have any express application to the consideration of an application for approval of a Railway Order under the 2001 Act. Notwithstanding this I draw the Commission's attention to Section 43(1)(h) of the 2001 Act (which requires the Board, when considering whether to grant a Railway Order, to consider the matters referred to in Section 143 of the 2000 Act), in essence the Board is required to have regard to the applicable development plans.

Having reviewed the relevant provisions of both the 2000 Act and the 2001 Act, and noting the issues raised in relation to this matter within the submissions, in my view the issue of 'material contravention' is not one that arises with regard to a Railway Order application, which is not a planning application, and which is not made under the 2000 Act.

Notwithstanding the foregoing the Commission is required to have regard to the development plans in its determinations. In 'having regard' to the Development Plans, I would further note that the Supreme Court has referred to development plans as an environmental contract between the local authority and the people. As such, the Development Plans are an important consideration in their own right and as part of the consideration of the likely consequences for proper planning and sustainable development in the area'.

The Commission should note I have read in detail the Use Classes related to Zoning Objective for HA – High Amenity and indeed all other zoning objectives. The proposed development of a substation is clearly a 'Utility Installation'. This is a specific use listed as Permitted in Principle for CI - Community Infrastructure, DA - Dublin Airport, FP - Food Park, GE - General Employment, HI - Heavy Industry, HT - High Technology, LC - Local Centre, MC - Major Town Centre, MRE - Metro And Rail Economic Corridor, RA - Residential Area, RB - Rural Business, RC - Rural Clusters, RS - Residential, RU - Rural, RV - Rural Village, RW Retail Warehousing, WD - Warehousing And Distribution. Utility Installations are no listed as 'Not Permitted' under any zoning objective.

Therefore, while the Utility Installations are not explicitly stated as a use class 'permitted in principle', it is not listed as a use class 'not permitted' either. Therefore, I am satisfied to progress and assess them based on their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.

I note several submissions which consider the location of substations as a material contravention of the plan. I disagree with this contention as the plan clearly makes provision for uses which are not explicitly defined to be assessed based on their contribution towards the achievement of the zoning objective and vision. When reading the development plan at a granular level the proposed development may not be fully compliant with the zoning objective and vision (i.e. all and every aspects). Consideration of the zoning objectives and vision is set out in the table below.

<b>Table 31: Consideration of Zoning Objectives and Vision</b>	
<b>Development Plan Text</b>	<b>Assessment</b>
<b>ZONING OBJECTIVE 'HA' HIGH AMENITY</b>	
<b>Donabate, Skerries North, Balbriggan</b>	
<i>Objectives</i>	
Protect and enhance high amenity areas.	The proposed development, in and of itself, would not undermine the achievement of this objective. However, it does not fully meet the stated vision and may not be fully consistent with the development plan.
<i>Vision</i>	
Protect these highly sensitive and scenic locations from inappropriate development	I do not consider the development of a substation inappropriate in the context of this zoning objective. However, it will have a scenic impact and therefore, may not be fully consistent. This impact is addressed in the EIAR.
reinforce their character, distinctiveness and sense of place.	While the proposed substation is located adjacent to the railway, it is utilitarian in nature– this is accepted. It, therefore, may not reinforce its character, distinctiveness and sense of place and may not be fully consistent.
In recognition of the amenity potential of these areas opportunities to increase public access will be explored	The proposed development will not improve access to the countryside and will in fact restrict access to

	these lands given their safety requirements.
<b>ZONING OBJECTIVE 'GB' GREENBELT</b>	
<b>Skerries South</b>	
<i>Objective</i>	
Protect and provide for a Greenbelt.	The proposed development, in and of itself, would not undermine the achievement of this objective. However, it does not entirely meet the stated vision and may not be fully consistent with the development plan.
<i>Vision</i>	
Create a rural/urban Greenbelt zone that permanently demarcates the boundary (i) between the rural and urban areas, or (ii) between urban and urban areas	I am satisfied that the substations would not contribute to urban sprawl themselves. The substation, which will electrify the railway, is critical to Fingal's land use strategy which would see increased population directed to settlements adjacent to railway stations and prevent coalescence of settlements, countryside encroachment. I am of the view the development of the substation in a greenbelt would long term protect the setting of towns and/or villages for which the railway station is the nuclei of the settlement as is the case in Skerries currently.
The role of the Greenbelt is to check unrestricted sprawl of urban areas, to prevent coalescence of settlements, to prevent countryside encroachment and to protect the setting of towns and/or villages	
The Greenbelt is attractive and multifunctional, serves the needs of both the urban and rural communities, and strengthens the links between urban and rural areas in a sustainable manner.	The attractiveness of the development of substations in the greenbelt at Skerries has been addressed in the EIAR. While the proposed substation is located adjacent to the railway, it is utilitarian in nature– this is accepted. However, I am satisfied it demonstrates its multifunctionality and the requirement for relatively minor portion of the greenbelt to be used. The provision of enhanced public transport will serve both urban and rural communities.
The Greenbelt will provide opportunities for countryside access and for recreation, retain attractive landscapes, improve derelict land within and around towns, secure lands with a	The proposed development will not improve access to the countryside and will in fact restrict access to these lands given their safety requirements. The attractiveness

<p>nature conservation interest, and retain land in agricultural use.</p>	<p>of the development of substations in the greenbelt at Skerries has been addressed in the EIAR. While the proposed substation is located adjacent to the railway, it is utilitarian in nature – this is accepted. The proposed development will not retain land in agricultural use and therefore, may not be fully consistent.</p>
<p>The zoning objective will have the consequence of achieving the regeneration of undeveloped town areas by ensuring that urban development is directed towards these areas</p>	<p>While the proposed substation does not fully meet every clause of the vision, the enhancement of public transport will have the consequence of achieving the regeneration of undeveloped town areas by ensuring that urban development is directed towards these areas in the longer term.</p>

The Commission should note that the FCDP is fully supportive of the DART+ Programme, and it is its objective (CMO23) to support the delivery of this key sustainable transport project so as to provide an integrated public transport network that serve the needs of the county and mid-east region. Fingal is set to benefit from DART+ and the project is identified as a key growth enabler for Fingal and will significantly increase capacity and allow more services to operate across the region, facilitating Fingal’s overall vision for compact growth and sustainable mobility, serving key destinations and facilitating opportunities along the route for high-density residential development, mixed-use and employment generating activities.

In supporting the DART+ programme and in particular the DART+ Coastal North project, which is the subject of this application, FCC in making the plan would have reasonably expected electrical infrastructure such as substations to accompany the electrification of a railway. The project is dependent on substations to deliver its objectives.

Overall, I am satisfied that the applicant has met the objective in so far as practicable and that the substations would not, in and of themselves, undermine the achievement of this objective. However, it does not fully meet the stated vision and may not be fully consistent with the development plan. The applicant has demonstrated this through the EIAR and consideration of alternatives locations for



substation. The location for the substations is largely adjacent to the railway and have been sited so as to protect the zoning. The applicant is circumspect in its landscape appraisal to state all amenity impacts cannot be avoided and has provided mitigation in the form of planting at certain locations. However, again the substations have to be viewed in the context of an existing and operational railway and indeed a highly used landscape including adjacent to a distributor road in Donabate, adjacent to a golf clubhouse, large farm complex, residential dwelling and school at Skerries South, adjacent to a horticultural business at Skerries North and adjacent to GAA pitches and on the outskirts of a built up area at Bremore. The substation at Bremore will be on western side of the railway, avoiding lands between the railway and coast.

The Drogheda substation is to be located adjacent to the existing Drogheda Depot on its eastern boundary to the rear of Mr. Rock's property. In view of its location adjacent to an existing working railway and being within an urban location, the substation would not, of itself, materially impact on the nearest dwellings in terms of noise, air and light pollution.

The proposed development has undergone a detailed optioneering process, ensuring that its design respects the character of the HA and GB lands and mitigates potential visual and environmental impacts. The vision for HA and GB seeks to protect the 'lands from inappropriate development. It is my view that this form of development is entirely appropriate in the context of an operational railway. The character, distinctiveness and sense of place will not be unduly impacted.

In the context of the temporary construction compound, I do note that plant storage is not permitted in principle. However, the temporary construction compounds are not permanent uses and are ancillary to the main use as a utility installation or railway. They will be removed upon completion of the works. I am satisfied no material contravention occurs in this regard.

The Commission is reminded that the issue of 'material contravention' is not one that arises with regard to a Railway Order application. So, in conclusion, the Commission should be satisfied it has *had regard* to the FCDP and the relevant requirements of the zoning objective and relevant vision for High Amenity and Greenbelt lands and have assessed the compliance of the proposed development with the elements

specified therein. It is recommended that the Commission concludes that the proposed development is not fully consistent with every element of the zoning vision (and therefore zoning objective) of the development plan, but that this does not provide a reason for the Commission to refuse the Railway Order.

## **8.5 Bridges**

There are a significant numbers of bridges along the rail corridor comprising a mix of overbridges and underbridges, both for vehicles and pedestrians. The applicant has identified 32 bridges that require intervention. The range of interventions include:

- Bridge modification/replacement;
- OHLE supports attached to viaducts;
- Bridge parapet modifications;
- Station access and footbridge modifications
- Station canopy modification; and
- New retaining structures.

Some of the bridges require interventions ranging from complete replacement to modification and/or track lowering to facilitate the installation of the OHLE system. In addition, some bridge parapets are required to be raised for health and safety reasons to preclude access to the OHLE. Where existing railings do not meet the requirement for IP2X, these are to be replaced by an agreed IP2X infill that prevents the potential for climbing and the ability to walk along the top surface. Table 4-7 in the EIAR provides a schedule of the proposed bridge interventions. Further details of various interventions for each zone are found in relevant subsections of Chapter 4 of the EIAR also.

It is noted that new bridge is being proposed alongside UBB19 (at Mayne River) and there is a requirement for three bridge replacements in the environs of Drogheda (MacBride) Station at OBB80/80A/80B (Railway Terrace), OBB81 (Footbridge in Railway Station), UBK01 (Dublin Road (R132)).

I note the concern of the various heritage sections in the local authorities, notably FCC, who seek a careful balance between the need to preserve and enhance the built heritage features on or adjoining the proposed scheme and the provision of this strategic infrastructure. This is an understandable position, and they seek particular

treatment of historic fabric and outcomes in terms of aesthetics. While I am satisfied that the applicant has assessed the impact in terms of built heritage and culture and has mitigation measures in place to protect the built heritage features, I have included a condition that prior to the commencement of development, the details of works to all bridges shall be submitted to the relevant planning authority for written agreement. The planning authorities have detailed local expertise and considering their development management and planning functions, I consider it appropriate to ensure the CIÉ engage with them before works are carried out to protected structures.

### **8.5.1 Bridge Replacement**

The requirement for bridge replacement specifically arises at Drogheda where the existing bridges have insufficient clearance to facilitate the overhead wiring required to electrify the line. Bridge replacement is also required at the Mayne River due to a new loop line to be installed to the east of the existing tracks.

#### **8.5.1.1 OBB80/80A/80B**

The Railway Terrace bridges are stone masonry arch structures with single 9.1 m spans built in the late 1800s as a pair, with an earth embankment between them. OBB80B was constructed in 2003, removing this original embankment, to facilitate access to the train wash. The bridge comprises an 8.2 m span, with a reinforced concrete structure supported on piled abutment walls built between OBB80 and OBB80A. They have no particular built heritage designation but are of local interest. It is the applicant's view that they contribute to the character and special interest of the station, and which are protected within the curtilage of the station complex.

It is proposed to demolish and replace these bridges (OBB80/80A/80B) with a new higher three span bridge. Which will be 5.8 m wide, measured between parapet faces and will have an overall length of approximately 48 m. The superstructure will comprise prestressed concrete beams with a cast-in-situ deck slab, and will be made integral with the substructure below, avoiding the need for bearings. The bridge will be supported on piled foundations at each of the piers. The wingwalls on approach to the bridge on either side requires retaining walls.

The applicant considered seven options in arriving at this solution which including different locations for the bridge, removing access entirely to the dwellings east of

the railway and track lowering. Four of these options failed a multi-criteria screening for technical or design reasons. Three passed as they met the project objectives and requirements. The option progressed to this planning applicant was preferred given the advantages it had in terms of traffic integration and maintain access and the limited impact it would have on train operations.

Lands to the east and south of the bridge will be required to be temporarily acquired to allow for construction compounds associated with the works. I refer the Commission to photomontages D1 which shows views of the bridge from the railway tracks north to the bridge, D2 from the eastern side of the railway to the north, D3 from a field on the eastern side of the railway toward the bridge and D5 which represents proposed views of the bridge from the western side of the railway toward the bridge. The view represented in D4 is as if one were standing on the bridge looking north.

Although the bridge is not a protected structure and is not included in the NIAH the applicant, in its assessment, considers it to be of heritage value given year of construction and its relationship to the railway station complex which includes a number of protected structures.

Whilst I note this assessment, I consider that its demolition is justified in view of the overriding constraints at this location, namely the bridge's inadequate span to accommodate the necessary clearance. I consider that the proposed design solution is acceptable to allow for the necessary works, whilst limiting the impacts on adjoining properties and open space. It is also noted that it is proposed to provide a similar width passage while complying with design standards and catering for pedestrian and cycle passage. It is reasonable to anticipate that the bridge may ultimately be required as access to zoned lands to the east of the railway at some stage in the future.

It is noted that the submissions of the DHLGH, LCC and their competent experts raised no material issues with regard to the demolition and reinstatement. A submission from the owner/occupier of land to the east of the bridge was received. I am satisfied that the applicant has extensively considered reasonable alternatives.

The Commission can be satisfied that the architectural impact assessment presented in support of the proposed development in the EIAR has adequately

address the full extent of impacts on this heritage structure. It is therefore concluded that the development, if permitted would be consistent to the proper planning and sustainable development of the area. I am satisfied that exceptional circumstances exist for the demolition of this bridge.

As mitigation, the applicant proposes to record, oversee protective measures and monitor the bridge demolition. This would be undertaken by an appropriate architectural heritage specialist engaged by the appointed contractor in accordance with the methodology provided in Appendix A21.1 in Volume 4 of the EIAR. I note that neither the DHLGH nor LCC have expressed reservations to the demolition. I would recommend however that the bridge finishes be subject to agreement with LCC.

#### **8.5.1.2 UBK01**

The introduction of the new platform, stabling line and turnback facility requires a realignment of the tracks towards the south and necessitates the replacement of the existing UBK01 bridge deck with a wider structure. The new platform will extend over Dublin Road (R132).

The existing bridge comprises a single span steel superstructure simply supported on masonry wall abutments. The carriageway below comprises a 1.8 m hard strip on the western side, two 3.6 m wide traffic lanes and a 1.6 m wide raised footpath on the eastern side (including kerb and handrail). The overall width of the replacement bridge, including the adjacent platform, measures approximately 13.3 m.

The original bridge was constructed circa 1850 as part of the construction of the Oldcastle Branch Line. The bridge is not listed as a protected structure in any of the heritage inventories.

This bridge was subject to an assessment of alternatives as part of the wider works for the Drogheda (MacBride) Station. In total there were nineteen options considered, which included three core options with sub options therein. Seven options passed the preliminary technical screening and were subjected to multi-criteria analysis. Putting Platform 4 at this location and upgrading the bridge is best economically and the best operational solution.

I consider that the proposed bridge proposals to be acceptable and will provide for good integration to the existing railway station and its car park with enhanced

pedestrian walkways. As above, the bridge finishes should be subject to agreement with the local authority.

### **8.5.1.3 OBB81**

The footbridge (OBB81) is within the station facilitates pedestrian access to Platforms 2 and 3 and an extended footbridge (OBB81C) provides for staff access to the depot. There are stairs and lift access at both ends. The footbridge is within the station and is a steel girder bridge with a 17 m single span, which was constructed in 1953, replacing the original arched iron structure that was built c. 1855. The extended footbridge (OBB81C) was constructed in circa 2000. The bridge itself is not identified as a protected structure, but it falls within the curtilage of the station, which is.

The existing footbridge has insufficient vertical clearance to facilitate the OHLE. The proposed development will raise the bridge to achieve the vertical clearance required by replacing the superstructure while retaining the level of the landings at the top of the stairs and utilise the existing support columns and foundations, which are likely related to the original 1855 structure. Localised modification to the top of the supports will be required to accommodate the new superstructure. Overbridge OBB81 did not require a Stage 2 MCA as the bridge met the criteria for the Do-Minimum option.

### **8.5.2 Bridge Alterations/Modifications**

As noted above a number of bridges require alterations/modifications to allow for the necessary clearance and safety requirements. In conclusion I consider that the applicant has provided sufficient detail to justify the necessary interventions to the bridges to facilitate the proposed development. In all instances, the bridges are to be retained with interventions required kept to a minimum. I consider that visual and conservation considerations in terms of the railings to be used should be agreed with the local authority prior to commencement of works.

## **8.6 Provision of New Train Stations**

A significant number of observations express disappointment that new stations serving growing communities along the route do not form part of the application specifically at Bettystown, Co Meath and Drogheda North, co. Louth. The applicant,

in response, states the strategy for the provision of new stations and other rail infrastructure is a matter for the NTA and the said stations are outside the scope of the subject project.

Whilst I acknowledge that the design of the project has been future proofed to allow the addition of stations at these locations and that funding has been provided by the NTA to CIÉ to commence preparation of their designs, it is disappointing that they do not form part of the project, particularly at Bettystown, where MCC have the objective, MOV OBJ 7, in their development plan to facilitate the provision of a train station at Bettystown (in addition to the existing station at Laytown) as part of the DART expansion works.

I note there is a similar provision for new station in north Drogheda also under MOV18 of the LCDP. However, north Drogheda is outside the area of the proposed development. While this objective is not achieved under the proposed development, I am satisfied that it does not prohibit its achievement in future.

The somewhat incremental approach to the development along the rail line has the potential to extend the duration of disturbance and nuisance for residents in the vicinity. However, it is beyond the remit of the Commission in its assessment of this application to require the development of new railway stations by way of condition. I am also satisfied that the proposed development does not contravene the plan, and the does not prohibit or undermine the achievement of MOV OBJ7 within the lifetime of the plan.

The issues of enhancement of amenities at existing stations along the line is not a matter for comment in this assessment. I note that pedestrian and cycle facilities associated with many of the existing stations are already provided .The facilities are constantly under review and are the remit of CIÉ Station Enhancement Programme.

The provision of Park and Ride facilities, car parking and pedestrian and cycle facilities at or near existing train stations is not part of the proposed development. CIÉ are progressing a number of projects including the Multimodal Interchange Project, DART Station Enhancement Project and Carparks Programme aimed at developing stations to support future needs in this regard.

## **8.7 Residential Amenity**

The majority of the observations pertain to areas north of Howth Junction & Donaghmede Station to Drogheda and the Howth Branch where the majority of works are due to occur. Works a relatively limited south of Howth Junction & Donaghmede Station. There is a mix of built-up areas and rural areas along the line. The suburbs of Dublin City (along the line and to adjacent to Howth Junction and Donaghmede, Bayside, Sutton and Howth Stations and Baldoyle), Malahide, Balbriggan and Drogheda are characterised by a mix of mature housing with dwellings/apartments in proximity to/backing onto the rail line with industrial and commercial lands interspersed. In Clongriffin there are relatively newer suburban developments.

The majority of observations raise concerns as to the adverse impact on residential amenities during both the construction and operational phases of the proposed development with specific reference to noise and vibration and health considerations which are addressed elsewhere in this report. In terms of construction, in particular, I am satisfied the suite of mitigation measures which has been identified will ensure that environmental impacts are minimised through the construction period. A Construction Environmental Management Plan (CEMP) is included in Appendix A5-1 of the EIA which is comprehensive in regard to residential amenity also. While works will be temporary, in my consideration of construction impacts I am conscious it will be over an extended period – regardless, I am satisfied in that the mitigation measures will sufficiently address residential amenity during construction.

Impacts on visual amenities, loss of privacy and impact on development potential of properties have also been raised which I will address at this juncture. Many observers have raised concerns in relation to the removal of mature vegetation/trees, fencing along the corridor and perceived loss of privacy, particularly at Malahide Marina and Railway Terrace, Drogheda. In addition, the visual impact of retaining walls and acoustic barriers were also raised.

Concern regarding an increase in passing trains is also noted. The primary concern in this regard is a loss of privacy with potential for passengers to look in on certain properties. However, this is a long established and operational railway and provision has been made for the retention, and replanting where necessary, of the vegetated



areas to provide landscape mitigation against noise and visual impacts. It is accepted that CIÉ have operational safety requirements for trains and overhead lines which may limit such retention and planting. The removal of boundaries and vegetation along sections of the track is unavoidable to ensure appropriate clearance to the OHLE for safety reasons. Trees, shrubs etc. need to be kept a minimum of 1.5 m from the rear of masts or 1.5 m from any wire running between masts.

Whilst I acknowledge that such vegetation removal will remove the sense of enclosure experienced by dwellings, I am satisfied that properties along the route will remain adequately set back from the track boundary. While accepting that there would be an increase in services it is not anticipated that there would be a greater line of sight from trains to properties adjoining the line. The existing residential boundaries to be largely maintained. Thus, concerns regarding loss of privacy from passengers is not a material concern. I refer the Commission to the plans provided in Chapter 15 of the EIAR which identifies planting mitigation and vegetation at certain locations which will lessen impacts in certain locations. Due to the health and safety requirements arising from the electrification of the line appropriate boundary treatment will be required to preclude access.

Site lighting during the construction phase will be required, notably where nighttime works is proposed. Site lighting will typically be provided by tower mounted temporary portable construction floodlights. The floodlights will be cowled and angled downwards to minimise light spillage outside of works areas and to surrounding properties. Lighting will be provided with the minimum luminosity sufficient for safety and security purposes and will be shut off at night when not in use or when works cease at the end of the day in order to minimise the effects of light pollution and disturbance to nocturnal species.

I submit that, in general, the visual amenities of property would not be adversely impacted and where proposed infrastructure such as OHLE and turnbacks will be visible I submit that these must be viewed in the context of the long established railway corridor, which, of itself, dominates the visual environment. I am satisfied that residential amenity will not be significantly impacted.

Some observers, including the HSE, express concern about vermin control and impact on amenities of properties adjoining the rail line. Appropriate measures and

best practices shall be incorporated into the CEMP. The applicant is committed to a pre-construction survey of rodent activity and sanitation. This will document the level of rodent activity, sanitation problems and actions to be implemented. Once construction begins, regular inspections for rodent activity are to be carried out. Inspection records will be maintained, and a program of control will be adjusted to match construction sequencing.

## **8.8 Flood Risk**

The application is accompanied by a Site Specific Flood Risk Assessment (SSFRA). There are eighteen watercourses along the proposed development where there is a risk of fluvial and/or tidal flooding. The site runs through Flood Zones A or B. However, the railway line and substation levels within the proposed development boundary are >2 m above the max flood level at each location.

Several areas of flooding are identified including the single arch bridge at Clongriffin in proximity to the Mayne River and the construction compound at Bissett's Strand and Malahide Yacht Club adjacent to Malahide Estuary.

The area is also susceptible to pluvial flooding. There is different vulnerability across each zone of the proposed development from low to moderate. Zone A is at moderate pluvial flood risk but has no large areas of ponding which may indicate increased vulnerability. However, it is an operation railway, and the drainage system is actively managed.

The upgrading of infrastructure to facilitate the electrification will not increase flood risk to the surrounding area. Notwithstanding, track lowering at certain locations to provide clearance from bridges, the proposed ground levels will generally be maintained at similar levels. Again, this is an operational railway with ongoing management and maintenance of drainage, and no mitigation is proposed for the track other than best practice construction practices.

The works at Clongriffin, which include bridging over the River Mayne are consider insignificant and will not impact flood levels. This was tested through a hydraulic modelling exercise, and it is noted by the applicant that the works will be subject to a Section 50 Consent application to the OPW in any case.

The applicant has proposed mitigation measures for the construction compounds at Malahide which includes summertime working, minimisation of hardstanding, platforms for material storage and retreating from the compound, which includes removal of materials, in the event of a flood event. Given this is a temporary location and no permanent infrastructure is being proposed at this location – I am satisfied that these measures have a reasonable possibility of effectively reducing the flood risk.

As part of the project assessment mitigation measures to address flooding were modelled which showed the potential for increased flood risk to the surrounding area. On this basis no mitigation measures are included with this application. A number of observers to the proposed development raise concerns that the proposed development would give rise to flooding of adjoining lands. The proposed development would not result in increased flooding risk to adjacent lands and properties.

In conclusion, I consider that the applicant by way of the SSFRA and the proposed drainage arrangements, has provided sufficient information that the proposed project can be satisfactorily drained and would not give rise to flood risk elsewhere.

## **8.9 Consultation and Engagement**

A number of the submissions made to the file are of the view that that the consultation process undertaken by the applicant was not meaningful. It is submitted that the consultation process was deficient and that there were inadequate timescales to make submissions. Other observers were not aware of the different rounds of public consultation.

It is noted that CIÉ undertook two non-statutory public consultation periods prior to making the planning application. These are described in the PC1 and PC2 Findings Report which are found in Appendix A3.1 and A3.2 of the EIAR. This was extensive with a number of methods used including, a dedicated website, brochures, social media coverage, advertising and public information events, including in person and virtually due to COVID restrictions.

It is noted that a total of 2,115 submissions were received by CIÉ in the context of the PC1 Report which considered the emerging preferred option. A total of 1,748 submissions were received by CIÉ were received in the context of the PC2 Report

which focused on the Preferred Option. In addition, technical engagement with a range of stakeholders including the local authorities and prescribed bodies was carried out, details of which are provided in the planning application. The applicant's response to the submissions/observations received also details the consultations with individuals/property owners conducted prior to the making of the application.

In relation to the statutory process, I note the applicant has advertised the scheme within the relevant newspapers as required and engaged with third parties who have engaged with the process through their submissions to the Commission. I am therefore satisfied that the applicant has complied with the requirements of the Aarhus Convention in its relevance to the statutory process and note that such requirements are not relative to any non-statutory consultation which is carried out at the discretion of the applicant. It is clear that the residents along the route, in general, have been made fully aware of the scheme details and as a result have participated actively in the application process through the many submissions received by the Commission which is welcomed.

Concerns have also been raised in relation to the level of clarity provided within the documents in relation to the description of the proposed works. I have reviewed the documentation, plans and particulars submitted with the application in detail and note that the documents provided leave no ambiguity to the specifics of the proposed scheme extents in terms of its route, design, implementation and all mitigation measures proposed.

As noted by the applicant the timeframe in which a submission on an application can be made to The Commission is governed by the Transport (Railway Infrastructure) Act 2001, as amended, which sets a requirement for at least 6 weeks. The applicant provided for up to 10 weeks, with an additional extended period of 4 weeks following this. This is an entirely reasonable period to make a submissions.

A number of observers object to the cost of making a submission and consider that all individuals impacted by the proposed development and not just those named in the draft Railway Order should be able to make such a submission without incurring a cost. The Transport (Railway Infrastructure) Act 2001, as amended and the Planning and Development Act 2000, as amended, stipulate that potentially impacted landowners who are referenced in the draft Railway Order are entitled to

make a submission free of charge. Others must include a fee to make an observation. The Commission has no discretion on this matter.

Observers have noted that in some instances plans accompanying the application do not reflect the current situation on the ground in particular land ownership. The applicant has advised that Property Registration Authority of Ireland (PRAI) data and Ordnance Survey (OS) mapping was used for the production of drawings and maps. I accept that such data and mapping is time specific and that ownership and physical features on the ground may change over time. Neither the applicant nor the Commission have not been made aware of any omissions/updates that would have a material impact on the Railway Order application.

The application is accessible to the public by electronic and hard copy means with landowners/occupiers subject to compulsory acquisition provided with a specific notification pack. A number of observers raised the issue of the complexity of the said documentation and difficulty in interpretation. In this regard I note that the relevant legislation details the documentation that is required to be contained in the Railway Order application. I also note that the EIAR contains a non-technical summary, as required, and that the project team was available to provide assistance via phone and email.

It is also noted that the CIÉ intend to continue collaboration in advance of, and during, the subsequent construction stage. Construction works will be carried in consultation with affected landowners and local residents and users of the railway.

Overall, I am satisfied that extensive public consultation and stakeholder engagement was undertaken. The applicant has clearly engaged with all third parties, residents, businesses, community groups and other organisations and has amended the scheme accordingly where it has been feasible to do so and in response to concerns raised. I am also satisfied with the level of clarity provided within application and statutory consultation documentation. I am therefore satisfied that the applicant has complied with the requirements of the Aarhus Convention in its relevance to the statutory process and note that such requirements are not relative to any non-statutory consultation which is carried out at the discretion of the applicant. In any case, and in the absence of any specific framework for consultation

and engagement, the applicant has met the minimum requirements for same in the context of the planning process.

## **8.10 Conclusion**

Having regard to the foregoing I consider that the imperative for the proposed development is clearly identified in national, regional and local transport and planning policies. It will seek to advance the improvement in sustainable connectivity, support compact growth and reduce the reliance on private vehicle trips, with the consequent reductions in vehicle emissions.

The construction phase involved to realise such a large infrastructural project within both established and emerging residential communities presents significant challenges, and I note the mitigation measures proposed by the applicant and recommended in my assessment that will be required to limit, as far as practicable, the impacts of the phase. The role of the CLO in ensuring effective communication and the setting out of clear protocols for lodgement of complaints or recording of incidences and how they are to be addressed will of particular importance.

I accept that due to the nature of the works proposed, the relatively narrow rail corridor along stretches and the proximity of the established residential areas to same, material changes to the immediate environment of residential properties will arise including the introduction of OHLE, substations, replacement of bridges and screening afforded by existing mature vegetation required to be removed.

In addition, the noise environment will be altered with, in time, the increased train frequency. However, the majority of locations following mitigation will have noise levels which would be comparable to the 'Do Minimum' scenario during operation. I submit that this must be balanced against the fact that the rail line is long established and where its use with increased and expanded services which would align with national, regional and local transport policies must reasonably be accepted in principle.

## **9.0 Environmental Impact Assessment**

The Transport (Railway Infrastructure) Act 2001 (as amended by the 2006 Planning and Development (Strategic Infrastructure) Act) provides for the making of an application for a Railway Order to The Commission. The European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 743 of 2021) gives effect to the transposition of the EIA Directive (2011/92/EU as amended by Directive 2014/52/EU).

Section 37 of the 2001 Act, as amended, (including by SI 743/2021) requires that the application be accompanied by a report on the likely effects on the environment. Section 42A requires that in carrying out an environmental impact assessment the Commission shall, where appropriate, co-ordinate the assessment with any assessment under the Habitats Directive. Section 42B states that the Commission shall reach a reasoned conclusion on the significant effects on the environment of the activity to which the application relates.

### **9.1 Environmental Impact Assessment Report**

An EIAR prepared on behalf of the applicant has been submitted with the application. The EIAR consists of several parts:

6. Volume 1 - Non-Technical Summary (NTS) which summarises the EIAR in plainer English.
7. Volume 2 - Main Body which considers a range of specific environmental topics in compliance with Article 5 of the EIA Directive and Schedule 6 of the PDR.
8. Volume 3A and 3B - Figures and Photomontages which contain images in relation to various topics and landscape and visual.
9. Volume 4 - Appendices which contain supplemental information to the main body.

The EIAR describes the proposed development, including information on the site and the project size and design. Chapter 4 of the EIAR provides sufficient detail in respect of the proposed development and supplemented in Chapter 5 by a Construction Strategy. A description of the main alternatives studied by the applicant is provided in Chapter 3 along with the reasons for the preferred choices, these are outlined in greater detail under Section 9.2 below.

The likely significant direct and indirect effects of the development are considered under the following specific headings, which collectively address the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Chapter 6: Traffic and Transportation
- Chapter 7: Population
- Chapter 8: Biodiversity
- Chapter 9: Land and Soils
- Chapter 10: Water (including Hydrology and Flood Risk)
- Chapter 11: Hydrogeology
- Chapter 12: Air Quality
- Chapter 13: Climate
- Chapter 14: Noise and Vibration
- Chapter 15: Landscape and Visual Amenity
- Chapter 16: Material Assets: Agricultural Properties
- Chapter 17: Material Assets: Non-agricultural Properties
- Chapter 18: Material Assets: Utilities
- Chapter 19: Material Assets: Resources and Waste Management
- Chapter 20: Archaeology and Cultural Heritage
- Chapter 21: Architectural Heritage
- Chapter 22: Electromagnetic Compatibility and Stray Current
- Chapter 23: Human Health
- Chapter 24: Major Accidents and Disasters
- Chapter 25: Interactions
- Chapter 26: Cumulative Effects
- Chapter 27: Summary of Mitigation and Monitoring Measures

The impact of the proposed development was assessed under all the relevant topics as set above. Mitigation measures are set out in each chapter. Where further detailed surveys or assessments were required under each topic these have been compiled and are contained in the appendices.

The documentation prepared by ARUP with the support on specific topics for different specialist consultants and dated July 2024 is in line with current best practice guidance and allows for a complete examination and identification of any



potential significant effects of the development, alone, or in cumulation with other plans and projects. This is supplemented with additional information responding to observations in January 2025. I am satisfied that the information provided in the EIAR is up to date.

I am satisfied that authors of each chapter of the EIAR, as provided in Table 1-3 of the EIAR, have suitable professional competencies, qualifications and experience to prepare an EIAR in their respective field. The EIAR and supplementary information provided by the applicant complies with Article 94 of the PDR – see full assessment below.

I have carried out an examination of the information presented by the applicant, including the EIAR and the response to the observations/submissions received. A summary of the submissions made by the local authorities, prescribed bodies and observers have been set out in Section 7 above. The relevant issues arising are addressed below under the relevant headings, and, as appropriate, in the reasoned conclusions and recommendation. Details of the consultations entered into by the applicant as part of the preparation of the application and EIAR are set out in Section 8.2 above. I consider that the applicant has taken all reasonable steps to engage with the local community. As required the application is accompanied by copies of the relevant notices, with the website on which the documentation can be assessed provided. I consider that the engagement has been effective in terms of advising the public of the proposed development and that third parties were not disenfranchised.

The limitation of the EIAR set out in respect of each topic of the EIAR are noted, however, none are considered material to the assessment or result in a defective assessment which occurs below.

The EIAR concluded that there would be no likely significant adverse impacts post mitigation.

<b>Table 32: Article 94 (a) Information to be contained in an EIAR</b>
<b>Schedule 6, paragraph 1</b>
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).
A description of the proposed development is provided in Chapter 4 and 5 of the EIAR. It includes details on the proposed development site, the design and size of the proposed development, temporary and permanent land take, requirement for

materials, details of the construction programme and operation phases. Further details on the development site are provided in the technical chapters of the EIAR. There is no material aspects of the development require further clarification. All issues can be addressed by condition. I am satisfied therefore that sufficient information has been presented to enable an assessment of likely significant environmental effects to be carried out.

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR as well as Chapter 26: Cumulative Effects. These are considered in the technical assessment of this EIA below. I am satisfied that the likely significant effects of the development on the environment have been described.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).

Measures to mitigate predicted environmental effects are set out in each technical chapter of the EIAR (where relevant), in summary in Chapter 27 and in the CEMP. Having regard to my examination of the EIAR and the submissions made, and my assessment of the likely significant effects of the development on the environment, I am satisfied that the EIAR provides a description of the features and measures to avoid, prevent or reduce significant adverse effects.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).

Alternatives are considered in Chapter 3 of the EIAR and include the 'do nothing' scenario and 'do something' scenario, alternative locations, alternative technologies, alternative design and layouts. Having regard to the details presented I am satisfied that the applicant has provided a description of the reasonable alternatives, relevant to the railway, and an indication of the main reasons for the resultant proposed development, with reference to effects on the environment (see further comments below on alternatives). I have considered the other alternatives submitted through observations and objections to the file by third parties in Section 9.3 for clarity. I am satisfied to proceed on the basis of information presented by the applicant

**Schedule 6, Paragraph 2**

A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment is typically included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence

of the development (do nothing scenario). Where it has not been addressed in the EIAR, the baseline environment and its likely evolution can be readily assessed from the information on the file/inspection of the development site.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
A description of the forecasting methods or evidence used to identify and assess the significance of effects is included in each technical chapter of the EIAR. Any difficulties encountered, or areas of uncertainty, are also identified in the technical chapters. Having regard to my review of the EIAR and to the environmental impact assessment carried out below, I am satisfied that there are no significant impediments to the assessment of environmental effects, by virtue of difficulties encountered or areas of uncertainty.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Vulnerability of the proposed development to environmental effects arising from the risks of major accidents and/or disasters is appropriately considered in Chapter 24 of the EIAR.
Article 94 (c) A summary of the information in non-technical language.
Volume 1 of the EIAR comprises a Non-Technical Summary (NTS) of the proposed development. I have read the report, and it summarises, in non-technical language, the information contained in the EIAR and likely environmental effects of the development.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the environmental effects of the development are set out in each chapter, typically at the beginning of the technical assessment under methodology. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the EIAR is set out in Table 1-3 of the EIAR. Where relevant, this information is repeated in the introductory sector of each chapter. Details include the name and qualification of the expert, their area of expertise and years of relevant experience. I have reviewed each of the technical sections of the report, and I am satisfied that it has been prepared by experts with competency in the technical subject areas.

The Commission should also note that the HSE has reviewed the EIAR also and is satisfied it provides an adequate description of the proposed project, the potential impacts on human health in particular.

I am satisfied that the information provided is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU and the provisions of the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 743 of 2021).

## **9.2 Consideration of Alternatives**

The requirements of Article 5(1)(d) of the 2014 EIA Directive have been transposed through section 39(1) of the Transport (Railway Infrastructure) 2001 Act as inserted by section 49(b) of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended and substituted by the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 743 of 2021). It requires inter alia that the EIAR contain the following:

*“(v) a description of the reasonable alternatives studied by the applicant which are relevant to the proposed railway works and their specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the railway works on the environment.”*

The matter of alternatives is addressed in Chapter 3 of the EIAR.

The Multi-Criteria Analysis (MCA) technique has been applied to inform the option selection process to determine the end to end preferred option for the proposed development. The MCA was informed by the Common Appraisal Framework (CAF) for Transport Projects and Programmes (Department of Transport Tourism and Sport, March 2016 and updated October 2020). The CAF Guidelines require projects to undergo an MCA under six criteria which include economy, integration, environment, accessibility, safety and physical activity.

The reasonable alternatives considered at option selection stage were framed within the following scenarios for each significant intervention required:

- ‘Do-Nothing’ scenario wherein the proposed interventions do not go ahead.

- ‘Do Minimum’ scenario wherein the proposed interventions go ahead but only those which can generally be met within the existing rail corridor.
- ‘Do Something’ scenario(s) wherein the proposed interventions go ahead but such interventions are required beyond the existing railway corridor impacting on third party/private lands at some locations.

The preferred option is that option which best provides for the proposed development to go ahead and for the project objectives to be met while also minimising the impacts outside the rail corridor.

I accept that due to the existence of the existing, operational rail line running in an existing and defined corridor the scope of reasonable alternatives is significantly constrained. In this regard, the project can be characterised as one which provides for enhancement of existing railway infrastructure over the 56 km length of the scheme with the installation of electrical and signalling technology.

As outlined in Chapter 3 of the EIAR several studies have been completed as part of the design development. This extended to the various infrastructural elements of the proposed development in which alternative may arise including:

- Works around bridge structures;
- Installation of power supply substations and electrical feeding infrastructure;
- Works around Howth Junction & Donaghmede Station
- Works around Clongriffin Station
- Works around Malahide Station
- Works around Drogheda (MacBride) Station; and
- Depots.

Alternatives in respect of many of the linear works (e.g., signalling) and some of the bridge works vary little from an environmental perspective. Alternatives in respect of many of these elements are largely a technical matter and optioneering, where relevant, is presented for information. It is noted that aquatic environments such as river and stream crossings and estuaries at Malahide and Rogerstown have been fully considered. Consideration of built heritage features is also present. It is noted many of these features are related to the railway and are currently functional in this context.

It should be noted that several observers, question the justification for proposed development at the Howth Junction and Donaghmede State. It is considered to be a waste of public finances and maintaining direct services to Howth Station would be more cost effective. They effectively seek a do-nothing scenario. I am satisfied the applicant has justified the interventions at this station which seek to modernise it and provide more convenience and security to all users.

I submit that the consideration of alternatives followed a comprehensive process. It indicates how the proposed development evolved and how it was adjusted to take into consideration environmental effects and matters arising during the consultation process. On balance, therefore, I consider that the requirements in terms of reasonable alternatives have been satisfactorily discharged and the requirements of the EIA Directive in this regard have been met. The configuration included in the railway order application is the preferred approach when all factors are taken into account.

Certain reasonable alternatives raised by observers to the file are considered below: The observers are of the view that alternative solutions have not been sufficiently examined by the applicant,

### **9.2.1 Journey Speed and Overall Passenger Convenience**

Many submissions received are of the view that the applicant solely focused on increasing frequency and that the increased journey times and change over at Howth Junction are assumed to be an acceptable solution with no real assessment of impact to users on the Howth Branch.

As discussed in Section 8.2 above, the applicant in its response to submissions has provided theoretical scenarios to illustrate how an interchange for Howth services could work and also set out journey times. During peak times, trains will take approximately 31 minutes (median) southbound and 32 minutes (median) northbound. This result in an additional 6 (southbound) or 7 minutes (northbound). This is an increase in journey time; however, the journey time is negated by the fact that frequency would be every 10 minutes, rather than 20 minutes at present. The dwell time for passengers at both Howth Station and Howth Junction & Donaghmede Station would reduce overall. While there is an inconvenience in these scenarios, it is normal practice worldwide for commuters to change trains in a railway network.

The observers also point to the fact that no weight was given to punctuality and overall travel experience for all users in the consideration of alternatives.

Again, while I bring this issues to the attention of the Commission in the context of reasonable alternatives for clarity, I am satisfied that the various alternatives, in an infrastructural context, are sound and that the issues of journey duration, convenience, punctuality are matters addressed through a separate public consultation process under the remit of the NTA known as the 'Timetable Customer Consultation Process'. While the primary focus of the proposed development and alternatives is to focus on services to Drogheda and further to Belfast, I disagree that it is at the expense of the Howth Branch. The infrastructure in of itself does not give rise to an imbalance and services may change over our lifetimes depending on increasing populations in different locations. This is an operational matter for the NTA and CIÉ.

It should also be noted that the NTA, who made a submission and have a competence in public transport services, is satisfied that the Railway Order as submitted to the Commission has considered the available alternatives, the views expressed during the non-statutory consultations and represents the appropriate approach to serve the existing and future communities along this corridor. They are also satisfied that the works maintain the necessary infrastructure to provide direct services between the city centre and Howth as required.

The infrastructure proposed at Howth Junction & Donaghmede Station, and the consideration of alternatives therein followed a comprehensive process. It indicates how the proposed development evolved and how it was adjusted to take into consideration environmental effects and matters arising during the consultation process. The infrastructure progressed does not prohibit poorer journey duration, convenience, punctuality for the Howth Branch per se. I consider that the requirements in terms of reasonable alternatives in relation to the Howth Branch have been satisfactorily discharged and the requirements of the EIA Directive in this regard have been met.

### **9.2.2 Twin Tracking, Stacking & Undergrounding**

Observers are of the view that the development of two additional tracks, either side by side, stacked or underground, along the current mainline would facilitate

additional services and remove congestion on the line by separating commuter and intercity services. This additional track capacity would surely mean there is no requirement to remove direct DART services from Howth, Sutton and Bayside.

The Commission should note that the applicant is, separate to DART+, assessing the possibility of four tracking certain sections of the railway between Connolly Station and Malahide Station. This is an objective of the All-Island Strategic Rail Review. This would be a similar arrangement to that on the railway entering Hueston Station. The Commission should also note that the twin tracking is subject to planning and a capital fund allocation.

It is also accepted that the cost-benefit of undergrounding railways services to provide a certain service has not been established and the applicant has determined that it is not required to achieve the stated objectives of this project, and the desired frequency can be achieved with what is proposed. Comparatively the environmental impact is more significant and economically, more costly to that the proposed development identified.

I am satisfied that the examination of an overhead (stacked) rail line or underground service to facilitate frequency and avoid impact to Howth services may be considered under the separate twin tracking project.

I am satisfied that this is a separate project for the applicant with an entirely different timeframe and policy context. The current goal of policy is clearly the electrification of the existing railway which can be implemented in a shorter timeframe and derive the benefits the applicant sets out. While it may be a logical solution and resolve issues raised on the Howth Branch, I am satisfied again the proposed development as it is currently present, would not undermine the objectives for twin tracking and as stated above, the proposed infrastructure under DART+ Coastal North would not prohibit direct services to Howth in the context of a timetable.

### **9.2.3 Additional Passing Loops**

The applicant notes the suggestions for additional passing loops, however, in studying the passenger demand and the requirements of TSS1C, has determined that additional loops are not required, technically and economically, at this time and the desired frequency can be achieved with what is proposed. Passing loops may be progressed separately in time as the need arises, however.



#### **9.2.4 Integration of Freight in Passenger Services**

Certain submissions state that there is no consideration of freight transport and its integration into passenger services, despite its recognition as a priority by the Irish government and the need for enhancing rail freight capacity as indicated in the All-Ireland Rail Review. The applicant confirmed that the only existing freight movements are 2 trains per day which have been considered in the modelling. The three peak hour in the morning and evening when congestion arises most are largely avoided by the freight trains who generally use off-peak hours.

#### **9.2.5 Substations**

I am satisfied that the location of substations underwent an extensive optioneering process and the applicant consider key issues such as land use, development context and future development potential for residential schemes etc and access for construction and maintenance purposes. However, they were ultimately restricted to locations adjacent to the railway line as each substation is required to be located as close as possible and at locations identified in the power study completed as part of the design development. This is fully documented in the Option Selection Report (comprising Volume 1: Preferred Option Report and Volume 2: Technical Report) which was published and presented during public consultations.

The issues with selection largely related to landowner objections with many questioning why it is needs to be on their lands at all. There are advantages and disadvantages to all sites, however, the applicant has been circumspect to present the outcoming of its multi-criteria assessment, which seeks , accessibility & social inclusion and physical activity, integration.

#### **9.2.6 OHLE Maintenance Compound**

I am satisfied that the applicant has carried out a proper consideration of alternative locations, layouts or designs for the substation and OHLE maintenance compound at Rush & Lusk as part of the EIAR. A key consideration is land use and ownership and given that CIÉ own the majority of lands on which it is to be located – practically, it is a reasonable decision to located it there and indeed collocate with the substation which was located following a multi-criteria analysis. It is accepted that the collocation drives efficiencies for the applicant in terms of acquisition, construction compounds, etc.

### **9.2.7 Malahide Turnback**

There are a number of submissions from residents of Marina Village and Bissett's Strand in Malahide. This includes Stephaney Bissett, Karen Brown, Mary Theresa Cleary, Thomas McCarthy Des and Sharon Stone.

The primary concern is in relation to the turnaround facility at Malahide, as currently laid out, which in their view will have a significant and direct impact on property backing directly onto the railway line and other residents facing the tracks. The range of impacts include visual and residential amenity, health and safety, noise and vibration, air quality, property values,

They query in particular the consideration of reasonable alternatives and the discounting of Option 5A (Central Turnback south of Donabate) which should have been a viable option but failed to move to the short list of options considered. It is a greenfield site and would result in a lesser community impact and in particular residents at Marina Village and Bissett's Strand.

The applicant notes that a total of 16 options were developed for the Malahide area, with 5 of these options passing the preliminary sifting and brought forward for more detailed multi-criteria assessment. This included four options south of the Malahide viaduct (Options 1A, 1B, 2A, 2B) and one option north of the viaduct (Option 5B). The summary findings of the MCA represented in Table 3-35 of Chapter 3 of the EIAR, and more details are provided in Appendix A3.3 (Preliminary Options Selection Report – Main Report) and A3.4 (OSR – Volume 1 – Preferred Option Report) of the EIAR.

The applicant acknowledges the advantage of option 5B in terms of transport integration and noise and vibration over the chose Option 2B. However, in terms of environmental and economic criteria, it was less favourable. In summary, the northern side of the estuary is more environmentally sensitive and would require more extensive construction works and alteration of structures. In addition, Option 5B has a longer Empty Coaching Stock move which could reduce turnaround time and impact performance; hence it was comparatively less favourable than Option 2B.

## **9.3 Assessment of Topics**

Each topic is considered individually in subsequent sections in the following format:

- Introduction
- Existing Environment
- Potential Effects
- Mitigation Measures
- Residual Impacts
- Cumulative Impacts
- Other Issues Arising from Observations
- Conclusion

Unless otherwise stated below, the methodology and the approach to each topic is considered appropriate. This assessment relies on the EIAR submitted and addresses key issues, impacts and mitigations of the proposed development.

### **9.3.1 Traffic and Transportation**

#### **9.3.1.1 Introduction**

Chapter 6 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on traffic and transportation during its construction and operation phases.

This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Air Quality, Climate, and Noise and Vibration.

#### **9.3.1.2 Existing Environment**

The existing environment is described in Section 2.0 above and in particular Table 3 which identifies a number a number of crossings and features which the railway crosses. The majority of roads which the railways crosses are single carriage way road, mainly regional and locally classified. These can be used by all modes of traffic including motorcycles, cars, taxis, LVs, HGVs, buses, pedestrians, cyclists. There are also a number of pedestrian only bridges and crossings.

The applicant has provided detailed descriptions of each zone in Section 6.4.2 of the EIAR for reference which includes details on the number, location and services at train stations, the roads in proximity to the railway, pedestrian and cycle facilities, and car parking spaces . Also noted in the EIAR are bus services which may be impacted.

The majority of crossings along the railway are over or under bridges and there is no interaction between the railway and other traffic. However, the Commission should note the four at grade level crossings occur on the Howth Branch outlined in Section 8.3.3 above. Another user worked level crossing South of Donabate to access private lands.

In this context the Commission should note that the levels crossings generally closed 3-4 times for a period of 14 to 16 minutes in the AM Peak and 12-17 minutes in the PM Peak.

It is noted that traffic surveys, which included pedestrian and cycle counts were conducted in 2022, 2023 and 2024 to understand the baseline vehicular flows. This supplements existing survey day and models from the 2019 Dublin Local Area Model (DLAM) and 2019 East Regional Model (ERM). Given the interaction with general road traffic primarily occurs on the Howth Branch, the applicant focused traffic count surveys at level crossing locations. Similarly in Drogheda and Malahide where more extensive construction works occur in a built up environment.

### **9.3.1.3 Potential Effects**

#### **9.3.1.3.1 Construction**

Having regard to the prevailing environment through which the rail line traverses, notably the existing built up urban area in Donaghmede and Howth Junction, Bayside, Sutton, Howth and Drogheda and the coastal towns of Malahide, Donabate, Rush and Lusk, Skerries, Balbriggan, Laytown and Bettystown and the emerging urban environments in the environs of Clongriffin, such a major engineering project which includes works to or replacement of existing bridge structures, will require a significant amount of construction works and traffic necessitating access to and diversions on the surrounding road network thereby disrupting road capacity. The applicant intends to use national and regional roads as much as practicable to access compounds and works locations. It is noted that certain bridges have height restrictions, therefore, limitations on what roads will be used is dependent on height of vehicles and clearance requirements – this may be the case for any abnormal loads. It is also noted that some of this traffic may occur at nighttime due to the requirement to keep the railway operational.

Table 6-20 of the EIAR lists the Construction Vehicle Trips and the working hours which are all night and daytime, the peak duration which in certain locations like substations is up to 12 months and the peak hour two vehicle trips. Overall, the trips being generated would not exceed more than one additional vehicle per minute on the network and in any case would be distributed across the construction phase and road network.

Table 6-21 outlines the construction impact in the AM and PM Weekday Peak on the wider road network. In summary, the applicant considers the impacts in Zone A, B and C as negative, slight impact on traffic flow due the construction period and in Zone D and E as negative moderate on traffic flows. This is a short term effect in all zones which I generally consider acceptable.

The demolition and replacement of bridges, including McGrath's Bridge may require a full closure of certain roads in order to facilitate the construction. This will have knock on impacts for roads in the vicinity to allow for diversions and, therefore, will have an impact on traffic distribution but overall will be negative, slight and temporary. At McGrath's it will be a significant impact given the full closure is 104 weeks and lack of alternative diversion options for residents on northern side of railway. A moderate impact may occur at Balbriggan Viaduct (1 week), Beaverstown Golf Club (3 day closure) and at Drogheda on the R132 (weekends).

There will be an impact to car parking, primarily at railway stations, during construction phases in order to facilitate works, compounds and turning movements. A total of 300 spaces will be lost during construction. However, many parking spaces at stations are underutilised during the AM peak except for Howth Junction & Donaghmede Station. This results in a neutral, slight effect, of short-term duration except for Howth Junction which would be moderate.

The importance of keeping the Dublin-Belfast mainline open during the works is noted. Notwithstanding, weekend works and possession of the line to undertake specific works will be required which will disrupt services and inconvenience passengers. In addition, services may be required to operate at lower speeds although this is anticipated to largely occur outside the major AM and PM commuter periods.

Overall, it is not expected there would be not significant impact on the rail network from construction due to the possessions only taking place at weekends and nighttime. Nonetheless it would be negative, slight and temporary where it does occur. Some freight movements at nighttime may be impacted and this would be significant.

Some bus routes may need to be diverted to facilitate the works associated with bridge replacement and road diversions which will add to journey times. Whilst the inconvenience is regrettable it cannot be avoided. But, as noted, the proposed works will be temporary in duration and on completion the bus routes can revert to the original routes. Buses may have a slight impact as a result of road closures in Drogheda on the R132.

I have had regard to the approved and proposed Bus Connects projects in the vicinity of the proposed development, notably the approved Clongriffin to Dublin City Centre Core Bus Corridor. I have had regard to the works as approved and proposed for the said bus corridor and the drawings accompanying same. I am satisfied that there would be little interaction.

There is no direct interface between the DART+ Coastal North project and the MetroLink Project.

I consider that the modelling and appraisal of transport effects associated with the construction phase to be appropriate for the reporting of impacts. The most significant factor would be the long duration of the construction traffic activity. I also note observers' concerns as to the impact of the diversions on residential amenities with regard had to the diversions proposed around McGrath's Lane and Railway Terrace in Drogheda in particular. In view of the established railway, operational and safety requirements for the railway and the lack of a road network to the north of the railway the avoidance of such a closure not possible. A bespoke diversion is proposed to maintain access for two residential dwellings to the north of the railway in Drogheda.

Unquestionably there will be significant negative impacts during the construction phase from traffic disruption and congestion and these impacts cannot be eliminated. I submit that whilst the impacts are minimised as far as is feasibly possible, they will have to be endured to facilitate the realisation of an important infrastructural project

within a built up urban environment. Of itself, the proposed development will have a long term positive impact on transport within the city.

#### 9.3.1.3.2 Operation

The applicant predicts daily public transport demand increases by 18,800 in 2028 and 15,800 in 2043 due to the implementation of the DART + Coastal North project. There is a reduction in car demand of 2,400 in 2028 and 4,300 in 2043. This is considered a positive, moderate and medium term effect. The applicant provides a comparison of the road traffic assignment between the Do Minimum and Do Something scenarios for the entire model based on the ERM for 2028 and 2043, respectively. There should be reliefs in terms of traffic congestion on the M1 and the M50 and becoming more attractive. This would result in only a neutral, slight and medium term. Overall, therefore there would only be a neutral, imperceptible, medium-term effect on traffic and transportation.

In terms of level crossings, the Commission should refer to Section 8.3.3 of this report and incorporate it into this EIA. It is not intended to repeat it; however, I will reiterate that I am satisfied that the level crossings, under the proposed theoretical operational parameters, will remain in line with, current level crossing closure durations and frequencies in other parts of the network. The sensitivity analysis has shown that queue lengths are likely to remain within the available queueing capacity. The applicant points out that frequency, similar to that which may be achieved on the Howth Branch already occurs on other rail lines at present and does not create an undue burden for those residents while at the same time, it ensures a high quality of public transport in those areas.

While observers contends that the proposed change to an indirect service will result in an increase in people using private transport such as motor vehicles as a result of the inconvenience of changing trains. There will also be significant impact as a result of the increased level crossing closures. Both these factors will conflate and make worse an area already congested with traffic, particularly at peak times and during the summer. This traffic impact would also impact on the bus services in the area also, given there is limit bus lane infrastructure. Several submissions query the traffic modelling date provided by the applicant given it is 3-4 years old and has selective sampling times. It does not factor in population increases in the area as well as the

traffic patterns during weekends when tourists travel to the area. The public consultation indicated a strong negative sentiments towards the proposed arrangement for the Howth branch and a likely increase in car use. This point is noted in this respect, however, the increase in trains service will be a significant enhancement in service from 3 to 6 trains per hour during peak periods. The applicant is also enhancing the station at Howth Junction and Donaghmede to make it more attractive and safer for users.

While it is noted in Appendix A3.2 PC2 Findings Report that 77% of respondents would not be encouraged to use the service, were it changed as proposed and it is acknowledged that it will be unfamiliar for a period to change trains, users will become accustomed to the service. As noted previously, changing trains is common practice in the operation of railways. Regardless, the implementation of the theoretical timetable will not have any significant impacts on the road network. Unquestionably there will be traffic congestion, and these impacts cannot be eliminated and are generally to be expected in a built up urban environment. Of itself, the proposed development will have a long term positive impact on transport within the city.

The applicant has carried out an analysis of traffic flow impact in 2028 and 2043 at various junction locations along the proposed development Overall, the impact at most junctions is neutral, imperceptible, medium-term effect – the percentage change is minimal. Junctions where the overall increase in traffic flow exceeded 5% were further analysed. However, the impacts were considered negative, slight or moderate, medium-term as a result of the low actual additional passenger car unit increases, impact on route choice and general junction performance. It is noted during the summer that traffic can occur on the Kilbarrack (Baldoyle Road and Sutton Levels crossings. This is considered abnormally high and can be classified as a negative, significant, medium-term effect.

In terms of car parking, ten spaces will be removed at Rush and Lusk Station to facilitate the substation and maintenance depot. However, there is an underutilisation of spaces currently and the loss will have no discernible impact.

Several parties, across Louth, Meath and Fingal raised the issues of car parking and pedestrian and cycle facilities at or near existing train stations. The applicant in



response states that such provision is not part of the DART+ Programme. I note that the NTA's Park & Ride Development Office is currently working with CIÉ to identify strategic locations to develop a Park & Ride Scheme that will connect with the rail system. Proposals to develop Park & Ride will be brought forward independently of the DART+ Programme.

I also note that pedestrian and cycle facilities and indeed other station amenities and public realm measures will be brought forward separated. The facilities are consistently under review and are the remit of CIÉ Station Enhancement Programme.

Overall, I am satisfied that the operational impact of the proposed development will not be significant on traffic and transport. While changes to the Howth Branch in terms of increase level crossing will be a factor in increased congestion, the Commission will be cognisant that there a number of factors generating congestion in urban areas in Ireland generally, including the increase in the numbers of private cars and other road vehicles over the years, the increasing population in and visitors to Howth generally and physical geography of the Howth peninsula which results in several roads converging at Sutton Cross. Traffic congestion is likely to rise in absence of the public transport interventions in any case.

#### **9.3.1.4 Mitigation Measures**

The primary mitigation measure during construction will be the implementation of a Plan (CTMP) which is outlined in (Appendix A5.1 of this EIAR and will be agreed prior to construction with the planning authority. Key measures therein are outlined in Section 6.6.1.1 of the EIAR, and include inter alia routing of HGVs, scheduling deliveries before peak traffic among other measures.

The applicant is also proposing a Mobility Management Plan (MMP) which is intended to manage trips made by construction works and those attending site regularly. Table 6-45 of the EIAR sets out recommended mobility management initiatives and actions which would be under the ownership of an Action Plan Coordinator

To mitigate road closures, it is proposed to implement the following measures:

- Beaverstown Golf Club – maintain pedestrian access, agree with Eir to carry out certain works during nighttime to minimise closure.
- Rogerstown Lane – maintain local access.
- Harbour Road (Balbriggan) – divert traffic, site specific traffic management plan,
- L1620 Station Road (Gormanstown) - maintain access to station.
- R132 Dublin Road (Drogheda) - site specific traffic management plan, weekend working,
- St Mary's Villas - maintain local access.
- Railway Terrace - temporary access road to the north linking to Marsh Road (R150)

While the applicant cannot entirely eliminate traffic arising from increase level crossing closure, it is proposed to provide yellow box markings at the Dublin Road and Sutton Road junctions.

#### **9.3.1.5 Residual Effects**

The applicant cannot eliminate all traffic particularly as a result of construction activity and continued use of the railway and increased level crossing times during operation. This is acceptable given the overall objectives of the proposed development to transition to a more sustainable modes of public transport. However, No significant residual impacts are anticipated during construction or operation phase following mitigation.

#### **9.3.1.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on traffic and transportation.

## **9.3.2 Population & Human Health**

### **9.3.2.1 Introduction**

Chapter 7 and 23 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on population and human health during its construction and operation phases. This section also considers Chapter 22 Electromagnetic Effects and Stray Current given the primary issue of human health.

This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Traffic and Transportation, Landscape and Soils, Water, Hydrogeology, Air Quality, Climate, Noise and Vibration, Landscape and Visual Amenity, Material Assets, Electromagnetic Effects and Major Accidents and Disasters.

The Commission should also note that the HSE has reviewed the EIAR also and is satisfied it provides an adequate description of the proposed project, the potential impacts on human health in particular.

### **9.3.2.2 Existing Environment**

The study area for the purposes of the assessment is the project boundary (including compounds and temporary land-take), and a wider area which is typically 500 m from the track, but some impacts may extend to a wider area such as traffic impacts.

As described in Section 2.0 of this report, the population and human health profile for the proposed development varies, given it is a linear development located across several local authority administrative areas including Louth, Meath and Fingal, Dublin. Figures 23-1 to 23-4 illustrates levels of deprivation in each county as well as the various electoral areas. The majority of areas along the railway are marginally below/above average in terms of deprivation. Certain areas like Malahide are considered affluent. Certain locations in north Dublin, near Donaghmede and Kilbarrack may be considered disadvantaged. In Ireland, there has been an increase in life expectancy and a decrease in mortality rates. Mortality rates in Ireland have declined 15.8% since 2012. In 2021, 81.7 % of males and 81.3% females rated their health as being good or very good.

The data relied on broadly define representative areas, rather than to set boundaries on the extent of potential effects. The description of the whole population, and the

populations within the local and wider study area, does not exclude the probability that there will be some individuals or groups of people who do not conform to the overall profile.

### **9.3.2.3 Potential Effects**

In the absence of the proposed development, the do-nothing scenario, achievement of the national, regional and local objectives for compact growth would be curtailed. Journey characteristics and journey amenity will continue to be suboptimal, with existing train services becoming more overcrowded as train capacity is limited to the current service. The opportunities for modal shift to more sustainable transport options will be curtailed. Commuter dependence on private car usage as the means to access Dublin City for work and to access services will continue, contributing to ongoing congestion on the road network. Opportunities for improved inter-rail and inter-modal connectivity and integration with other public transport services would be constrained along the catchment area for the rail network, reducing accessibility to jobs, education, and other social and economic opportunities from inward investment. Employment opportunities and economic benefit for local businesses and communities generated through the construction phase will not arise.

Again, the commercial and tourism impact in Howth will not be significant and any changes to the proposed timetable will result in an increased service, albeit not a direct service. While this is a change for the local population, changing trains is not uncommon in train services, even in Ireland and it is within the remit of the applicant in consultation with the NTA to alter the service arrangements if they so wish. Commercial and tourist receptors will not be significantly impacted from such a change in train service.

In respect of tourism specifically, I note that Fáilte Ireland, who have particular competence in tourism matters, have no objection in principle to the use of a shuttle service. They are clear of the view that, for visitors, changing trains is nothing new and is something that is expected in capital cities. Ultimately from a visitor perspective, their key consideration is that services are both more frequent and more reliable. As made clear in this section, I am satisfied that such a frequency and reliability can be achieved and that changes to Howth Junction & Donaghmede

Station will result in a more accessible, user friendly and customer focused station for all rail users including tourists.

Matters of signage, tourist information and integration of ticketing systems/Next Generation Ticketing, carrying of bicycles on trains, bike share schemes at stations are noted, but cannot be addressed through this planning application. I note that the applicant has separate workstreams for such projects.

Many of the submissions raise issues with regard to potential impacts on population and human health. I have addressed issues with regard to traffic, dust and air quality, landscape and visual impact elsewhere in the report.

#### 9.3.2.3.1 Construction

There will be positive employment opportunities during the construction period with local expenditure, hospitality and retail sales likely to increase due to expenditure from construction workers.

However, in order to facilitate certain works such as bridge replacement/upgrade, temporary construction compounds will be located on lands adjacent to the railway corridor and will impact on land use including permanent or temporary land-take of public and private lands.

The construction activities will result in an increase in HGV traffic, traffic diversions, increased dust, noise and vibration emissions, and will result in negative, direct and indirect temporary impacts to journey characteristics and journey amenities for all road users including pedestrians close to construction sites and compounds.

Indeed, some construction works will impact rail services due to the requirement for works to take place on or over the railway and for safety reasons will require full or partial closure of the railway which will result in disruption or temporary suspension of rail services.

Where construction occurs, particularly at night-time, activities resulting in nuisance, including noise and dust may have a direct and indirect economic impact on sensitive sites such as hotels, B&Bs and other commercial properties in the vicinity of the construction works. There is potential for health effects from changes in air quality (including PM10, NO2 and nuisance from dust) during construction.

As detailed in Section 9.3.7 below construction noise may have some significant residual effects at the closest receptors with regard had to the particular concerns of nighttime works and sleep disruption which could have a negative impact on health and wellbeing. As noted, a temporary rehousing scheme may be put in place.

Health concerns arising from dust during the construction phase has also been raised by observers. I note that a sensitivity assessment was undertaken and the assessment of potential dust generation due to construction activities was completed. I refer the Commission to Table 12-18 of the EIAR in particular which provides a summary of sensitivity of the area to dust. It is concluded that when the dust minimisation measures detailed as mitigation are implemented nuisance from dust or impacts on human health would not arise. As noted previously dust monitoring is to be undertaken to ensure the efficacy of the dust mitigation measures.

As a result of the linear nature of the proposed development and the complexities presented by the urban built environment and constrained access, there is a required for fifty-three temporary construction compounds to be provided at various locations and of various sizes and uses along its length. The construction compounds will be used to support earthworks, enabling works, site clearance, utility diversions work, civil works, the demolition of bridges, OHLE, track installation, signalling and telecoms equipment installation and other ancillary works. They are a standard and best practice feature required in any large construction project.

The locations were subject to assessment in terms of alternatives, and I refer the Commission to Chapter 3 of the EIAR. The preferred location of each of the compounds and purpose for same is detailed in Table 5-4 of Chapter 5 of the EIAR. The final layouts will be developed by the contractors at construction stage.

By the nature of the receiving environment many of the identified compounds are in direct proximity to sensitive receptors. The applicant has made use of CIÉ lands where possible, however, in certain locations private or other public lands are required. The largest compound will be on lands around Drogheda (MacBride) Station. Various HGV fixed and articulated vehicles currently enter the existing railway area and station access roads given they are fully operational railway which requires period maintenance and servicing.

The compounds will be temporary, albeit many will in place for the duration of the works, with some functioning at night requiring lighting to facilitate works. Whilst I acknowledge the impact on residents from the construction compounds both in terms of noise, dust and traffic, will exacerbate the impacts arising from the works along the rail corridor, the need to site the compound facilities in proximity to the works is understood and accepted.

The range of mitigation measures proposed to control dust, noise and nuisance likely to arise, in addition to traffic management proposals and adherence to the CEMP provisions, will assist in reducing the impacts arising. I consider that the role of the CLO in ensuring that residents are kept informed of the works and project advancement and that any complaints are recognised and responded to in a meaningful and timely manner will be of particular importance.

There is potential for health effects from changes in noise and vibration exposure. For a small section of the population the levels of exposure will cross, or approach standards set for health protection.

#### 9.3.2.3.2 Operation

Overall, increased passenger capacity and enhanced train service will have potential positive impacts on sustainable economic development and population growth, accessibility to jobs, education, and other social and economic opportunities including catering for planned growth of existing and future transport oriented development areas such as Howth, Clongriffin, Donabate and Skerries.

Many observations cite the increasing population along the Howth Branch at several new sites at Techtrech Site, Baily Court, Santa Sabina, Deerpark and Edros, among others. Observations state that the applicant fails to factor in new developments planned and underway in Baldoyle, Sutton and Howth and the requirement of many to commute to the city centre for work, education and retail purposes. The impact in this instance is blanced by the frequency and capacity being proposed. It is acknowledged that convenience (i.e. direct service) and duration (time changing trains) may change, however, this is balanced by the increase frequency from Howth from three trains to six trains per hour. Therefore, notwithstanding concerns in relation to changes in service to Howth, it will result in a modal shift from unsustainable private car usage to public transport, promoting sustainable travel

patterns and integration with other public transport modes simply as a result of the increase frequency and capacity.

The electrification supports more electric trains, with their co-benefit to health in terms of a reduction in exposure to air pollutants and associated reduction in climate altering pollutant emissions. Operational noise impacts of the proposed project are considered to result in a not significant effect on population.

The assessment of EMF and stray current indicates that radiation and stray current impacts are expected to be within applicable standard limits. No impacts on public health from EMF are envisaged during the operational phase.

The proposed project will be an electrified Direct Current (DC) rail system and on completion, new electric DART trains will be used on this railway corridor, similar to those currently operating on the Malahide/ Howth to Bray/ Greystones Line.

Observers express specific concern as to the potential for health impacts arising from electromagnetic radiation (EMF).

The applicant, in response, states that the project has been designed to ensure that public exposure to EMF complies with the EU Council recommendation on the limitation of exposure of the general public to electromagnetic fields (0Hz-300GHz) 1999/519/EC. A study of the DC magnetic field levels that are expected to be generated around the operational railway has been undertaken using recognised modelling techniques which concludes that levels being emitted from the proposed development would be significantly below the guideline limits. The modelling results illustrated that the safe distance for public exposure is predicted to be within a few centimetres of the energised conductors. Based on this assessment, it is considered that EMF from the project will not cause any health concerns. I note that the proposed project will be provided with a stray current monitoring system at each traction substation which will allow for a continuous monitoring of the rail to earth potential.

Overall, it is acknowledged that the proposed development would occur within an established railway corridor where there is an established pattern of rail movements with its associated noise and vibration.



#### **9.3.2.4 Mitigation Measures**

The applicant has set out mitigation measures in the context of population which it intends to implement 'as far as reasonably practicable'. It would be preferable if the applicant could have been more prescriptive in terms of what, when and why they intend to implement such measures. It is either required as a measure to mitigation a specific impact or not.

For example, 'adherence to CTMP' should be mandatory at all times in the interest of road safety. I am also unsure, for example, how practical the time limits between 10 am and 4 pm and nighttime on construction traffic access at Malahide Village is in practice.

That being said, they are micro-level and detailed design measures, and I am satisfied that they can be agreed in writing with the location authority under any condition of permission should be the Commission be minded to grant planning permission.

No additional measures are proposed in the context of human health. However, any actual or perceived impacts would be addressed under the measures set out in other sections particularly in respect of noise and vibration and air quality.

In respect of electromagnetic effects, it is accepted that the applicant, who does not expect any significant effects, will need to continue to monitor the situation through the design phase and address issues as they arise. This is also the case with stray currents.

In respect of the HSE's emphasis for a feedback mechanism for complaints, I am satisfied that the applicant's commitment to a CLO during construction and the standard operational feedback mechanisms are appropriate and complete to ensure complaints are received and acted upon.

#### **9.3.2.5 Residual Impacts**

The applicant cannot eliminate all emissions particularly as a result of construction activity and continued use of the railway by diesel trains during operation. This is acceptable given the overall objectives of the proposed development to transition to a more sustainable modes of public transport. The other measures proposed by the HSE, including use of low emission vehicles and public transport links for the public

are noted, however, beyond the remit of this planning application. I also note that the applicant has Pest/Vector Control Plans in place during construction and operational phases.

### **9.3.2.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on population, human health and electromagnetic fields and stray currents.

### **9.3.3 Biodiversity**

#### **9.3.3.1 Introduction**

Chapter 8 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on biodiversity during its construction and operation phases.

This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Lands and Soils, Water, Hydrogeology, Air Quality, Climate, Noise and Vibration.

The application is accompanied by a NIS, and I refer the Commission to the appropriate assessment in Section 11 of this report for matters related specifically to the Birds Directive and Habitats Directive.

#### **9.3.3.2 Existing Environment**

The proposed development is located in a range of urban and rural areas. The existing railway, which is operational, is typically gravel ballast but is often bound by semi natural habitat and contains grassy verges, scrub, hedgerows and treelines.

There are residential, industrial and agricultural areas bounding the railway as well as golf courses and demesnes. The railway also traverses wetland habitats at viaducts on the Malahide and Rogerstown estuaries. At Howth and Laytown for example, the ecological landscape is coastal.

The assessment methodology included a combination of desk top studies using recognised ecological databases and field surveys including:

- Habitats (including Annex I habitats);
- Bats;
- Otter;
- Badger;
- Amphibian habitat suitability;
- Reptile habitat suitability;
- Birds (wintering and breeding); and,
- Invasive Species

Some twenty-nine Natural Heritage Areas and proposed Natural Heritage Areas were identified and are set out in Section 8.4.5 of the EIAR. Other sites which are not directly hydrologically linked but are located in the wider either upstream or downstream, in the marine environment or related to bird species are also set out in this section but not listed here for brevity. Some of the NHA sites, overlap with the boundaries of European sites. The NHAs and pNHAs located which overlap with the proposed development include:

- Malahide Estuary pNHA
- Rogerstown Estuary pNHA
- Laytown Dunes/Nanny Estuary pNHA

Other NHAs and pNHAs which are within the ZOI include:

- North Dublin Bay pNHA
- Royal Canal pNHA
- Baldoyle Bay pNHA,
- Boyne Coast and Estuary pNHA

The applicant has also identified six Ramsar wetland sites including Rogerstown Estuary (Site code 412) and Broadmeadow Estuary (Site code 833); the UNESCO Dublin Bay Biosphere and three Special Amenity Area Orders as within the ZOI.

The proposed development crosses a number of watercourses, estuaries, and small streams, ditches and drains, including; the Tolka River, Santry Stream, Mayne River Malahide Estuary, Rogerstown Estuary, Laytown Estuary, Delvin River, and the

River Boyne. A number of these water features are designated for nature conservation.

While the applicant does not identify it, the dominant habitat within the proposed works area is gravel ballast (ED1 exposed gravel) which would be used to stabilise rail lines. It must be reiterated that this is an existing and operational railway.

The rail corridor boundary, which is of interest in terms of biodiversity has habitats comprising a mix of hedgerow, trees, palisade fencing and concrete walls. In the wider area the habitats vary along the length of the route from those corresponding with agricultural lands to buildings and artificial surfaces. The applicant has identified the following habitats, which align with Fossitt (2000) classification:

- Other Artificial Lakes and Ponds (FL8);
- Reed and large sedge swamps (FS1);
- Tall-herb swamps (FS2);
- Depositing/Lowland Rivers (FW2);
- Dry calcareous and neutral grassland (GS1);
- Dry meadows and grassy verges (GS2);
- Dry-humid acid grassland (GS3);
- Wet grassland (GS4);
- Hedgerows (WL1);
- Treelines (WL2)
- (Mixed) broadleaved woodland (WD1);
- Mixed broadleaved/conifer woodland (WD2);
- (Mixed) conifer woodland (WD3);
- Scattered trees and parkland (WD5);
- Scrub (WS1);
- Ornamental/non-native shrub (WS3);
- Spoil and bare ground (ED2);
- Recolonising vegetation (ED3);
- Shingle and gravel banks (CB1) including the Annex I habitat Perennial vegetation of stony banks [1220];

- Lower salt marsh (CM1) including the Annex I habitats Salicornia and other annuals colonizing mud and sand [1310] and Atlantic Salt meadows (*Glaucopuccinellietalia maritimae*) [1330];
- Upper salt marsh (CM2) including Annex I habitats Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) [1330] and 'Mediterranean salt meadows (*Juncetalia maritimi*) [1410]';
- Tidal rivers (CW2);
- Embryonic dunes (CD1) including Annex I habitats 'embryonic shifting dunes [2110];
- Fixed dunes (CD3) including the priority Annex I habitats '\*fixed coastal dunes with herbaceous vegetation ("grey dunes") [2130]';
- Sea walls, piers and jetties (CC1);
- Shingle and gravel shores (LS1) including Annex I habitat 'annual vegetation of drift lines [1210]';
- Sand shores (LS2) including Annex I habitats 'mudflats and sandflats not covered by sea water at low tide [1140]'; and
- Estuaries (MW4) including Annex I habitats 'Estuaries [1130]' and 'Mudflats and sandflats not covered by seawater at low tide [1140]'.

No protected flora or flora species of conservation concern were noted.

There were five invasive species recorded along or adjacent to the Proposed Development at different locations, including:

- common cord-grass,
- Japanese knotweed,
- Himalayan balsam,
- Rhododendron,
- Spanish bluebell,

Evidence of badger activity was noted in a number of areas, and three badger setts were recorded. The applicant has a historic record of four other setts which were also surveyed. The setts are located in Beaverstown, Skerries and Colp near Drogheda.

The field surveys did not record any sightings of otter or identify any holts; however, an otter couch was identified near the River Nanny and an otter print near Mosney

and a potential otter slide near Rogerstown Estuary. This species is presumed to forage and/or commute within the Zol of the proposed project.

The presence of pygmy shrew, hare, hedgehog, red squirrel, Irish stoat and pine marten were noted in the data search within the study area, however.

No dedicated marine mammal surveys carried out due to the location of the proposed development; however, the applicant has catalogued species which may be impacted in the Zol including inter alia Harbour seal, grey seal, and harbour porpoise which occur in the Irish Sea

In terms of bats, surveys were carried out across two seasons; 2021 and 2022. No roosts were identified across the Proposed Development, however, a number of bridges were identified with bat roosting potential throughout the route, by virtue of having suitable bat roosting features, such as cracks and crevices in mortar or as part of the structure of the bridge, gaps between the concrete slabs of the bridge, or within dense ivy growing on the pier walls. This includes the following bridges: OBB33, OBB39, OBB41, OBB44, OBB46, OBB47, OBB49, OBB54, UBB56, UBB65, OBB68, UBB72, OBB78, OBB80/80A/80B, UBB82. Regardless, activity for Leisler's, soprano pipistrelle, common pipistrelle, brown long-eared and myotis species was recorded in the surveys undertaken with calls recorded during deployment of the static detector deployment locations.

The desk study returned records of a total of 137 breeding bird species across the study area which includes 30 species listed under Annex I of the Birds Directive, 63 SCI species, and an additional 23 Amber-listed and 21 Red-listed species. This includes 23 species with breeding and wintering populations. The full results of the desk study, including records of wintering bird species of conservation concern, are presented in Appendix A8.1 in Volume 4 of the EIAR

In summary, the applicant has provided a list of key ecological receptors and provides an ecological evaluation of all receptors taking into consideration legal protection, conservation status and local abundance. ecological valuation. I agree with the evaluation provided and will proceed on that basis.

### **9.3.3.3 Potential Effects**

In a 'Do Nothing' scenario, the rail line would continue as existing, and the current pressures and threats to habitats and species would remain.

#### 9.3.3.3.1 Construction Phase

The following construction phase impacts are noted:

- Potential for biodiversity loss, fragmentation and alteration and disturbance from noise, vibration, dust lighting and human presence for bats, birds, otters and badgers.
- Potential for water pollution from surface water runoff carrying suspended silt or contaminants into local watercourses.
- Potential loss of unrecorded roosting bats and badger setts and breeding badgers within the un-surveyed areas and loss of bat hibernation sites.
- Spread of invasive species.

Overall, I am conscious this is an existing railway. While areas on the boundary of the railway will be impacted, the vegetation at these locations are already managed for operational and safety reasons. The temporary construction compounds, substation compounds, access routes, track-lowering, and utilities diversions have the potential for a greater impact given they may occupy greenfield sites. However, again the majority of locations and routes have been chosen through an iterative design process which typically avoided the most sensitive receptors and are on agricultural or, CIÉ lands.

The proposed development has the potential to impact on NHA and pNHAs. It is noted that the direct impacts are minimal due to the distance to certain sites, however, sites similar to the Natura 2000 sites, hydrological impacts, invasive species and disturbance displacement may generate an impact. Mitigation measures will be necessary to prevent contaminants entering the water and invasive species spreading to NHAs.

Water pollution and hydrological impacts are well known and documented by the applicant. I note concern about the temporary construction compound at Bisset's Strand in Malahide. This is at risk of flooding and could give rise to a significant pollution event in the Malahide Estuary were it to happen. However, the applicant has measures proposed to mitigate this risk as part of the SFRA which are noted and considered acceptable.

Invasive species, identified in certain locations, will require appropriate treatment for their eradication and to prevent their spread outside the study area. Again, this is a well-known and managed impact.

I am conscious that Piling works, close to watercourses in particular, could potentially displace and/or disturb species who rely on it including otter. In addition, the noise arising could disturb bird populations.

The EIAR gives a summary of the field surveys conducted with due cognisance had of the Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016). Visual assessment was followed up by an emergence and re-entry survey in addition to use of four static detectors. I consider that the combined static and incidental data, and desk study results provide for an adequate bat activity baseline and is sufficient to allow for an assessment of the potential impacts on bat species.

At locations where there is potential for bat roosts, it is proposed to undertake further survey work prior to construction, particularly at bridges, and should the species be encountered then appropriate mitigation measures under licence from the NPWS will be required. Construction works will inevitably result in noise, vibration and lighting. I submit that this must be assessed in the context of the established and operating railway line, a significant section of which is within an urban and built up environment, to which species will have habituated. Notwithstanding, impacts will arise. Best practice construction methods including appropriate placing and cowling of construction lighting will be employed to limit, as far as practicable, the impacts.

In terms of the potential for an otters in the vicinity of the several watercourses including the River Nanny, Mosney Stream and Rogerstown Estuary, the visual survey work carried out within the Zone Of Influence (ZOI) of the proposed development did show evidence of field signs. As mitigation, the pre-construction ecology survey will reassess the location of otter holts if any with appropriate measures to be incorporated if identified.

Generally, in respect of other fauna and species, I submit that whilst fauna present will have habituated to the environment consisting of an operational rail corridor largely within a built-up urban area, construction works will inevitably result in noise, vibration and lighting whereby impacts will arise on species present. These impacts, while potentially significant by way of disturbance, would be short-term and would



not be continuous at any one location. Notwithstanding, the impacts cannot be avoided. Best practice construction methods including appropriate placing and cowlings of construction lighting will be employed.

#### 9.3.3.3.2 Operational Phase

The following operation phase impacts are noted:

- Vegetation management (cutting and trimming).
- Species disturbance from noise, vibration, lighting and human presence.
- Loss of suitable commuting and foraging habitat.
- Impact on potential hibernating bats from increased train frequency.
- Spread of invasive species
- Potential bird collisions with OHLE at water crossings including Malahide, Rogerstown, and River Nanny Estuaries and at other crossings at Gormanston, Balbriggan, and Laytown.
- Water pollution.

#### **9.3.3.4 Mitigation Measures**

##### 9.3.3.4.1 Construction Phase

- A suitably experienced and qualified ecologist (ECoW) will be employed by the appointed contractor to advise on ecological matters during construction.
- The implementation of mitigation measures presented in the NIS including measures to protect surface water quality during construction; to prevent the spread of non-native invasive species to downstream European sites; to prevent disturbance and displacement of QI/SCI species from European sites; and to prevent habitat degradation as a result of changes to air quality.
- The implementation of a Surface Water Management Plan (SWMP) is included as part of the Construction Environmental Management Plan (CEMP).
- The implementation of good construction management practices as outlined in the CIRIA guidance Control of Water Pollution from Construction Sites – Guidance for consultants and contractors (Masters-Williams et al., 2001) to protect groundwater.
- The implementation standard measures to control nuisance dust and manage air quality.

- The implementation of an Invasive Species Management Plan including confirmatory pre-construction non-native invasive species survey.
- Implementation of measures to protect Bats during Vegetation Clearance including seasonal restrictions, pre-construction surveys on trees and bridges, management of light spill and obtaining a derogation licence if required.
- Preconstruction surveys for badgers and including implementation of Guidelines for the treatment of badgers prior to the construction of National Road Schemes (NRA, 2005).
- Preconstruction surveys for otters and overseeing of river crossings to manage impact to otters including implementation of Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes (TII, 2006),
- The timing for setting up temporary compounds at CC-16100 Malahide (Caves Strand), CC-15900W Malahide (Bisset's Strand), ,CC-52050, CC-51800, CC-1900 Drogheda Substation/Compounds, CC-44900 Laytown Construction Compound, CC-32200 Skerries Substation/Compound,CC 40200 Gormanston Construction Compound will not occur in the wintering bird season. In addition, Malahide (CC-16100 Caves Strand), and the utilities compound in Laytown (CC-44390E) will only be in use outside of the wintering bird season (October to March, inclusive) to ensure there are no disturbance related impacts to wintering birds foraging and roosting in the surrounding habitats.
- The removal of existing hedgerow and vegetation shall avoid the bird nesting season (March to August, inclusive).
- Construction lighting will avoid night-time illumination of retained and adjoining vegetation during the bird nesting season (March to August, inclusive).
- Prior to construction commencement, Root Protection Areas (RPAs) for retained trees shall be put in place.

The applicant is aware of its legal obligation to obtain a derogation license under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 in respect of certain activities related, in this instance in particular, to bat and otter species. In the context of an operational railway, the applicant's extensive surveys campaign and qualified ecological impact assessment report prepared by competent experts, no derogation licence is required at this time and I see no reason why the applicant should have such a licence granted before the

approval of the consent to this proposed development in the absence of any physical evidence for activity of bats and otter in particular. I note that the applicant has committed to immediately cease any works should such species be found and until the appropriate course of action is identified, which may include the requirement to seek a licence for the completion of the construction works. This is an entirely proportionate mitigation to the risk identified and the Board should be satisfied that the proposed development will not cause harm to the environment and can agree with the scientific evidence put forward by the applicant.

#### 9.3.3.4.2 Operational Phase

Measures proposed by the applicant to mitigate the loss of habitat and associated potential impacts on species, including bats in the vicinity, consist of the reinstatement and enhancement of habitat at proposed construction compounds.

Despite no otters holts being found in the ZOI on the northern side of the Malahide Estuary at Kilcrea, an otter crossing will be constructed across the railway by installing a 600 mm diameter pipe (as per TII guidance 2006) located just south of the River Pill (UBB31) on the basis of field signs that indicate activity. This is intended to support otters moving from the Outer Malahide Estuary into the stream and diverts them away from the railway tracks. It is noted that the NPWS has sought the extension of the tunnel across the Broadmeadow Greenway. The applicant has no objection to this and suggests a condition be attached to enable this.

The Commission should note that there is an overlap in mitigation measures proposed in both the EIAR and NIS. As outlined in the NIS, a combination of measures is proposed to mitigate the impact to breeding and commuting/foraging birds in this area including the use of hanging devices on the OHLE to mitigation against the potential for collision on viaducts at Malahide, Rogerstown, Balbriggan and where there is no tree/building cover leaving the proposed OHLE exposed between Gormanston Station and Monsey. I am satisfied that the applicant has considered this in line with SNH Guidance, 2016.

No habitat of ecological importance has been identified along the proposed development and within the railway corridor. Whilst existing vegetation and tree cover will be required to be removed to facilitate the proposed development and

maintained to ensure operational safety requirements the retention, augmentation and reinstatement, where possible, is noted.

#### **9.3.3.5 Residual Impacts**

No significant residual impacts are anticipated.

#### **9.3.3.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on biodiversity.

### **9.3.4 Land and Soils**

#### **9.3.4.1 Introduction**

Chapter 8 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on land and soils during its construction and operation phases.

This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Population and Human Health, Biodiversity, Water, Hydrogeology.

#### **9.3.4.2 Existing Environment**

As the proposed development relates to an existing and operation railway, the study area extends 100 m from the site boundary. The railway has been well studied over the years for various upgrades and maintenance projects as well as for adjoining project developments for external developments. Table 9.2 and 9.3 provides a summary of the historic ground investigations undertaken over several decades, the oldest dating to 1973. The applicant has now supplemented these with project specific ground investigations along the railway to support this proposed development. These are set out in Table 9.4.

The soils (Teagasc soils) underlying much of the greater Dublin region are largely classified as Made Ground (Made) associated with urbanisation leading to an

increased volume of hardstanding and impermeable surfaces, particularly within the Dublin City area. North of Clongriffin Station, the soil is primarily classified as mineral poorly drained, mainly basic soil (BminPD) and deep well drained mineral, mainly basic soil (BminDW). According to the GSI, the regional Quaternary sediment the region is a glacial till derived from limestone include urban ground.

There are three Geological Heritage Sites in the vicinity of the railway including:

- Milverton Quarry CGS (DF015)
- Fancourt Shore (DF002)
- Laytown to Gormanston CGS (MH008)

Previous historic ground investigations have identified a number of areas where ground contamination is likely present within the study area. These are outlined in Table 9.14 and include some historical landfill such as at Fairview and Balleally (Rogerstown), historical quarries and sandpits, historical utility stations and other former industrial premises and cemeteries. A variety of contaminants are often found in soils and ballast associated with historic railway operations, including hydrocarbons, solvents, asbestos containing materials (ACM) and pesticides.

A summary of land, soils, and geology features within the Study Area are summarised in Table 9.17 and Table 9.18 for completeness. Features with an importance ranking of medium or higher are assessed.

#### **9.3.4.3 Potential Effects**

In a Do Nothing scenario there would be no effect on land and soil within the project corridor. The opportunity to reduce the volume of potentially contaminated surface soils and ballast from the rail corridor and identified areas of historic maintenance works will be lost. It is likely that track maintenance activity would increase in the medium to long term.

##### **9.3.4.3.1 Construction Phase**

It is estimated in a Conceptual Site Model that, route wide, 11,900 m<sup>3</sup> of cut is required for OHLE works and lineside civil works and 2,600 m<sup>3</sup> of fill is required. A total of 9,300 m<sup>3</sup> of surplus material in the form of soil and stone (topsoil/soil/track ballast) will be generated. Due to the linear nature of the project, the extensive areas

being excavated (particularly cut sections) and the nature of the works which will involve stockpiling of material, there is the potential for erosion of soils.

Typical impacts in large infrastructure projects such as accidental spillages of fuels, chemicals or other contaminants during construction works may result in localised contamination of soils/subsoils underlying the site. There may also be disturbance of areas of potential soil contamination leading to the contamination of soil during the construction phase. There is also a risk of release of potentially hazardous substances from imported material which has not been appropriately screened.

Other impacts include loss or damage of topsoil; earthworks haulage; effect on the surrounding ground; and loss of future quarry or pit reserve. The soil and rock removed during the construction process may have the potential to induce movement and settlement of the surrounding ground.

The applicant has noted concerns about the Loss or damage of proportion of the Laytown to Gormanston (MH008) Geological Heritage site. However, the works proposed which include excavations are small and magnitude is negligible and will be imperceptible overall.

Whilst large-scale and widespread excavation and removal of topsoil and subsoil throughout the proposed project area will be required the majority of material to be removed will be from within the pre-existing rail corridor i.e., there is no significant land-take required, and soils to be removed originate predominantly from brownfield, highly developed areas. A stated core strategy of the project, is to limit the volume of soils to be removed from the site, retaining excess material to recycle within the works where possible. I acknowledge that the exact quantities of material classified as hazardous waste has not been determined at this stage but note that Zones A, B and E would be likely to have the highest levels of contamination owing to their urban locations. This will be determined at the time of soil excavation. The CEMP will set out management of construction and demolition waste, sediment and erosion control and general site housekeeping in addition to appropriate measures in terms of handling and disposal of contaminated soil.

#### 9.3.4.3.2 Operational Phase

The applicant has noted that there will be a positive, slight effects than that existing given contaminated material will be removed and replaced by ballast. While not

noted in this Chapter of the EIAR, I would also note accidental emissions and release of potentially hazardous substances during operation or maintenance that may affect the quality of soils, most notably associated with release of hydrocarbons (fuels and oils). However, I am satisfied the applicant has addressed this in the water chapter.

#### **9.3.4.4 Mitigation Measures**

The applicant will implement its CEMP which will provide best practice construction methods to be employed. These are detailed in Section 9.8.1 of the EIAR.

It is noted that the appointed contractor will be responsible for regular testing of excavated soils to monitor the suitability of the soil for reuse in order to ensure contaminated soil is successfully managed. The quality and quantity of contaminated soils arising from this project will be determined at the time of soil excavation. Contaminated soil arisings are remediated at its source site or is treated at licensed facilities in Ireland to non-hazardous status, is landfilled or is exported for processing abroad.

Following the implementation of the mitigation and monitoring measures the applicant considers the post-mitigation significance of impacts as imperceptible. This being said the impacts pre-mitigation were generally slight-moderate in any case.

No operational phase mitigation measures are proposed beyond those contained within the existing IÉ Environmental Management Policies and Process document (CCE-IMS-008).

#### **9.3.4.5 Residual Effects**

No significant residual effects anticipated.

#### **9.3.4.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on lands and soils.

## 9.3.5 Water (including Hydrology and Flood Risk) and Hydrogeology

### 9.3.5.1 Introduction

Chapter 10 and 11 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on water and hydrogeology during its construction and operation phases. The application is accompanied by a Site Specific Flood Risk Assessment.

This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including biodiversity.

### 9.3.5.2 Existing Environment

The primary study area includes lands within the proposed development, particularly at water crossings and hydrologically linked surface water bodies which are set out in Table 10-1 of the EIAR. There are twenty-nine water crossings and bodies identified as presented in the table below.

No.	Name	WFD Waterbody Name
1	Tolka	Tolka_060
2	Santry	Santry_020
3	Howth	Howth_010
4	Mayne	Mayne_010
5	Sluice Stream	Sluice_010
6	Hazelbrook Stream	Sluice_010
7	Broadmeadow Estuary	Broadmeadow Estuary
8	Turvey	Turvey_010
9	Rahillion	Ballyboghil_010
10	Broadmeadow Estuary	Broadmeadow Estuary
11	Rathmooney	Palmerstown_010
12	Palmerstown	Palmerstown_010
13	Rush	Balcunnin_010
14	Balcunnin	Balcunnin_010
15	Mill Stream (Skerries)	Mill Stream (Skerries)
16	Barnageeragh	Mill Stream (Skerries)
17	Matt	Matt_010
18	Bremore	Matt_010
19	Delvin	Delvin_040
20	Flemingtown	Delvin_040
21	Mosney	Mosney_010
22	Nanny	Nanny (Meath)_051



23	Corballis	Nanny (Meath)_050
24	Mornington	Betaghstown_010
25	Pilltown	Betaghstown_010
26	Betaghstown	Betaghstown_010
27	Stagrennan	Stagrennan_010
28	Tullyeskar	Tullyeskar_010
29	Boyne	Boyne Estuary

The study area lies within the Boyne (HA 07), Nanny-Delvin (HA 08) and Liffey and Dublin Bay (HA 09) Catchments. The WFD risk of the water bodies shows that the watercourses in the vicinity of the Proposed Development have “poor” status. However, all waterbodies have set 2027 as the year to meet their environmental objectives. The key pressures are urban runoff, urban wastewater, anthropogenic pressures, agriculture, hydrogeomorphology and domestic wastewater.

The risk of flooding to the existing site from fluvial, tidal, pluvial, and groundwater sources was assessed and is summarised above in Section 8.8 and should be read in conjunction with the section of the EIAR. As discussed, while the railway crosses several areas at risk of flooding, current track levels at each of the crossing locations have been assessed and it was found that the proposed levels are >2 m above the flood levels at each site. The location of the temporary Construction Compound, CC-16100, at Bissett’s Strand is at risk from the 20% AEP tidal event.

There is no National Federation of Group Water Schemes (NFGWS) Source Protection Areas or Public Supply Source Protection Areas within 500 m radius of the study area.

Zone A and B traverse the Dublin Groundwater Body (IE\_EA\_G\_008). There are six groundwater bodies underlying Zone C; Swords GWB (IE\_EA\_G\_011), Waste Facility (W0009-02) (IE\_EA\_G\_088), Lusk-Bog of the Ring (IE\_EA\_G\_014), Balrothery (IE\_EA\_G\_043), Balbriggan (IE\_EA\_G\_039) and Duleek (IE\_EA\_G\_012). Zone D traverses across two groundwater bodies, Duleek (IE\_EA\_G\_012) to the south and Bettystown (IE\_EA\_G\_016) to the north. Zone E is underlain by the Drogheda GWB (IE\_EA\_G\_025). The status of these groundwaters bodies is good at present. The Groundwater Body Water Framework Directive Risk identifies Lusk-Bog of the Ring, Bettystown and Drogheda as being at risk. Dublin is under ‘review’ as presented on the EPA website.

Sand and gravel aquifers has been identified within Zones A associated with the Liffey which are underlain by Dinantian Upper Impure Limestones which are locally important bedrock aquifers. Another is found in Zone D related to an area just south of Laytown Station down to Gormanston Station which is underlain by Silurian Metasediments and Volcanics and Dinantian Pure Bedded Limestones. These are areas with some moderately productive zoned.

### **9.3.5.3 Potential Impacts**

The assessment for this chapter has been undertaken following guidance and criteria outlined in the 'Guidelines on Procedures for Assessment and Treatment of Geology, Hydrology and Hydrogeology for National Road Schemes' (NRA, 2009) and the 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports' (EPA, 2022).

Site specific topographical information, hydrometric information, existing flood mapping, historical mapping and aerial imagery were reviewed to locate any potential features of hydrological interest in order to assess the significance of any likely environmental impacts from the proposed project. All relevant watercourses within the study area which could be affected directly or indirectly were assessed by a detailed desk study and hydrological assessment. Water quality sampling data for the receiving waterbodies was collected from a desktop review of available existing sources (EPA, Local Authority information). As noted, a Site Specific Flood Risk Assessment was prepared.

In the absence of the project, the current hydrological regime within the study area is not expected to change whilst the baseline condition of hydrogeology would remain unaltered.

#### **9.3.5.3.1 Construction Phase**

- Accidental emission / release of potentially hazardous substances (principally hydrocarbons), impacts associated with potential contaminated run-off from machinery, infrastructure and on-land operations including the temporary storage of construction materials, oils, fuels and chemicals.
- Impacts on surface waters as a result of stormwater run-off causing soil erosion and sedimentation to surface waterbodies;

- Potential for localised flooding due to disruption of local drainage systems associated with changes in the elevation of the track, location of new infrastructure such as substations or extending the footprint of existing infrastructure.
- Potential impacts to the hydromorphology of watercourses where works take place adjacent to water channels, (rivers and streams). Physical damage can impact on the hydromorphology of the watercourse and therefore affect the ecological status;
- Potential hydrological modifications which may alter the current flows, discharges and the location of outfalls; and
- Potential for changes in the natural hydrological regime due to discharges to watercourses arising from track drainage.
- Groundwater pumping/dewatering particularly in deeper excavations and new bridge construction works have the potential to impact groundwater levels and flows.

The flood risk identified at the temporary construction compound at Bisset's Strand is noted and I am conscious of the potential impacts at this location owing to it being adjacent to Malahide Estuary which is a sensitive waterbody in of itself but also holds several natural heritage designations. The Commission could opt to omit the temporary construction compound from consideration. However, I am satisfied it is reasonably required as an access point in any case to carry out works to the western side of the tracks and the applicant has been circumspect in setting out mitigation measures, which include seasonal restrictions. On that basis I am satisfied that the proposed development will have no impact on adjoining lands and the compound will be removed on completion of the works.

#### 9.3.5.3.2 Operational Phase

- General water quality impacts associated with potential accidental release from the storage of hydraulic oils, fuels and chemicals, and associated with the operation and maintenance of the mechanical and electrical equipment in substations;

- Potential for impacts on surface waters from accidental release of oils, fuel, chemicals, hydraulic fluids etc. from road service vehicles, trains and maintenance activities; and
- Potential for localised flooding due to additional increase in hardstanding areas, removal of floodplains and additional crossing of watercourses.

In relation to the Water Framework Directive, I consider that the proposed development does not prevent or compromise progress of any water body to good ecological status.

#### **9.3.5.4 Mitigation Measures**

The proposed scheme provides a comprehensive suite of mitigation measures which will, in my opinion, ensure the protection of water quality and avoid significant impacts on water bodies in the vicinity. The drainage system for the substation area and redesign railway stations at Donaghmede and Howth Junction, Clongriffin and Drogheda and the revisions to the track in general are acceptable.

In the context of the submission from the IFI, I am satisfied that a comprehensive and integrated approach for achieving estuary and river protection during construction and operation has been provided by the applicant for all phases of the proposed development and no further mitigation is required.

##### **9.3.5.4.1 Construction Phase**

- A CEMP is to be prepared.
- Preparation of a Pollution Prevention Plan and an Environmental Incident and Emergency Response Plan which will detail the controls to be adopted to manage the risk of pollution incidents and procedures to be followed in the event of any pollution incidents.
- Best practice measures to avoid the potential for sediment or other pollutants to enter watercourses and drainage systems. These are based on the CIRIA Guideline Document C532 Control of Water Pollution from Construction Sites (CIRIA, 2001) and Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (IFI, 2016). Such measures include control of surface water drainage by construction of temporary berms and drainage channels with no direct discharge of surface water from any element of the works without suitable attenuation and treatment;

- Where pumping of water or dewatering occurs, temporary sumps will be installed with filters at inlets and discharged through a sediment trap which would desilt water before discharging to an outfall;
- Appropriate handling of fuel and bunding of storage areas.

Overall, following the implementation of the stated mitigation measures I consider that impacts in relation to flooding and water quality arising from the construction and operational phases of the proposed scheme will be largely imperceptible.

#### 9.3.5.4.2 Operational Phase

- Drainage strategies and infrastructure to be incorporated into the project to limit the risk to watercourses and the hydrological environment from flooding and runoff contamination.
- IÉ will follow and implement its flood risk management operational procedures which assist in managing flood risk for rolling stock during inclement weather and flooding events.
- Water quality monitoring to be undertaken in all watercourses within the study area, with samples being taken until at least 12 months post-completion. In the event of any non-compliance with regulatory limits for any of the water quality parameters monitored, an investigation will be undertaken to identify the source of this non-compliance and corrective action will be taken where this is deemed to be associated with the proposed development.

#### **9.3.5.5 Residual Impacts**

No residual impacts are expected.

#### **9.3.5.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on water.

## **9.3.6 Air Quality and Climate**

### **9.3.6.1 Introduction**

Chapter 12 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on air quality during its construction and operation phases. In addition, Chapter 13 addresses climate. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Traffic and Transportation, Population, Biodiversity and Human Health.

A significant number of observations have raised concerns regarding a reduction in air quality arising from construction activity. The potential impacts arise from both generation of dust and vehicle emissions. It is acknowledged that the switch to an electrified line and fleet will remove impacts to air quality during operation.

### **9.3.6.2 Existing Environment**

The Zol for the construction phase dust impacts is set at 350 metres from all works areas. A study area of 200 m from roads that experience a significant change in traffic numbers, road alignment or speed band, as per the UKHA DMRB LA - 105 Guidance is adopted to assess the potential impacts to air quality relating to alterations to traffic patterns (e.g. road closures/traffic diversions).

Regard is had to a number of guidance documents and guidelines including WHO Air Quality Guidelines 2021, the Institute of Air Quality Management Guidance (IAQM, 2016); and TII's Environmental Assessment and Construction Guidelines, including the Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (National Roads Authority, 2006, revised 2011).

The baseline ambient air quality environment has been characterised through a desk study of publicly available published data sources. No site-specific monitoring was carried out given the extensive public information available from the EPA – this is considered acceptable in the context of the proposed development which, in of itself, is not directly air pollution generating. This information used included air quality monitoring programmes operated by both the EPA and Local Authorities in the Dublin region; the EPA Annual Air Quality in Ireland Reporting; the EPA 2020 Nitrogen Dioxide levels in Dublin Report.

The proposed development site falls within Zones A (Dublin conurbation), C (city and towns) and D (rural areas) for air quality zoning. The baseline study found that there were potential exceedances of the ambient air quality standards for NO<sub>2</sub> close to busy City Centre Road junctions, near the Dublin Port Tunnel entrance and exit and along the M50 Motorway. These high levels are largely associated with the levels of road traffic and congestion in the area.

As there are greater than 10 receptors within 20 m of the rail boundary, the sensitivity of the area to dust soiling effects on people and property is considered 'high'. The IAQM Guidance also outlines the criteria for assessing the human health impact from PM<sub>10</sub> emissions from construction activities based on the current annual mean PM<sub>10</sub> concentrations, receptor sensitivity and the number of receptors effected as per Table 12.15 and 12.16. The annual mean background PM<sub>10</sub> concentration was reviewed in Section 12.4.1.3 of the EIAR. In Table 12-18 a Summary of Sensitivity of the Area to Dust is found showing sensitivity to human health generally low-medium.

In terms of climate the EPA published the provisional 1990-2022 Greenhouse Gas (GHG) inventory in July 2022 and the provisional national GHG emissions are estimated to be 61.53 million tonnes carbon dioxide equivalent (Mt CO<sub>2</sub>eq). The breakdown of the sources of national emissions of GHG are shown in Table 13.10. The table shows that in 2022 transport accounted for 11,634 kilotonnes Co<sub>2</sub>eq (approximately 20% of emissions) and is the second largest source of emissions in the country after agriculture (23,337 kilotonnes Co<sub>2</sub>eq).

### **9.3.6.3 Potential Effects**

There is a broad mix of EU and national policy, and legislation directed at reducing transport, industrial and space heating emissions to improve air quality. It is expected that national and ambient levels of air quality pollutants will decrease in future years with the successful implementation of the policies and regulation. In a do nothing scenario any potential GHG reductions and increased local benefits with regard to modal shift from road traffic to rail traffic arising from the proposed development would not occur

The statutory ambient air quality standards in Ireland are outlined in S.I. No. 180 of 2011 Air Quality Standards Regulations 2011, which incorporate the ambient air

quality limits set out in Directive 2008/50/EC. For the proposed development, the main air emissions of concern are PM10, PM2.5 and NO2 concentrations, reflective of the road and rail transport related emissions and construction dust emissions.

An assessment of climate adaption and vulnerability has been undertaken in line with the Institute of Environmental Management and Assessment (IEMA) guide 'Assessing Greenhouse Gas Emissions and Evaluating their Significance', 2nd Edition, 2022.

#### 9.3.6.3.1 Construction

A number of temporary bridge closures across the project area will require a level of traffic diversion with potential for air quality impact. A summary of bridge and civil structure modifications are set out in Table 4-7 of the EIAR. Emissions from road traffic on the surrounding road network will increase as a result of all full bridge replacement in particular at OBB80/80A/80B – Railway Terrace and UBK01 – Dublin Road (R132) in Drogheda. OBB80/80A/80B currently serves a local road with two residential dwellings and a bespoke mitigation plan has been put in place to facilitate access. UBK01 – Dublin Road (R132) is more significant route, regionally classified, providing access to the south-east Drogheda and areas like Bettystown and Laytown. I am satisfied that the impact is minimal over the existing traffic emissions and the impact of the proposed development due to Construction Phase traffic in terms of NO2, PM10 and PM2.5 is considered neutral.

The greatest potential impact on air quality during the construction phase is from construction dust emissions, PM10 and PM 2.5 emissions and the potential for nuisance dust. The potential for dust emissions due to construction can vary substantially day to day and are strongly influenced by the level of activity, the specific operations, and the prevailing meteorological conditions.

I agree with the applicant's assessment, in terms NO2, PM10 and PM2.5, that the change is considered neutral and given the temporary nature of the construction phase, it will be short term. This is acceptable.

The impacts during the construction phase include emissions from activities such as site clearance, embodied carbon from construction materials and their transport, waste materials and excavation works (where required), water and fuel usage. The total GHG emissions generated as a result of the construction of the proposed



project are estimated to increase CO<sub>2</sub> by 0.2 tonnes annually and be to an annualised total of 0.011% of Ireland's 2030 transport target.

Invariably the construction phase will result in dust and nuisance to nearby sensitive receptors which will be compounded by the requirement for nighttime works. I note this concern has been raised in many of the observations to the proposed development. Subject to the implementation of best practice and mitigation measures the impacts arising would not be significant and, by their nature, would be temporary in duration.

#### 9.3.6.3.2 Operational Phase

The proposed development aims to provide greater frequency of trains which will aid in supporting a modal shift from road to rail transport and thereby a potential indirect net reduction in transport emissions in the area.

An assessment of emissions NO<sub>x</sub>, and PM<sub>2.5</sub> has been conducted. The emissions are calculated using information on the future service plans (with and without the proposed development) and emissions data for the rail stock. As noted previously the new services and enhanced timetables will be introduced incrementally in response to growing demand. As such, the proposed level of service for the 'Do Something' scenario with the proposed development in effect will be delivered over a period of time and will not come into effect in one timetable change. The air quality assessment concluded that all ambient air pollutants will remain in compliance with the ambient air quality standards and that no specific operational phase mitigation measures are required.

In the 'Do-Something' scenario, the Proposed Development results in a slight increase in overall CO<sub>2</sub> emissions as shown in Table 13-17 of the EIAR. However, this is predicted to be a decrease in carbon emissions when considered on a per carriage per kilometre basis. While these decreases in emissions are low nationally, given the ongoing difficulties in achieving the national emissions ceilings, any decrease is considered positive.

I am satisfied that there would be no significant impacts from an increase in emissions as a result of congestion and car idling at level crossings due to changes in services on the Howth Branch in particular.

Overall, the beneficial impacts from the proposed project are noted including providing a greater frequency of trains which will aid in supporting a modal shift from road to rail transport and thereby a potential indirect net reduction in transport emissions in the area. While these decreases in emissions are low nationally, given the ongoing difficulties in achieving the national emissions ceilings, any decrease is considered positive.

#### **9.3.6.4 Mitigation Measures**

##### 9.3.6.4.1 Construction

An air quality management plan is to be prepared and agreed with the respective local authorities prior to construction. It is to include a suite of dust and emissions mitigation measures, applicable to the circumstances of the relevant site. It will also include details of dust monitoring arrangements and monitoring locations in addition to details of the air quality reporting requirements and procedures to be put in place for the air quality reporting to be made available to residents as part of the stakeholder communications plan. Whilst I accept that dust will compound the nuisance element of the construction phase it will be temporary in nature, and I am of the opinion that it would be unreasonable to refuse to grant the Railway Order on such grounds.

A pre-construction dilapidation survey of all buildings will be required prior to commencement of the construction phase. If asbestos potential is identified, a fully intrusive asbestos-containing materials survey will be completed. Prior to commencement of the demolition works, all asbestos containing materials identified by the survey will be removed by a suitably trained and competent person.

Best practice measures to reduce dust emissions and nuisance including control of dust with respect to HGV movements onsite and deliveries to/from the site. In addition, monitoring of construction dust deposition at nearby sensitive receptors to ensure mitigation measures are working satisfactorily.

In relation to climate, mitigation measures to be implemented during the construction phase will relate to purchase of materials and services with lower embodied/embedded emissions and a mobility strategy is to be prepared to reduce the need for private vehicles to get to site.

#### 9.3.6.4.2 Operation

As the Operational Phase of the development will result in neutral impacts, no specific Operational Phase mitigation measures are required. However, it could be argued that changing the rail corridor to facilitate a shift to electric trains is in fact a mitigation in of itself for air quality and climate longer term.

Furthermore, in addition to changing the rail corridor to facilitate a shift to electric trains, mitigation through the improvements in fuel efficiency for the remaining diesel trains shall be implemented including timetable optimisation and driver training; consumption telematics for older rolling stock and matching of train sizes to customer demand; continued fuel efficiency programs in progress / on trial by IÉ such as use of fuel additive to increase fuel efficiency and replacement of diesel vans with electric road vehicles supported by charging points at depots and stations.

The IÉ Sustainability Strategy 2021-2030 will be implemented to ensure reduction in the carbon footprint through measures such as relevant ISO and national NSAI energy and environmental standards; recycling of 70% of all wastes; and implementation of efficiency programmes for waste and water management and green procurement.

IÉ has agreed to purchase up to 80% of its operational demand from certified low or zero carbon electricity for operations. This will ensure that should the CAP target of 80% renewables not be achieved, the proposed project will still achieve the target.

#### **9.3.6.5 Residual Impacts**

The applicant cannot eliminate all emissions particularly as a result of construction activity and continued use of the railway by diesel trains during operation. This is acceptable given the overall objectives of the proposed development to transition to a more sustainable modes of public transport.

#### **9.3.6.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on air and climate.

### **9.3.7 Noise and Vibration**

#### **9.3.7.1 Introduction**

Chapter 14 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on noise and vibration during its construction and operation phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment including Traffic and Transportation, Population, Biodiversity and Human Health.

A significant number of observations have raised concerns regarding increased noise and vibration during both the construction and operational phases. This is a material concern in terms of impact on health but also on residential amenities and structural impacts. The submissions are generally related to the area adjoining the Howth Branch, Bisset's Strand (Malahide), Marina Village (Malahide), Golf Links Road (Skerries), Balbriggan, Weaver's Way (Drogheda), Railway Terrace (Drogheda), McGrath's Lane (Drogheda).

#### **9.3.7.2 Existing Environment**

The majority of the proposed development is related to the existing railway however some of the proposed development is outside the existing railway corridor and include modification to bridges, construction of substations, diversion of utilities and temporary construction compounds.

There are no national guidelines for the assessment of rail noise, therefore the baseline survey generally follows the methodology for National Roads Schemes - *Guidelines for the Treatment of Noise and Vibration in National Road Schemes (TII 2004)* and Good Practice Guidance for the Treatment of Noise during the Planning of National Road Schemes (TII, 2014). On this basis the assessment is defined as within 300 m of new or altered roads or railways and areas where noise and vibration may occur due to construction activity. I consider that in the absence of statutory national guidance that the approach adopted by the applicant in referencing guidance documents on environmental noise and precedent set by other urban rail

projects is appropriate and the use of the LAeq,16hr and LAeq,8hr parameters is acceptable.

A baseline noise study, which included a combination of attended and unattended measurements, was undertaken at seventeen locations to characterise the existing noise environment and is detailed in Table 14.11. It is noted that approximately twelve of the seventeen locations exceed the 55db LAeq,16 hr (daytime) ranging from 56 to 66 dB whilst all, but two of the seventeen locations exceed the 45 LAeq, 8hr (nighttime) with results ranging from 37 to 66 dB. The highest levels both during the day and night times were recorded at NML 2 No. 5 Railway Terrace (Drogheda) (64 dB LAeq,16 hr and 61 LAeq, 8hr) and NML 9 Quay Street (Balbriggan) (62-66 dB LAeq,16 hr and 66 LAeq, 8hr). The lowest (both day and nighttime) were recorded at NML 6 located at 13 Ardmore Close, Betaghtown, Co. Meath (42-53 dB LAeq,16 hr and 37 dB LAeq, 8hr).

A baseline vibration study was undertaken at two locations, Clongriffin and Malahide, which are detailed in Table 14.10. The baseline vibration survey results are presented for Peak Particle Velocity (PPV) and Vibration Dose Value (VDV). At Malahide (VIB 1), PPV (mm/s) was recorded at 0.825 and VDV 1hr (m/s<sup>1.75</sup>) at 0.046 and at Clongriffin PPV (mm/s) was recorded at 0.175 and VDV 1hr (m/s<sup>1.75</sup>) at 0.020.

As is evident from the results the noise and vibration environment are reflective of its largely established and emerging urban setting with both existing rail and road traffic being the dominant sources.

### **9.3.7.3 Potential Effects**

#### **9.3.7.3.1 Construction**

In terms of noise and vibration the continued use of the railway line would require the use of diesel fuelled units and the frequency of services and speeds on the line may be altered to accommodate the constraints of the two track alignments. This change in frequency and operation may give rise to an increase in railway noise levels.

There may be a requirement for additional maintenance of the tracks due to wear and tear. Ballast adjustments and rail grinding would be required to be carried out at night as it requires line closures. Therefore, current noise and vibration levels from

rail operations and associated maintenance works are considered to be lower than a future 'Do Minimum' scenario.

Noise associated with various activities and stages of the construction process are assessed including site clearance works, ground investigations, demolition works including bridges, earthworks, construction of bridges, construction of retaining structures, construction of the redesigned stations at Howth Junction and Donaghmede and Drogheda, construction of substations, electrification of the line, track lowering, and utility and drainage works.

There are no statutory guidelines on noise levels from construction sites, therefore the ABC method as outlined in paragraph E.3.2 of British Standard document BS 5228 -1: 2009 to determine acceptable noise levels for day, evening and nighttime work is used. The approach designates a noise sensitive receptor as category A, B or C based on existing ambient noise levels in the absence of construction noise. This then sets a threshold noise value that, if exceeded at the location, indicates a potential significant noise impact associated with construction activities. These thresholds apply to residential buildings only. I note that this approach aligns with the approach adopted on other rail projects and is acceptable. An assessment of the above parameters against the background noise levels recorded as set out in Table 14.11 of the EIAR show that the majority of the noise sensitive properties along the route will fall into Category A and B during daytime and Category B and C during nighttime. Each stage and element of the construction phase ranging from site clearance to OHLE installation has been assessed in terms of predicted noise levels at various distances.

In many instances noise is predicted to exceed 70 dB LAeq at locations in proximity to the works. This is largely as a result of the pattern of development and proximity of property to the rail corridor. Where activities occur within 10m of the noise sensitive receptors, predicted noise levels can reach up to 80dB and higher for secant piling, trench wall works and soil nailing/wall anchoring. There is potential for temporary significant to profound effects at the nearest noise sensitive receptors.

The predicted change in noise from construction traffic was calculated using Calculation of Road Traffic Noise (CRTN) Department of Transport, Welsh Office, HMSO 1988. Temporary, traffic management diversions required to facilitate

temporary bridge closures will not result in significant effects. Major effects are predicted on R150 Laytown Rd East and the L5362. On the R150 Coast Rd North, Blackbush Lane, Sunnyside Cottages major effects are predicted as a result of changes from construction related traffic.

Vibration during construction arises from a variety of sources including pile installation, earthmoving equipment including dozers, excavators and trucks. A review of construction vibration by Wiss (1981) provided typical vibration data on several construction sources. No vulnerable buildings have been identified within 25 m of piling activities, and the risk of cosmetic damage to buildings is very low.

Overall, the Commission should be circumspect that the proposed construction phase which is anticipated to take in the region of 36 months will cause some degree of disturbance and nuisance to neighbouring properties with the impact predicted to be significant where certain works are to be carried out in close proximity. The Commission should note however that due to the linear nature of the project it is not expected that construction works would be in the vicinity of sensitive receptors for that entire period. However, the disturbance is compounded by the fact that night-time works will be required. Such night-time works are unavoidable when seeking to maintain a functioning rail network which includes existing commuter services and the inter-city Dublin to Belfast service. Whilst the preferred scenario for all parties may to undertake the works during daytime hours, the importance of the railway and the connectivity it provides for commuters and between two main cities on this island country in addition to many county and regional town, the need to keep the railway operation is accepted. On this basis I accept that there will be limited scope for the avoidance of both nighttime and weekend work along the route length.

I also note that whilst the carrying out of the works on both sides of the tracks at the same time is the optimum arrangement so as to limit, as far as practicable, the period in which construction works would be close to sensitive receptors, I acknowledge this will be not possible having regard to the constraints within which the applicant will be required to work.

Whilst works will be carried out using best practice measures to minimise noise and vibration some construction activities within 25 m of noise sensitive locations will result in temporary periods where noise levels are predicted to be above the

acceptable noise limits. For example, where piling occurs within 10m of the noise sensitive receptors, predicted noise levels can reach up to 80 dB and higher for secant piling, trench wall works and soil nailing/wall anchoring. The impacts on the affected properties will be significant.

In respect of the impact at Railway Terrace and McGrath's Lane which are in proximity to Drogheda (MacBride) Station. I am satisfied works will be carried out in a timeframe of approximately 18 months, shorter than the overall programme of 36 months. They will also generally be carried out in daytime hours due to their location away from the main line. The bridge works at McGrath's Lane will like take place at nighttime and weekends. Overall, I am satisfied that the impact to Railway Terrace and McGrath's Lane will be temporary to short-term.

#### 9.3.7.3.2 Operation

The proposed development, of itself, will facilitate increased capacity along the route with the introduction of electrified rolling stock for the DART Service and service enhancements on existing services. Diesel trains will continue to operate on the intercity services. The increase in rail traffic is anticipated to result in a change in rail noise. DART traffic will increase on all lines including the Howth Branch as a result of shuttle where there are typically rail movements every twenty minutes in each direction.

In a 'Do Something' scenario the number of receptors which have noise levels greater than 55dB LAeq,16 hr would largely remain the same, none will have a beneficial operational impact. In Zone A and B (Howth Branch), the majority are predicted to experience negligible impacts which is a predicted noise level change of less than or equal to 1 dB. In Zone B, C, D and E the majority are predicted to experience minor adverse impacts which is greater than 1 dB and less than or equal to 3 dB. None will experience moderate or major adverse impacts. Based on methodology, this would result in noise impacts on residential receptors being considered not significant. The applicant has also considered planned and proposed schemes in the area; however, the likely location of these residential schemes is unlikely to result in moderate or major impacts. No location along the length of the project have been identified as meeting the criteria for mitigation on this basis. There will not be significant vibration arising from the project during the operational phase.



It is noted that IÉ will incrementally introduce new services and enhanced timetables in response to growing demand. As such, the proposed level of service for the 'Do Something' scenario, in effect, will be delivered over a period of time and will not come into effect in one timetable change.

As stated previously there is no statutory Irish guidance specifying airborne noise levels from rail operations. In the absence of specific noise limits, reference has been made to guidance documents on environmental noise and precedent set by other urban rail projects. The existing noise environment in many locations exceeds the above criteria with the following table providing a summary of the number of receptors for both the 'Do Minimum' and 'Do Something' scenarios. As noted in the EIAR in the 'Do Minimum' scenario the interventions to the railway corridor and areas outside of CIÉ lands would not be undertaken. DMUs would continue to be used (as no electrification infrastructure exists) whilst the frequency of services and speeds on the line may be altered, as it has been historically, to accommodate the constraints of the two tracks. Maintenance activities would also be required.

I note the criticisms of the noise assessment carried out particularly in locations where the environment is dominated by both rail and road noise with some of the highest baseline noise recorded along the entire rail corridor. I submit that the prevailing background levels against which any impacts must be appropriately assessed are material in the consideration of noise and vibration impacts. I submit that the monitoring locations chosen are representative of the receiving environment and are acceptable. There will not be significant vibration arising from the project during the operational phase and no mitigation is required.

DCC raise the location of the Clasac Music Centre on Alfie Byrne Road. This is in Zone A where negligible impacts are expected. No mitigation is proposed. While this venue is sensitive given the type of activity that occurs within it, Zone A impacts are generally considered to be negligible, and the changes proposed at Fairview Depot and around Clontarf Road Station are very minor with the majority of the line unchanged at this location. I am satisfied the Clasac Music Centre would not be adversely impacted.

A number of submissions also raise noise in the context of reasonable alternatives considered particularly in respect of the Howth Branch and Malahide turnback at Malahide Marine. Again, while the number of trains may increase on the Howth

Branch, the impacts remain negligible. It is noted that a total of 16 options were developed for the Malahide turnback in a detailed multi-criteria assessment. As detailed therein, Option 2B was identified as the preferred option for a turnback at Malahide. It is acknowledged, as referenced in the submissions, that in terms of noise and vibration, Option 5B is more favourable than Option 2B. However, under environmental and economy criteria in particular, Option 5B was considered less favourable than Option 2B in respect of Archaeology, Architectural and Cultural Heritage, Biodiversity, Water Resources, Geology and Soils, CAPEX, OPEX, Train Operations. The difference in noise impact was unlikely to be significant and I am satisfied that the applicant has qualified the option chosen in the context of a wider multi criteria assessment where a balance needed to be struck between differing impacts.

Generally, along the line, the removal of trees which act as a barrier for noise could also have an impact. This has been raised by a number of observers as another reason to retain the trees. In many instances trees are being removed to facilitate OHLE. Whilst this concerns is acknowledged, the information provided in this regard is clear, robust and detailed and I am satisfied that based on the information provided, notwithstanding the concerns raised within submissions, significant impacts will not occur in relation to noise and vibration. It is also noted that the proposed development includes, by design, additional vegetation planting to compensate for the trees removed.

On balance I consider that whilst a number of sensitive receptors will experience a noticeable change in their noise environment as a consequence of the proposed development, this must be balanced against the long established rail line where its use with increased and expanded services which would align with national, regional and local transport policies must reasonably be accepted in principle.

#### **9.3.7.4 Mitigation Measures**

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance. Overall, I am satisfied that there are no bespoke or extraordinary mitigations measures of note proposed.

#### 9.3.7.4.1 Construction

The impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in Section 14.6 of the EIAR. These include:

- Community Liaison and communication with neighbours
- Noise Management Plans including a range of best practice measures.
  - Hours of Work and Day Time Preparatory Works
  - Selection of Quiet Plant
  - Control of Noise Sources
  - Screening
  - Vibration Value Limits
- Noise & Vibration Monitoring
- Noise Control Audits
- Piling Programmes including limits on works durations at single locations
- OHLE Installation Programmes including limits on works durations at single locations.
- Temporary Accommodation for eligible owner/occupiers.

A key mitigation will be the implementation of a Construction Environmental Management Plan. A condition will ensure the CEMP is implemented is recommended below, should the Commission be minded to grant planning permission. Similarly, a CTMP will be prepared to minimise disruption to commercial and residential properties and ensure access is maintained along haulage routes and in vicinity of the construction site(s) for vehicles, pedestrians, cyclists, and economic operators at all times. A Mobility Management Plan will be prepared as part of the CTMP to include details regarding construction workers travelling to site, car-parking, haulage routes and construction compounds.

A key concern for residents would be excessive noise at nighttime. Where works need to be completed outside normal working hours or where proposed works indicate that the noise or vibration levels may be exceeded, permission for these works must be sought from the planning authority in advance of any works taking place. The application for such works will require a detailed noise control plan and

follow up report to be prepared. A condition to this effect should be attached to any grant of permission to ensure control of works.

Given the proximity of construction activity to some noise sensitive locations, the mitigation measures proposed may not be sufficient to fully mitigate the noise impact. A temporary rehousing scheme may be offered to eligible owners/occupiers, and such a scheme is not an unusual occurrence in such type projects.

The Commission will note the suite of mitigation measures proposed for the construction phase which are necessary for an unavoidable but short-term and temporary impact for the receiving environment. They will require strict management through an array of plans, including a CEMP, a CTMP and a Construction and Demolition Waste Management Plan. Of particular importance will be consistent and continuous provision of information and prior notification and explanation of works to be undertaken to affected residents. This will be a central role of the proposed CLO. Noise and vibration monitoring will also be of importance, and I submit that the results should be publicly available which would assist in terms of communications with residents.

#### 9.3.7.4.2 Operation

As noted, operation noise is not predicted to be significant, therefore, no mitigation is proposed as such. No noise barriers are required. In general, Iarnród Éireann operation procedure CCE-QMS-008-002 Noise Management – CCE Activities will be implemented for maintenance works. The Public Alarm systems in stations already operate to a standard which will also be implemented. Therefore, overspill noise is not expected. No mitigation is required for substation operation either.

#### **9.3.7.5 Residual Impacts**

The applicant cannot eliminate all noise - such is the nature of the proposed scheme. The applicant has identified standard measures to manage any residual impact and keep noise at acceptable levels. As noted above there will be some noise sensitive locations where there may be periods where noise levels are above the noise limits and where temporary accommodation can be offered to affected owner/occupiers during construction. This is acceptable given the short term nature of the works.

### **9.3.7.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on noise and vibration.

## **9.3.8 Landscape and Visual Amenity**

### **9.3.8.1 Introduction**

Chapter 15 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on landscape during its construction and operation phases. The chapter is supported by a number of photomontages which are provided in Volume 3B of the EIAR.

### **9.3.8.2 Existing Environment**

The Landscape and Visual Impact Assessment (LVA) entailed a combination of desk studies and field surveys and is based on the recommendations in the Guidelines for Landscape and Visual Impact Assessment (GLVIA) as published by the Landscape Institute and the Institute of Environmental Management and Assessment (3rd ed. 2013) along with published guidance from TII for Specified Infrastructure and Proposed National Roads. Due regard is also had to the landscape character assessment in the Fingal, Meath and Louth County Development Plans. Dublin City Development Plan does not have a published landscape character assessment.

The vicinity of the rail line is as described in Section 2 of this report, characterised by a predominantly built up environment in Zone A, B and E with a less built up, rural area in Zone C and D interspersed with smaller settlements. Table 15-5 provides an analysis of the baseline landscape / townscape and visual environment of the proposed development. Including:

- Landscape / Townscape Character:
- Site Fabric
- Key Landscape / Townscape Features
- Amenity Designations

- Tree Preservation Order (TPO)
- Tree / Woodland Preservation Objectives
- Preserved views.
- Protected Structures / Recorded Monuments
- Other notable features

In the interest of brevity, it is not repeated here, however, in terms of sensitivity the applicant considers the various zones as follows which largely corresponds to whether they are built up environments or more rural:

- Zone A – Medium / High
- Zone B – Medium / High
- Zone C – High
- Zone D – High
- Zone E - Medium / High

There are protected views and designated scenic routes within the study area including at Bisset's Strand, Malahide Bay, Station Road (Rush & Lusk), Skerries Road.

DCC seeks to protect the character of river corridors including Tolka River, Santry River and a Green Area to north of St Donagh's Road.

### **9.3.8.3 Potential Impacts**

In a Do Nothing scenario the existing landscape character and views will not be altered.

#### **9.3.8.3.1 Construction Phase**

- The construction phase will follow a sequence commencing with site clearance activities, demolition of existing structures followed by the introduction of the proposed project into the receiving landscape. Construction compounds, noise barriers and lighting will be required along its length. There will be periodic use of tall plant and machinery. The works will be evident in proximity to the rail line.

#### **9.3.8.3.2 Operational Phase**

- New infrastructure will be introduced into existing views including OHLE, substations, retaining walls and new bridge structures.

- Views from residential properties along the route will be impacted with views of the OHLE and turnbacks. This will be in the context of the existing railway line. In some cases, the removal of vegetation will reveal short range views of the rail line and the OHLE. No impact is considered a change that is large in extent, resulting in the loss of or major alteration to key elements, features or characteristics of the landscape / townscape, and / or introduction of large elements considered uncharacteristic in the context. The proposed development will not result in fundamental change in the character of landscape / townscape.

#### **9.3.8.4 Mitigation Measures**

##### 9.3.8.4.1 Construction Phase

- Retention, where possible, of existing trees and wooded vegetation and best practice measures to be employed for their protection and retention.
- An arboricultural survey, impact assessment and tree constraints plan to be prepared. The plan is to be updated at the end of the construction phase, with any recommendations for on-going monitoring of retained trees during the operational phase.
- Where properties are subject to permanent and/ or temporary acquisition (as listed in Chapter 17 and 18 of the EIAR), an inventory of boundary details and accesses, planting, paving, and other features that may be disturbed or removed will be prepared prior to commencement of construction in order that these can be protected or replaced.

##### 9.3.8.4.2 Operational Phase

- Use of appropriate materials and finishes to existing bridge parapets, railings, replacement bridge structures and masonry walls.
- Existing wooded vegetation at the boundaries of the electrical substations will be retained, where possible, to provide visual screening of these facilities.
- Proposed planting will be introduced to mitigate adverse landscape and visual effects, where feasible, and having regard for engineering and safety requirements.
- More specific landscape mitigation measures are proposed at the following locations where appropriate and as far as reasonably practical:
  - Mayne River – appropriate materials

- Malahide Turnback – wildflower planting
- Broadmeadow Way Greenway – cascading planting
- Donabate Substation - native planting at permitter
- Rush and Lusk Substation - hedge planting at permitter
- Golf Links Road - native tree and shrub planting
- Skerries North Substation - planting at permitter
- Quay Street - reinstatement of planting and other landscape features
- sub-station at Balbriggan North – screen planting
- Irishtown Road, Gormanston – hedge replacement
- Gormanstown Station – screening planting
- Laytown Station compound – replacement planting
- Bettystown Substation and compound – replacement planting
- St Marys Villas – replacement planting
- Dublin Road rail bridge / Railway Terrace, - replanting

#### **9.3.8.5 Residual Effects**

The maturing mitigation planting along the alignment will, at year 15 contribute towards increased screening of project components thereby reducing effects compared with year 1 of operation. At year 15, residents adjacent to the existing railway line at y east end McGrath’s Lane, St. Mary’s Villas; and south of Gormanston Station are estimated to experience residual significant moderate visual effects.

I would concur that the proposed works when assessed in the context of the existing rail corridor would not impact, to any material degree, the existing, varying landscape character along the rail line ranging from farmed landscape to the west to the built up urban areas to the east. Although the scale of the changes close to the railway line will be considerable, these changes will diminish rapidly with increasing distance from the project.

I would also submit that the visual impacts of the works from the public realm would be largely imperceptible. This is demonstrated by the photomontages provided with no discernible impact evident in the majority of views. The views that are altered arise from the infrastructure required at bridges including parapet railings. I submit



that the works required at certain locations do provide for an improvement, in visual terms, over that which currently prevails.

Many observers to the proposed development express concern as to the visual impacts arising and loss of privacy. I accept that due to the nature of the works proposed, the relatively narrow rail corridor along stretches and the proximity of the established residential areas to same, material changes to existing views from residential properties will arise. Currently trees and mature vegetation results in large stretches of the rail line being screened from view. The nature of the works and the need to maintain clearance for engineering and safety requirements necessitates the removal of this vegetation which, in many locations, cannot be replaced.

Whilst views will be materially altered these must be assessed in the context of the existing railway infrastructure in the prevailing views. I am also of the view that the OHLE will be viewed within the context of the existing rail corridor.

I have considered all of the submissions made in relation to landscape. Having regard to the receiving environment and to national, regional and local imperatives in terms of providing for public transport options that will assist in supporting and promoting the transition to a low carbon and climate resilient society, I submit that the visual impacts arising would not have such an adverse impact on residential amenities such as would warrant a recommendation of refusal on such grounds. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of landscape.

#### **9.3.8.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on landscape and visual amenity.

### **9.3.9 Material Assets**

#### **9.3.9.1 Introduction**

Material Assets are addressed across a number of chapters in the EIAR including Chapter 16 Material Assets Agricultural Properties, Chapter 17 Material Assets Non Agricultural Properties, Chapter 18 Material Assets Utilities and Chapter 19 Material Assets Resources & Waste Management

These chapters identify, describe and assess the potential direct and indirect impacts of the proposed scheme on material assets and the above named sub-topics during its construction and operation phases.

#### **9.3.9.2 Existing Environment**

The proposed project is located in the four administrative areas of DCC, FCC, MCC and LCC. The receiving environment along the corridor ranges from a more urban to rural settings. I refer the Commission to the detailed site description as given in Section 2 of this report.

The Commission should also note the submission of the OPW, who identified several properties along the rail line and seeks to ensure the protection and preservation of those critical State properties, historic/national monuments, and the continuity of State business throughout the project. The properties include critical emergency services like Garda Stations within 250m of the rail line.

The existing railway line forms part of the mainline rail network connecting Dublin to Belfast. Diesel powered intercity and commuter services as well as electrified DAR services (between Connolly and Malahide/Howth only) currently operate on this railway. There are nineteen existing stations located along the length of the rail corridor between Clontarf Road and Drogheda (MacBride). Car parking facilities are provided at a number of the train stations along the railway.

While the majority of works proposed will be accommodated within the existing rail corridor and on CIÉ owned lands, some of the works will take place outside the existing railway corridor e.g. for the provision of substations, construction compounds and utility diversion etc. and will require temporary and/or permanent land take from third party/private lands.

At the commencement of the Construction Phase there will be approximately 26 ha of land take from 58 agricultural land parcels. Following the construction of permanent infrastructure 9 ha of this land will be permanently acquired and 17 ha will be returned to landowners. Therefore, there is 9 ha of permanent land take and 17 ha of temporary land take. There will be a permanent easement of approximately 5 ha in 36 land parcels and temporary easement of approximately 5 ha in 33 land parcels. A total of 228 non-agricultural plots of land within the study area have been identified as being impacted through temporary or permanent land take.

Utilities that cross the existing rail corridor are generally concentrated in road bridges and train stations. There are also several utilities that cross underneath the railway tracks or run parallel to the tracks such as water pipes and electricity cables. There are also overhead cables.

There are a number of vehicular and pedestrian crossings along the length of the railway line which are generally provided in the form of bridges/underpasses. There is a comprehensive road network in the study area and in the immediate vicinity of the railway line, particularly within the city centre where there is a dense road network, and the railway line passes beneath and at grade (i.e. level crossing) to a number of regional roads. There are existing pedestrian and cyclist routes located within the study area which link to the wider network and facilitate pedestrian and bicycle movement. Dedicated cycle/pedestrian facilities are generally not provided on more rural roads in Zone A, while in more urban areas such facilities are provided although dedicated lanes are not always available. There are a large number of bus services operating within the study area and many bus stops within a short walking distance of the train stations. The train station with the largest volume of bus connectivity, along the project route, is Heuston Station.

### **9.3.9.3 Potential Effects**

In a 'Do Nothing' scenario it is anticipated that there will continue to be a high level of dependence on private motor vehicle transport and there will be no significant increase in rail transport. Any increase in private motor vehicle transport will further increase road congestion and can be expected to impact negatively on journey time for private and public road transport.

In the absence of the proposed development, it is anticipated that land and properties required for the proposed development will remain in existing use albeit with some general improvements/changes in the area driven by legislative and local policy. In the wider area there are a number of sites identified for development in various spatial plans including inter alia at Clongriffin, Howth Donabate, Bettystown and Drogheda generally which will alter the wider land use patterns in the longer term. There would be no material alteration to existing utilities other than localised alterations as required by the CIÉ to maintain the railway and the utility provides to improve their services.

#### 9.3.9.3.1 Construction Phase

- The construction works will involve the permanent and temporary land take of agricultural lands and non-agricultural lands. The significance of impacts for each plot is set out in Table 16-6 of the EIAR. The significance ranges from not significant (64%), slight adverse (26%) and moderate adverse (10%).
- Enabling works on utilities must be undertaken to maintain connections or at least minimise downtimes. 45 no. conflicts between the project and existing utilities are identified.
- Several bridges require modification or replacement including replacement of McGrath's Lane and Dublin Road Drogheda. The traffic diversions required by the works will have a significant impact on traffic.
- During construction, four bus routes will be affected by the bridge works and road diversions at Dublin Road (R132) (UBK01). This will lead to longer journey times as a result of diversions and moving of bus stops when diversions are in place.
- The estimated quantities of materials required for the proposed project are shown in Table 19-14 of the EIAR with Table 19-10 detailing the key streams of waste materials arising during construction.

There is no substratum acquisition required.

#### 9.3.9.3.2 Operational Phase

- The proposed development will enable an increase passenger capacity from the current peak capacity of between 12,500 (Malahide-Drogheda) and 31,100 (Connolly-Donaghmede & Howth Junction) to between 26,000 (Malahide-

Drogheda) and 41,000 (Connolly-Donaghmede & Howth Junction) per three hour peak.

- The proposed development will require a permanent land take of 7.2 ha (of which 3.4 ha is rights of way and easements) of non-agricultural lands. The proposed development will require a permanent land take of 9 ha of agricultural lands. The significance of impacts for permanent land take are set out in Table 16-6 (agricultural lands) and Table 17-10 to Table 17-15 (non-agricultural lands). All impacts to non-agricultural lands are considered not significant or slight. In terms of agricultural lands, it is noted that Land Parcels 3 and 33 as set out in Figure 16.1 of the EIAR are considered moderate adverse (pre-mitigation) as they will host permanent substations and a large proportion of these overall land parcels is subject to land take.
- Maintenance of existing and proposed utilities (substations which form part of the project) will be required.

There is particular consideration given to active commercial land, of which there are eight properties, and the impacts therein as a result of the land take required by the proposed development. Property within the study area was assigned a baseline rating determined by the property type, with active commercial property considered high. However, the magnitude of the impact is only considered high where the use of the property cannot continue.

A schedule of commercial business is provided in Appendix A10.1 and illustrated in Figure 17.1 Land Parcels of the EIAR which is noted. There is a range of commercial business types including Xeolas Pharmaceuticals (Land Parcel 292 and 31952), a child care facility and other commercial units in Malahide Marina (Land Parcel 18301), Marina Village, Malahide (Land Parcel 5571 and 18342), a commercial unit on Featherblade Lane (Land Parcel 16199), The Lark Concert Hall, Balbriggan (Land parcel 31943). No land take is required on any property that requires the demolition of a residential, community or commercial building and I am satisfied the largely temporary land take is not considered detrimental to the future operations of these commercial lands.

Other impacts related to commercial land use include accessibility to the businesses for both customers and employees. General accessibility will largely remain unchanged due to the applicant's commitment to put measures in place to maintain

access and egress during construction. While some businesses may face disruption during the construction phase no significant negative impacts are expected. The loss of car parking is also of concern to commercial land uses who rely on their availability for customers. Overall, however, it is not expected that loss of parking would result in an adverse impact on business due to the availability of parking elsewhere. It is noted that general traffic at road junctions on the surrounding road network is not expected to be significantly impacted.

The proposed scheme results in the acquisition of community receptors and residential properties which will experience similar impacts to commercial properties. However, the land take is largely restricted to garden areas on the periphery of the properties and does not directly impact buildings. Access arrangements to schools along the proposed development will experience some negative impacts, however, the land take is not expected to be detrimental to their use and operational requirements and the safety of students and other school users can be managed.

#### **9.3.9.4 Mitigation Measures**

##### 9.3.9.4.1 Construction Phase

- A CEMP has been prepared and will be updated. It will incorporate best practice in terms of interface with utilities.
- Provision of temporary vulnerable user bridges.
- Traffic counts in advance of works and periodically during the work period are proposed. This will be supplemented by the formalised audit processes for temporary traffic management schemes within DCC and TII.
- Ongoing monitoring of car parking and cycle parking at stations will be undertaken.
- Following completion of relevant construction works lands temporarily acquired will be reinstated and returned to the owner.
- Mitigation measures are proposed for the construction phase of the proposed project including the appointment of a landowner liaison officer to coordinate landowner engagement, ensure reinstatement of land to existing condition post construction, maintenance and restoration of accesses, and maintenance/replacement of services (water, electricity) prior to any disruption.

- Where part of the curtilage of the property is being compulsorily acquired the acquiring authority will hold discussions with the property owner to agree replacement boundaries on a like for like basis where possible.
- Any utility services that are interfered with as a result of the works will be replaced.
- Where possible, materials will be re-used/recycled to reduce the need for procurement of new materials.
- Develop and implement a Construction Waste Management Plan and a Construction Demolition Waste Management Plan.

#### 9.3.9.4.2 Operational Phase

The mitigation measures during the operational phase for those impacted by land take relate to ongoing communication and making good boundaries and or services that become disrupted.

#### **9.3.9.5 Residual Effects**

Following mitigation is one agricultural property on which the residual impact is predicted to remain moderate adverse at land parcel 3 due to soil damage and percent of land being acquired. For non-agricultural lands during the Operational Phase there is a residual Significant effect on 6 properties, four of these are on development lands including north of Clongriffin Station, west of Ardmore Avenue , lands owned by Ravala/J Murphy Construction Ltd. One land parcel is on government lands at Gormanston Camp for the new substation and one is at a residential property on St Mary's Villas (Drogheda) where permanent access is required for the construction of emergency egress from the new platform to the existing public footpath on St Mary's Villas including ramp, walkway and fencing.

The Commission should note that Section 12 below assesses separately the proposed compulsory acquisition of lands both on a temporary and permanent basis. In summary there is a distinct and obvious community need and justification for the proposed scheme. The infrastructure facilitated by the compulsory acquisition will provide greater opportunities and enhanced connectivity for all sections of the local community and all will be able to enjoy the wider benefits arising in terms of modal shift, reduced congestion, and reduced emissions, as well as more sustainable transport options.

### **9.3.9.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on material assets.

### **9.3.10 Archaeology, Cultural Heritage & Architectural Heritage**

#### **9.3.10.1 Introduction**

Chapter 20 and 21 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed scheme on archaeology, cultural heritage & architectural heritage during its construction and operation phases.

The application is accompanied mapping in Figure 20.1 and Figure 21.1 of the EIAR which provides locational context for all features discussed below. The appendices also provide details on the legislative context for national monuments and explanation of archaeological designations, details of the geophysical survey, as well as mitigation and monitoring measures for architectural heritage.

#### **9.3.10.2 Existing Environment**

The proposed development is largely, but not entirely, is confined to the existing railway corridor. In order to inform the likely significant impacts from an archaeological and cultural heritage perspective, a 50 to 250m assessment study area was established on either side of the existing railway line.

The evaluation of the archaeological resource was based on a desk study of published and unpublished documentary, aerial photography and cartographic sources. A geophysical survey was also undertaken. A review of existing documentation and supplementary research and field surveys has taken place, where necessary, in order to evaluate the archaeological and cultural heritage constraints in terms of avoidance and mitigation measures. Research on architectural heritage was undertaken in two phases. The first phase comprised a desk based survey of all available architectural, historical and cartographic sources. The second phase involved a field inspection.



The applicant has provided a comprehensive description of the receiving environment of each zone of the proposed development in terms of archaeological and cultural heritage including a textual description of the area's history, a catalogue of protected sites including national monuments, recorded archaeological sites, stray finds, previous archaeological investigations, townlands and Toponymy and other features identified through fieldwork including the geophysical survey, cartographic, aerial and historic map review of the project. It is not repeated for brevity.

There are no national monuments (NM) (DU018-144) within the immediate study area save for Marino Casino which is 700 m to the northwest of the existing railway line. The applicant has identified thirty-eight areas of archaeological potential from the desk-based analysis and field inspection and the type of invasive works proposed as part of the Proposed Development which are set out in following tables (Table 20-20 to Table 20-24) a of the EIAR.

Similarly, the applicant has provided a textual overview of the study area from an architectural perspective and document the development of the railway since 1844 and identifies all relevant architectural heritage features including RMP, SMR (, National Monuments, the RPS from city and county development plans including the DCDP, FCDP, MCDP, LCDP and the NIAH Building and Garden Surveys. Other structures of which may be recorded but are of Architectural Heritage Interest are also considered. The Dublin City Industrial Heritage Record (DCIHR) is also noted.

The architectural heritage assessment identified 147 structures/features of architectural heritage significance, or potential significance including gardens or demesnes. The majority of features are of local-regional, low-medium significance and sensitivity. The only feature of national, high sensitivity is the Boyne Valley Viaduct, north of Drogheda (MacBride Station). The Commission should note that the railway given its historic nature hosts a number of protected structure including in the railway stations, signal structures and at railway bridges. A number of features and particularly bridges along the route are included in the NIAH also.

### **9.3.10.3      *Potential Impacts***

In overall terms whilst the works required along the rail line to allow for its electrification will have an impact on the setting of the rail line and its architectural

heritage, this impact must be viewed within the context of a working line characterised by rail infrastructure and ancillary facilities.

In view of the existence of the line and infrastructure the potential for unidentified archaeological deposits, features or finds is not anticipated to be significant.

Archaeological monitoring is proposed during construction works and I note the DHLGH recommendations with respect to conditions in this regard.

#### 9.3.10.3.1 Construction Phase

- Ground disturbance and excavation, caused by construction activities (including service connections and diversions) which may lead to the damage or destruction/ removal of recorded or previously unknown (newly revealed) heritage assets. However, I am satisfied that due to the presence of the existing rail line and extent of works proposed the potential for previously unknown archaeological sites is largely limited to the small greenfield/undeveloped areas where works are proposed along its length.
- There would be no potential for disturbance of as yet undiscovered subsurface archaeological deposits, features or finds in a do-nothing scenario. Similarly, the architectural heritage that forms part of the railway system would continue in use.
- The impact from works at Rogerstown Viaduct (BH-61) farm buildings and boundary walls Barnageeragh (BH-88) and the reconstruction of Newtown Bridges McGrath's Lane (OBB80, OBB80A, OBB80B) (BH-146) has a high impact magnitude and the impacts will be direct, negative, significant and long term. Several other bridges that are included in the NIAH would be affected by the requirement to raise the parapets.

By the nature of the works required at Drogheda to allow for electrical equipment under McGrath's Bridge and having regard to the site constraints, I acknowledge that bridges structures will be required to be removed. I would concur with the EIAR assessment that the significance of effect would be direct, negative, significant and long term. The structures are to be recorded by means of photographs and written description. I note no comments has been made in respect of the structure from the planning authority or other authority with a relevant competence.

As noted above a number of bridges that cross the rail line are included in the NIAH. In most cases, the existing bridges have the necessary vertical and horizontal clearance, but some will require modifications. Of substantive concern is the OHLE and raising of parapets. The requirements in terms of clearance for OHLE allow for very limited flexibility and potential for reduction in clearance. Similarly, the raising of parapets is a safety requirement providing suitable protection for the general public to prevent accidental contact with the OHLE, including with the aid of a stick or other long object.

#### 9.3.10.3.2 Operational Phase

- OHLE will have an indirect effect on a number of structures of architectural heritage significance through the change to the settings of the structures resulting from its presence. There would also be a permanent alteration to the parapets of bridges.
- While there may have been a direct service to Howth Station since 1847 and there is a historic and cultural heritage related to it. The removal of the direct service would not result in a significant impact in terms of cultural heritage. This is an operational railway, and the timetable is subject to change at any time and the applicant has stated that some direct services will remain even after the envisioned timetable is realised. It is accepted such direct services may only occur outside peak hours.

#### **9.3.10.4 Mitigation Measures**

##### 9.3.10.4.1 Construction Phase

- A suitably qualified archaeologist is to be employed with archaeological monitoring to be undertaken in areas of archaeological potential under licence to ensure that any archaeological finds during excavation works are properly identified and recorded. It is proposed to test excavate the following areas:
  - Zone B Maynetown, County Dublin AAP4
  - Zone C Corballis County Dublin AAP7
  - Zone C Tyrrelstown, County Dublin AAP13
  - Zone C Hacketstown, County Dublin AAP15
  - Zone C Barnageeragh, County Dublin AAP18
  - Zone C Hampton Demesne, County Dublin AAP20

- Zone C Bremore, County Dublin AAP22
- Zone D Gormanston 1, County Meath AAP26
- Zone D Irishtown, County Meath AAP27
- Zone D Colp East (S), County Meath AAP34
- Zone E Newtown/ Lagavooren, County Meath/ County Louth AAP37
- Appendix A21.1 in Volume 4 of this EIAR which provides a methodology and has been prepared in accordance with the Architectural Heritage Protection: Guidelines for Planning Authorities (DEHLG 2011) will be implemented in full.
- Certain features will be recorded by means of photographs, written description. All works will be overseen by an architectural heritage specialist.

#### 9.3.10.4.2 Operational Phase

None

#### **9.3.10.5 Residual Effects**

The residual effect of the project will be the effect of the OHLE on the character and settings of a number of structures of architectural heritage significance. The reconstruction of Newtown Bridges McGrath's Lane (OBB80, OBB80A, OBB80B) is also long term and irreversible. Subject to its appropriate recording I consider that its demolition to be acceptable to allow for the realisation of this project. I recommend that the proposed works should be subject to agreement with LCC in which the full methodology can be clarified.

#### **9.3.10.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed scheme, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on Archaeology, Cultural Heritage & Architectural Heritage.

### **9.3.11 Major Accidents and Disasters**

#### **9.3.11.1 Introduction**

Chapter 24 of the EIAR identifies, describes and assesses the potential risks to the proposed development from major accidents and natural disasters during its construction and operation phases.

The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the proposed development.

#### **9.3.11.2 Existing Environment**

It is noted that the spatial scope of the study area includes the extent of the railway and construction areas, as well as any haul routes to and from the proposed project during the construction phase.

The applicant is also constant of Seveso Sites in proximity to the existing railway which includes seven sites. However, the majority are over a kilometre from the proposed development and are scoped out from consideration. There is one upper tier site, Flogas Ireland Limited (Drogheda), which is within 250 m from the proposed development and has a consultation distance of 650 m.

There are two EPA licensed facilities in proximity to the existing railway, including:

- an Industrial Emissions (IE) facility: Newport Synthesis Ltd. (Baldoyle Industrial Estate, Grange Road, Baldoyle, Dublin 13, Dublin) [EPA Licence: P0097-01] and
- a landfill site: Balleally Landfill (Balleally, Lusk, Dublin) [EPA Licence: W0009-03]

#### **9.3.11.3 Potential Impacts**

Tables 24.6 sets out a summary of the Stage 2 scoping assessment of potential sources of major accidents and disasters during the construction and operational phases. In summary, scenarios that were considered to be of the highest risk in terms of project vulnerability and its potential to cause such an event include, but are not limited to:

- major road traffic accidents
- train derailment
- accidents with electrical equipment, overground and underground utilities

- damage to structures, ground collapse, release of asbestos
- fire/explosion
- surface and groundwater pollution events
- industrial accidents (near SEVESO/EPA sites)
- extreme weather and flooding events
- human, animal and plant disease
- security incidents on trains

Following scoping of a long list of hazards, events related to those set out above were brought forward to a Stage 3 assessment. Other events were scoped out and I am generally in agreement with the applicant's assessment of the risks.

Tables 24.7 provide for the Stage 3 assessment of the hazards and identifies the source or pathway receptor linkage. The applicant has also considered the reasonable worst consequence if the event did occur. The Commission should note that there is inherent mitigation by design in the proposed development as set out in Chapter 5 Construction Strategy of the EIAR and as a result of measures set out in general IÉ standards, guidelines, codes of practice, regulations for working on or in vicinity of rail line and indeed operating it.

This being where mitigation by design was not sufficient to reduce the risk to acceptable levels, secondary mitigation measures are specified. Said secondary mitigation measures are provided for certain risks to reduce risk to as low as reasonably practicable (ALARP). However, the significance of all hazards is considered low to medium risk scenarios.

During the construction phase risk arising from increased vehicular movements (risk likely) and collapse/damage to structures (risk unlikely) are identified as requiring secondary mitigation to achieve ALARP. Ground collapse, risk from fire/explosion, industrial accidents (works near Seveso sites), spillage or long-term seepage of pollutants into a watercourses, spread of invasive species, rail accidents also carry risk during construction and although considered unlikely, are identified as requiring secondary mitigation to achieve ALARP. Extreme Weather (Flooding) events are considered likely during construction and also require secondary mitigation. During operation, due to the mitigation by design extreme weather events are unlikely to present a significant risk but secondary mitigation is still proposed.

#### **9.3.11.4 Mitigation Measures**

The additional secondary measures detailed in Table 24.8 are in line with best practice and include a dedicated Incident Response Plan and Emergency Response Plan which has been developed to identify the appropriate emergency response plans in event of specific events including flooding.

In terms of Seveso Sites works will be confined to the existing railway corridor and are not likely to cause damage to same in the event of an accident. Conversely there is considered to be low risk to the proposed project from accidents/disasters caused by nearby Seveso Sites due to the safety, health and management systems and procedures in place as required under the Control of Major Accident Hazard Regulations. In the event of an accident, the Seveso site will have an emergency response plan registered with the Health and Safety Authority. TII's protocols for the management of major accidents will be followed in an event there is an incident at a nearby Seveso site.

The risk assessment notes that train derailment although unlikely, secondary mitigation is required for the operational phase of the project to include appropriate training for operation of the electrified train fleet, a dedicated Major Incident Response Plan in event of an incident and periodic inspections and maintenance (as required) of the railway line in accordance with IÉ Standards. I note that the new tracks have been designed to CIÉ/IÉ and European standards providing for derailment protection and containment with the project required to go through a detailed and rigorous safety assurance process, which must comply with CIÉ/IÉ's safety management systems requirements and also the requirements of the Commission for Railway Regulation (CRR).

I consider that the applicant has adequately identified the likely risks of major accidents and disasters to and from the proposed development and that the screening exercise and the risk assessment undertaken is in line with good practice. I consider that appropriate mitigation measures have been proposed to manage and reduce the identified risks and note that it is proposed to maintain and update the risk assessment throughout the design and construction of the proposed development. In conclusion, I am satisfied that the applicant has addressed the requirements of the EIA Directive with respect to risk of major accidents.

#### **9.3.11.5 Residual Effects**

No significant residual risks are anticipated.

#### **9.3.11.6 Conclusion**

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect risks of the proposed scheme in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to give rise to significant risk of major accidents and disasters.

#### **9.3.12 Interactions**

Chapter 25 of the EIAR addresses interactions of the potential environmental impacts arising with a matrix provided in Table 25-1. I would concur that the most dynamic interactions pertain to human beings with other interactions including between transport and air and climate.

I have interrogated the methodology, assumptions and evaluation of the likely and significant effects and associated mitigation measures of each topic and consider the applicant's conclusion in the interactions of environment impacts as set out in the EIAR robust and complete. It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of interactions and in accordance with the requirements of the EIA Directive.

I have considered the interrelationships between factors and whether this may, as a whole, effect the environment, even though the effects may be acceptable when considered on an individual basis. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions e.g. the impact of noise and vibration on the population and human health are addressed under individual topic headings.

Having regard to the impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of



proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the approval for the development on the grounds of interaction between factors.

### **9.3.13 Cumulative Effects**

Chapter 26 of the EIAR addresses the potential for cumulative impacts to arise. The potential is considered in the context of other permitted and planned development in the area as well as the existing/approved plans and programmes. The process by which the projects and plans included in the assessment are set out in Section 26.3 of the EIAR and the long list of projects considered are set out in Appendix A26.1 of the EIAR.

Those brought forward for more detailed assessment have been identified on the basis of temporal scope, scale and nature and likelihood of significantly contributing to the effects of the proposed scheme. Other factors such as the conceptual or physical effect-receptor pathway or the capacity of the receiving environment to absorb any changes as a result of potential cumulative effect were also considered.

The projects considered are divided into two tiers as follows:

- Tier 1 - Existing or approved projects (Staged approach) Plans or programmes to include relevant land use, planning and transport plans/strategies relevant to the project. Planning applications of various scales were included.
- Tier 2 - 'Other' identified projects including NTA projects that are in the public domain/at preliminary design i.e., not active/granted but have the potential for cumulative effects with the project. The Tier 2 projects include the following:
  - DART+ West;
  - DART+ South West;
  - DART+ Coastal South;
  - Metrolink;
  - Luas Finglas;
  - North Irish Sea Array Offshore Wind Farm (NISA);
  - Dundalk Active Travel Project;
  - ESB electricity supply connections (from substations to the ESB network);

- DART Station Enhancement Project;
- Multimodal Interchange Project;
- DART Platform Accessibility Project; and
- Iarnród Éireann Carparks Programme

It is accepted that the EIAR was written at a point in time and proposals come and go in the planning system while any proposed development is being assessed by the Commission. I have reviewed the relevant planning registers in June 2025 to ensure no other projects arose. I note the submission of the local authorities also who identify certain projects. These are all noted and considered in the assessment.

Tier 1 projects included a list of relevant projects occurring within 2 km of the development boundary of the Proposed Development was collated, which includes a total of approximately 8,000 individual projects.

I note in particular the ESB electricity supply connections and supply alterations/diversions required to serve the development. ESB are to progress a separate application for electricity supply connections to accommodate the development. The works will progress in parallel and will be completed in advance of the completion of the proposed project. The works will involve underground cabling along the local road networks which will require partial or temporary road closures. I do not consider that there would be residual cumulative effects which would be significant. It is accepted that if construction works for these other supporting projects coincide with the proposed development there would be increased traffic effects and nuisance arising for local communities affected. These construction impacts would be short-term, with appropriate management provisions being made through the relevant CEMPs which will be updated throughout construction (including traffic management measures) seeking to minimise disturbance effects. I refer the Commission to Table 26-5.

The assessment of a range of plans and programmes is included in Table 26-4 and considers a suite of European, national, regional and local policy documents. I consider that the documents considered is comprehensive. I note that a number of the plans have been updated since the preparation of the EIAR including the National Planning Framework and the Climate Action Plan. I submit that the applicable and relevant provisions of the updated plans remain consistent with the

overall objectives of the proposed development, and I have considered these within this cumulative assessment.

In all instances it is concluded that the proposed development would support the goals of the relevant plans and policy documents and there would be positive, direct and indirect, significant and long term cumulative effects to arise. In view of the firm standing of the proposed development in terms of national transport and climate action policies which percolate down to regional and local policy documents seeking to encourage a modal shift to more sustainable forms of transport, enhancing connectivity and transport integration and its role in securing more compact development, I would concur with the conclusions.

The cumulative assessment of permitted/planned projects within the four administrative areas across which the rail corridor traverses considered a wide ranging list including (not exhaustive) Dart + West, Metrolink and Luas Finglas and varying developments including multiple housing/apartment and commercial schemes along the rail corridor.

In terms of the latter I note overlap between construction works and the development of residential schemes in Donabate and Bettystown. I submit that the substantive cumulative impacts which could potentially arise would be associated with the construction periods of the projects should they overlap or occur sequentially. There would be potential for impacts on traffic due to road diversions and increase in HGVs on the road network with potential negative cumulative effects on traffic and transport which would impact on journey characteristics and amenity of motorists. There is also potential for cumulative adverse impact on air quality arising from construction dust in addition to increased noise and vibration which would impact on the local resident population where projects overlap or are in the vicinity of one another. The mitigation measures including CEMPs should result in the impacts being lessened. I submit that any such negative cumulative impacts would be short term, albeit some could potentially be over relatively lengthy construction periods.

Having regard to the nature and extent of the projects the likely cumulative impacts arising and to the mitigation measures proposed including CEMP which would entail traffic management, I accept the conclusions that there would be no significant residual cumulative effects. In terms of the operational phase no significant residual

cumulative impacts are predicted with any impacts, in the main, being either none, neutral or positive and long term.

The cumulative assessment of the proposed development with other DART+ projects included in the DART+ programme including DART+ Coastal South, DART+ West and DART+ South West. As above the potential for cumulative effects during the construction phase could arise.

Having regard to the above I am satisfied that a robust and detailed assessment of the potential for cumulative impacts to arise has been carried out.

## **9.4 Reasoned Conclusion**

I consider that the EIAR, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed scheme on the environment, taking into account current knowledge and methods of assessment. I am satisfied that the information contained in the EIAR is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of the environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from third parties and from prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

### **9.4.1 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 increase in level crossings closures on the Howth Branch, to facilitate the theoretical peak timetable, would improve train efficiencies, enhance rail safety, and remove delays caused on congestions on the railway, which is necessary to facilitate the intended enhanced level of service. The proposed changes to infrastructure at Howth Junction & Donaghmede Station, including to provision of turnback facilities does not give rise to any direct significant impacts in terms of population or residential amenity between Howth Junction & Donaghmede Station and Howth Station. While the changes to infrastructure may, in time, facilitate the realisation of changes to timetabling of trains and the operation of a shuttle service between Howth Junction & Donaghmede Station and Howth Station, it is not considered that the associated environmental impacts in terms of traffic and transportation (i.e. increased level crossing closure, traffic congestion, access and convenience) population (i.e. residential amenity, commercial / tourist / industrial activity, property devaluation) noise and vibration (i.e. increased frequency and passing of trains) and cultural heritage (i.e. loss of direct service dating to circa 1847) would be significant.
- The proposed upgrades of the Howth Junction & Donaghmede Station and Drogheda (MacBride) Station as well as turnbacks at Clongriffin and Malahide would constitute a significantly improved railway infrastructure and would enhance rail services for this area and would make a positive contribution to the delivery of enhanced public transport services. The proposed design and security provisions at Howth Junction & Donaghmede Station in particular would aid in minimising and monitoring the effects of anti-social behaviour arising from the scheme.
- 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 CTMP, 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.

- An extensive list of options was considered as part of the reasonable consideration of alternatives through a multi-criteria analysis process for option selection for:
  - design solutions in respect of the mainline and Howth branch,
  - station infrastructure at Donaghmede & Howth Junction, Clongriffin and Platform 4 at Drogheda (MacBride) station,
  - turnbacks at Malahide,
  - substations at Donabate, Rush and Lusk, Skerries South, Skerries North, Balbriggan, Gormanston, Bettystown and Drogheda and .

With due regard to the degree of assessment of alternatives undertaken, the full range of infrastructure proposed for DART+ Coastal North is acceptable and the optimum reasonable alternatives were chosen with regard to economic, technical, environmental, social and deliverability criteria.

#### **9.4.2 Biodiversity**

- Negative impacts on biodiversity relate to the removal of habitat, largely in the form of hedgerows and other vegetation. Such impacts are not considered significant and can adequately be mitigated for within the scheme. Vegetation will be planted in the vicinity to bolster existing treelines and hedgerow, where possible and with regard to the safe operation of the railway. Significant impacts are therefore not expected in this regard. Preconstruction surveys will ensure that no mammals, bats, birds or invasive species are present within the works areas. Adequate mitigation measures are proposed to ensure the protection of such mammals, bats and birds encountered and to prevent the spread of invasive species. Significant impacts to biodiversity can therefore be ruled out.
- The proposed mitigation measures to protect water and aquatic and marine environments at river and estuary crossings are reasonable and necessary to minimise construction phase impacts, while accepting that disturbance is unavoidable for key ecological receptors for a construction project of this nature and scale. The proposed development would not add in any significant manner to the disturbance arising for wildlife and the habitats.

### **9.4.3 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.

### **9.4.4 Noise**

- Significant noise impacts arise in relation to construction noise during nighttime and weekend hours when thresholds are lower will arise. Works carried out in daytime hours will cause no significant effects. In the event that works are required during nighttime or weekend hours, liaison with residents in this regard and the use of noise abatement will reduce the level of impacts. Should the need arise, for whatever reason, temporary rehousing may be offered. Noise disturbance from the operation of the development can be ruled out.

### **9.4.5 Water**

- Negative impacts on Water could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering watercourses, the sea or groundwater via piling activities during the construction phase of the development. These impacts will be mitigated by measures outlined within the application and can therefore be ruled out.

### **9.4.6 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 CTMP 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.

### **9.4.7 Cultural Heritage**

- The demolition of the bridge at McGrath's Lane which is not a protected structure and not on the NIAH shall be recorded by means of photographs and, written

description which is a standard and appropriate approach in the provision of this railway infrastructure.

#### **9.4.8 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. Of particular note are the visual impacts to properties at Malahide Marina who will have views to the proposed turnback facility and Railway Terrace in Drogheda who will be impacted by the development of Platform 4 at Drogheda (MacBride Station).

The EIAR has considered that the main significant direct and indirect effects of the proposed scheme on the environment would be primarily mitigated by environmental management measures, as appropriate.

Having regard to the above, the I am satisfied that the proposed scheme would not have any unacceptable direct or indirect effects on the environment. The Commission should be satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.



## 10.0 Water Framework Directive Assessment

The subject site is located close to several waterbodies, twenty nine of which are defined in Table 10-1 of the EIAR. Given the linear nature of the proposed development, it crosses several rivers and streams (e.g. Tolka, Mayne, Delvin, Nanny). It is also in proximity to the coast and therefore, interacts with several estuaries (e.g. Broadmeadow, Rogerstown).

I have assessed the Dart+ Coastal North, please refer to the Section 9.3.5 above, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is due to the nature and location of the proposed works which is are largely confined to the existing railway the detailed consideration of reasonable alternatives for works (substations, compounds, etc) that must occur outside the existing railway which underwent extensive site selection which considered water impacts as a criteria and generally avoided impacted to same. Where impacts could not be avoided detailed surface water control measures and best practice construction methods are included in the design. The applicant also intends to monitor the water quality during the construction phase and twelve months post construction and can take relevant action as required.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Appropriate Assessment

The applicant has submitted an AA Screening Report and NIS which is dated July 2024 as part of the particulars supporting the planning application. The documentation is in line with current best practice guidance and provides adequate information to allow a complete examination and identification of any potential significant effects of the development, alone, and in combination with other plans and projects on European sites.

The documentation was prepared by Scott Cawley, on behalf of Arup, who are scientifically and technically competent to do so and the qualifications and experience of the authors of the report and various appendices associated with it are suitable and relevant. I am satisfied that all survey work has been undertaken and prepared by competent experts also in line with best practice and scientific and technical methods.

The application documentation includes information required in respect of the methodology applied, a description of the existing sites and 'Stage 1' and 'Stage 2' assessments. The scientific assessment to inform AA is presented in Sections 7 and 8 and 9 of the NIS submitted to the Commission as part of the application. The conservation objectives of the various Qualifying Interests (QI) features and Special Conservation Interest (SCI) species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity presented. Mitigation measures are presented from Section 7. of the NIS under each site heading. The NIS is supported numerous plans which provided detailed mitigation measures. These are found in the appendix and include:

- Appendix 1.4 Surface Water Management Plan
- Appendix 1.5 Invasive Species Management Plan (for construction phase)
- Appendix 1.6: Invasive Species Management Plan (for operation phase)
- Appendix 1.7 :Construction Environmental Management Plan (CEMP)

An assessment of potential in-combination effects is presented in Section 8 of the NIS.

The NIS submitted with the application concluded that, following the application of the detailed mitigation measures, the proposed scheme would not either alone or in combination with other plans or projects, adversely affect any European Site.

The requirements of Article 6(3) as related to AA of a project under Part XAB of the PDA are considered fully. The areas addressed in this assessment includes an AA of the implications of the proposed scheme on the integrity of each European site.

The observations on the proposed development received by the Commission were circulated to the applicant for comment and its response is noted. Regard is had to the said submissions.

The proposed scheme is directly connected with European Sites and therefore it needs be determined if the development is likely to have significant effects on European site(s). I am satisfied that all possible European Sites that could in anyway be affected have been considered by the applicant. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document.

The Commission should satisfy itself that the proposal will not adversely affect the integrity of the European site before consent can be given.

## **11.1 Receiving Environment**

The general receiving environment has been described in Section 2.0 of this report. It is not intended to repeat it here. As noted therein, the site is located within an urbanised environment although certain sections in Zone B, C and D are more rural with agricultural uses. There is a mix of uses along site including, residential, retail and commercial, industrial, agricultural, community and social, village centres as well as amenity space.

### **11.1.1 European Sites**

The site the proposed scheme overlaps with a number European sites. This is a result of the linear nature of the site, which transects several watercourses and estuaries and its general location in proximity to the coast.

The European sites which are overlapped include: Malahide Estuary SAC and Malahide Estuary SPA at the Malahide Viaduct, Rogerstown Estuary SAC and Rogerstown Estuary SPA at the Rogerstown Viaduct and River Nanny Estuary and

Shore SPA at the Laytown Viaduct. The North-West Irish Sea SPA, Baldoyle Bay SAC at Balbriggan and Howth, and Baldoyle Bay SPA at Sutton and Howth are directly adjacent to the site.

There are numerous other sites in close proximity to the site also including South Dublin Bay and River Tolka Estuary SPA east of Clontarf Road Station and the River Boyne and River Blackwater SAC and Boyne Estuary SPA north and northeast of Drogheda Station. There are numerous other coastal and marine European sites with connections to the site also.

Overall, there are 34 European sites (SACs and SPAs) located within the vicinity of the Proposed Development, 31 of these are within the Zol of the Proposed Development.

### **Habitats**

The receiving environment is described in line with standard methodology (Fossitt, 2000) and results of the field surveys are presented in Section 5.2 of the NIS and considered further in the assessment below. The Commission will find habitat mapping in Figure 2 of the NIS. It is acknowledged that in certain sections of the proposed scheme is located in an urban environment with other sections running through agricultural or amenity lands and estuaries. The rail corridor boundary, which is of interest in terms of biodiversity has habitats comprising a mix of hedgerow, trees, palisade fencing and concrete walls. In the wider area the habitats vary along the length of the route from those corresponding with agricultural lands to buildings and artificial surfaces The applicant has identified the following habitats, which align with Fossitt (2000) classification:

- Other Artificial Lakes and Ponds (FL8);
- Reed and large sedge swamps (FS1);
- Tall-herb swamps (FS2);
- Depositing/Lowland Rivers (FW2);
- Dry calcareous and neutral grassland (GS1);
- Dry meadows and grassy verges (GS2);
- Dry-humid acid grassland (GS3);
- Wet grassland (GS4);
- Hedgerows (WL1);

- Treelines (WL2)
- (Mixed) broadleaved woodland (WD1);
- Mixed broadleaved/conifer woodland (WD2);
- (Mixed) conifer woodland (WD3);
- Scattered trees and parkland (WD5);
- Scrub (WS1);
- Ornamental/non-native shrub (WS3);
- Spoil and bare ground (ED2);
- Recolonising vegetation (ED3);
- Shingle and gravel banks (CB1) including the Annex I habitat Perennial vegetation of stony banks [1220];
- Lower salt marsh (CM1) including the Annex I habitats Salicornia and other annuals colonizing mud and sand [1310] and Atlantic Salt meadows (*Glauco-Puccinellietalia maritima*) [1330];
- Upper salt marsh (CM2) including Annex I habitats Atlantic salt meadows (*GlaucoPuccinellietalia maritima*) [1330] and 'Mediterranean salt meadows (*Juncetalia maritimi*) [1410]';
- Tidal rivers (CW2);
- Embryonic dunes (CD1) including Annex I habitats 'embryonic shifting dunes [2110];
- Fixed dunes (CD3) including the priority Annex I habitats '\*fixed coastal dunes with herbaceous vegetation ("grey dunes") [2130]';
- Sea walls, piers and jetties (CC1);
- Shingle and gravel shores (LS1) including Annex I habitat 'annual vegetation of drift lines [1210]';
- Sand shores (LS2) including Annex I habitats 'mudflats and sandflats not covered by sea water at low tide [1140]'; and
- Estuaries (MW4) including Annex I habitats 'Estuaries [1130]' and 'Mudflats and sandflats not covered by seawater at low tide [1140]'.

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330] and Estuaries [1130] which are Annex I habitats were identified within the site in the Rogerstown Estuary SAC and SPA, and Malahide Estuary SAC and SPA. There were no protected plant species, red-listed plant species identified.

It is noted that there are eleven areas of the non-native invasive plant species comprising Common cord-grass, Japanese knotweed, Himalayan balsam, Rhododendron, and Spanish bluebell listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 identified along or adjacent to the Proposed scheme. These locations are summarised in Table 5.3 of the NIS. No records of any Annex II plant species were recorded within the footprint of the site during field surveys. The location of Invasive Species is illustrated in Figure 4.

The desk study returned 76 records for otter in the wider study area, including: the River Boyne, the River Nanny, the River Matt, Inner Rogerstown Estuary, Broadmeadow River and the inner Malahide Estuary, Baldoyle, the Tolka River and Dublin Bay, all of which have hydrological connections to the Proposed Development. Otter couches, prints and a potential slide were identified in proximity to the proposed development.

#### **11.1.2 Hydrology and Hydrogeology**

The proposed development crosses a number of watercourses, estuaries, and small streams, ditches and drains, including *inter alia*;

- Royal Canal
- Tolka River and
- Santry River
- Howth Stream
- Mayne River
- Sluice River (including Hazelbrook Stream)
- Broadmeadow (Malahide Estuary)
- Turvey River
- Ballyboghill River (including Rahillion) (Rogerstown Estuary)
- Palmerstown River (including Rathmooney)
- Balcunnin River (including Rush)
- Mill Stream (Skerries) (including Barnageeragh)
- River Matt (including Bremore and unnamed stream)
- Delvin River
- Mosney River

- River Nanny (Meath)
- Betaghstown River (including Mornington and Pilltown)
- Stagrennan River

A number of these water features are designated for nature conservation. The WFD status of these waterbody are poor, with the exception of the Royal Canal which is at a good status and the Stagrennan River which is at a moderate status. With the exception of the Stagrennan, Betaghstown, Balcunnin, Palmerstown, Sluice Rivers and the Royal Canal waterbodies, which are listed as currently under review, all other river waterbodies are listed as being 'at risk' of failing to meet their environmental objectives identified by the EPA.

The Proposed Development is comprised of eight different WFD Groundwater Body (GWB). With the exception of the Bettystown groundwater body, which has a poor groundwater status, all of the aforementioned groundwater bodies have a good WFD groundwater status.

All waterbodies drain into the Irish Sea.

### 11.1.3 Species incl. Surveys

A description of all baseline surveys is outlined within Section 4.5 of the NIS. The following is a list of surveys undertaken:

<b>Table 34: Surveys Undertaken</b>	
<b>Survey</b>	<b>Dates</b>
<b>Habitats (including Annex I Habitats and Invasive Species);</b>	August 2021 June 2022 August – September 2023 (Construction Compounds, substation and utility locations) May 2024 (Malahide Causeway and Construction Compounds)
<b>Bats</b>	<b>Bridge PRAs</b> July 2021 August 2021 January 2022 May 2022  <b>Activity surveys</b> August – September 2021 May – July 2022 (Static detector deployments) August – September 2021 October – November 2021 January – February 2022

<b>Otter</b>	<p>October 2022 November 2022 December 2022</p> <p>[See Figure 3 which illustrated the Otter Survey Areas as well as evidence identified as part of those surveys, if any]</p>
<b>Badger</b>	<p>August 2021 November 2021 February 2022 April 2022</p>
<b>Amphibian habitat suitability</b>	<p>August 2021</p>
<b>Reptile habitat suitability</b>	<p>August 2021</p>
<b>Birds (wintering and breeding)</b>	<p><b>Wintering</b> October 2021 – March 2022 October 2022 – March 2023 September 2023 – March 2024 (Construction Compound and substation locations)</p> <p>[See Figure 6 Wintering Bird Survey Location]</p> <p><b>Breeding birds</b>  April – June 2022 April – June 2023 May 2024 (Malahide Causeway and Construction Compounds)</p> <p>[See Figure 6 Breeding Bird Survey Location]</p>
<b>Marine Mammal</b>	<p>There was no dedicated marine mammal surveys carried due to the Proposed Development being located inland. However, a watching brief was maintained during wintering bird surveys.</p>

In respect of bird surveys, given the railway is in daily operation, all of the proposed development could not be surveyed, and the applicant opted to survey a representative sample of all habitat types likely to be used by breeding birds. This is considered an acceptable approach. Birds were identified by sight and song, and general location and activity were recorded using the British Trust for Ornithology (BTO) species and activity codes. A “look-see” methodology was also used. Species identified during wintering bird surveys included 37 species, largely owing to the location of the proposed development adjacent to coastal locations.



It is noted that evidence or signs of otter activity was found at several locations including the southern side of the Malahide Viaduct, the northern side of the Rogerstown Estuary, north of Gormanstown, the southern end of the Laytown Viaduct. This is set out in Figure 3 which illustrated the Otter Survey Areas as well as evidence identified as part of those surveys, if any.

## 11.2 Screening for Appropriate Assessment (Stage 1)

The AA Screening Report included in the NIS describes the proposed scheme, its receiving environment and relevant European Sites in the ZOI of the development. The first test of Article 6(3) is to establish if the proposed scheme could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- AA (Stage 2).

The AA Screening concluded that there is the possibility for significant effects, in the absence of mitigation, either arising from the project alone, or in combination with other plans and projects, as a result of:

- Habitat Loss and Fragmentation;
- Habitat degradation / effects on QI / SCI species as a result of hydrological impacts during construction and operation;
- Habitat degradation as a result of hydrogeological impacts during construction and operation;
- Habitat degradation as a result of introducing / spreading non-native invasive species during construction;
- Habitat degradation as a result of air quality impacts during construction and operation;
- Disturbance and displacement impact during construction and operation; and
- Direct injury/mortality.

Potential impacts and effects considered are presented in Table 1 and the sites within the ZOI considered.

<b>Table 35: Sites for which the likelihood of significant effects cannot be ruled out</b>	
<b>Potential Impacts</b>	<b>European sites within ZOI</b>
<b>Habitat Loss and Fragmentation</b>	<b>No</b>

<p>While there is an overlapping of European sites, with the proposed development. No European sites are at risk of direct habitat loss impacts. It should be noted that the site of the proposed development and adjacent areas are routinely used by Iarnród Éireann for maintenance.</p> <p>The proposed scheme has no potential for impacts on SCI species associated with SPAs to occur as a result of habitat loss / fragmentation given the minimal land take for the proposed development relative to the abundance of alternative suitable habitat.</p>	
<p><b>Habitat Degradation as a result of Hydrological Impacts</b></p> <p>The proposed development is overlapping and adjacent to several European Sites. The proposed development is also hydrologically connected via watercourses and waterbodies including rivers, estuaries and the Irish Sea.</p> <p>The potential release of contaminated surface water runoff and/or an accidental spillage or pollution event into any surface water features during construction, or operation, has the potential to affect water quality in the receiving aquatic environment of the relevant rivers, estuaries and sea.</p> <p>Such an event has the potential to affect mobile SCI bird species and QI mammal species that commute, forage and loaf and rely on water quality in the relevant watercourses and Irish Sea.</p> <p>Cetaceans are also mobile and may be affected by water quality. Those European sites within the ZOI of 8 km are included.</p>	<p><b>Yes</b></p> <p>There are European sites at risk of hydrological effects associated with the proposed scheme:</p> <ul style="list-style-type: none"> <li>• River Boyne and River Blackwater SAC,</li> <li>• Boyne Estuary SPA,</li> <li>• Boyne Coast and Estuary SAC,</li> <li>• River Nanny Estuary and Shore SPA,</li> <li>• River Boyne and River Blackwater SPA,</li> <li>• Baldoyle Bay SAC,</li> <li>• Baldoyle Bay SPA,</li> <li>• Howth Head Coast SPA,</li> <li>• Ireland's Eye SPA,</li> <li>• Lambay Island SPA,</li> <li>• Malahide Estuary SAC,</li> <li>• Malahide Estuary SPA,</li> <li>• the North-West Irish Sea SPA,</li> <li>• North Bull Island SPA,</li> <li>• North Dublin Bay SAC,</li> <li>• Lambay Island SAC,</li> <li>• Codling Fault Zone SAC,</li> <li>• Rockabill SPA,</li> <li>• Rockabill to Dalkey Island SAC,</li> <li>• Rogerstown Estuary SAC,</li> <li>• Rogerstown Estuary SPA,</li> <li>• Skerries Islands SPA,</li> </ul>

	<ul style="list-style-type: none"> <li>• South Dublin Bay and River Tolka Estuary SPA,</li> <li>• South Dublin Bay SAC,</li> <li>• The Murrough SPA,</li> <li>• Dundalk Bay SPA,</li> <li>• Dalkey Islands SPA,</li> <li>• Seas Off Wexford SPA,</li> <li>• Saltee Islands SPA,</li> <li>• Wicklow Head SPA and</li> <li>• Stabannan-Braganstown SPA</li> </ul>
<p><b>Habitat Degradation as a result of Hydrogeological Impacts</b></p> <p>This includes groundwater-dependant habitats, and the species those habitats support, in the local area that lie downgradient of the proposed scheme.</p> <p>While the River Boyne and River Blackwater SAC has two groundwater-dependent qualifying interest habitats. However, the proposed development lies down gradient of the main waterbody and will not influence ground water conditions</p>	<p><b>No</b></p> <p>There are no European sites at risk of hydrogeological effects associated with the Proposed scheme</p>
<p><b>Habitat Degradation as a result of introducing/ spreading Non-Native Invasive Species:</b></p> <p>There are eleven areas of non-native invasive plant species present within, or in close proximity to, the proposed scheme.</p> <p>There is potential for this to spread or be introduced, during construction and/or routine maintenance / management works, to terrestrial habitat areas in European sites downstream in river and the Irish Sea</p>	<p><b>Yes</b></p> <p>There are European sites at risk of Non-Native Invasive Species being introduced and spread as a result of the proposed scheme:</p> <ul style="list-style-type: none"> <li>• North Dublin Bay SAC,</li> <li>• South Dublin Bay SAC,</li> <li>• North Bull Island SPA</li> <li>• South Dublin Bay and River Tolka Estuary SPA</li> <li>• Baldoyle Bay SAC</li> <li>• Baldoyle Bay SPA</li> <li>• Malahide Estuary SAC</li> <li>• Malahide Estuary SPA</li> <li>• Rogerstown Estuary SAC</li> <li>• Rogerstown Estuary SPA</li> <li>• River Nanny Estuary and Shore SPA</li> <li>• River Boyne and River Blackwater SAC,</li> <li>• Boyne Coast and Estuary SAC,</li> <li>• Boyne Estuary SPA</li> <li>• the North-West Irish Sea SPA</li> </ul>

<p><b>Air Quality Impacts</b></p> <p>A reduction in air quality within the immediate vicinity of the construction works may occur as a consequence of dust deposition associated with these construction activities.</p> <p>The ZOI for construction related air quality effects arising from the proposed scheme has the potential to extend 50m from the site boundary, and 500 m from the construction compounds during the construction phase. Vehicle emission and dust related air quality effects arising from the proposed scheme has potential to extend up to 200 m from the proposed scheme boundary or associated diversion roads during the construction and the operational phase.</p>	<p><b>Yes</b></p> <p>There are European sites within 200 m of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Malahide Estuary SAC,</li> <li>• Rogerstown Estuary SAC,</li> <li>• Baldoyle Bay SAC,</li> <li>• River Boyne and River Blackwater SAC</li> </ul>
<p><b>Disturbance and Displacement impacts</b></p> <p>There is a potential impact based on the predicted levels of noise, vibration lighting, visual disturbance and human activity associated with the proposed scheme and taking into account the sensitivity of the QI species to disturbance effects.</p> <p>There are European sites within the potential ZOI of disturbance effects associated with the construction or operation of the Proposed scheme.</p>	<p><b>Yes</b></p> <p>There are European sites at risk of disturbance and displacement impacts associated with the proposed scheme:</p> <ul style="list-style-type: none"> <li>• River Boyne and River Blackwater SAC,</li> <li>• Malahide Estuary SPA,</li> <li>• Rogerstown Estuary SPA,</li> <li>• Lambay Island SPA,</li> <li>• Skerries Islands SPA,</li> <li>• Boyne Estuary SPA,</li> <li>• Dalkey Island SPA,</li> <li>• Dundalk Bay SPA,</li> <li>• Skerries Islands SPA,</li> <li>• Ireland's Eye SPA,</li> <li>• The Murrough SPA,</li> <li>• Baldoyle Bay SPA,</li> <li>• North Bull Island SPA,</li> <li>• Stabannan-Braganstown SPA,</li> <li>• South Dublin Bay and River Tolka Estuary SPA,</li> <li>• River Nanny Estuary and Shore SPA, and</li> <li>• the North-West Irish Sea SPA,</li> </ul>
<p><b>Direct Injury/Mortality</b></p>	<p><b>Yes</b></p>

While the existing rail line is long established and its alignment and footprint will largely remain the same, new OHLE on the railway line may result in an increase in mortality or direct injury to SCI species. The railway line north of Malahide currently has no overhead lines presently.

There is potential for direct injury/mortality related impacts of SCI species as a result of the Proposed Development of the following European sites;

- Malahide Estuary SPA,
- Rogerstown Estuary SPA,
- River Nanny Estuary and Shore SPA,
- Boyne Estuary SPA,
- Dundalk Bay SPA,
- Stabannan-Braganstown SPA,
- Skerries Islands SPA,
- Lambay Island SPA,
- Ireland's Eye SPA,
- North Bull Island SPA,
- South Dublin Bay and River Tolka Estuary SPA,
- Baldoyle Bay SPA,
- the North-West Irish Sea SPA and
- the Murrough SPA

It is noted that Howth Head SAC, Ireland's Eye SAC, and Clogher Head SAC have been screened out given there is no hydrological connection and a material distance between the proposed development and these sites. This is considered to be a reasonable determination by the applicant. Such a determination is considered to equally applies to Bray Head SAC which is a considerable distance south of the site. The Wicklow Mountains SAC is also upstream of the proposed development and there would be no interaction. I note several other sites which are within a the Zol and nominal distance of 20 km, however, there is an absence of a source-pathway-receptor and there is no physical interaction. While mobile species may be a QI or SCI of said site, said species have limited foraging range and would not interact with the site. Any water quality deterioration would not reasonably be a factor as a result of the marine process including dispersion and dilution.

Since the publication of the AA Screening Report, there may have been minor design updates and updates to land plans used in the overall assessment of the proposed scheme. However, I am satisfied that the conclusions of the AA Screening Report and determination remain unchanged.

In determining the potential significant effects of the proposed scheme, the applicant took account of the potential for ex-situ effects for foraging birds and mammals such as Otter. It is of note that a precautionary approach has been taken in including SAC and SPA sites in the wider area in the screening exercise. Given that bird species can travel from designated sites the applicant has included sites at some remove from the proposed scheme site. Similarly, a precautionary approach has been taken in relation to SCIs associated with SACs in the wider area. The is approach is considered reasonable and on this basis the sites should be carried forward for assessment.

This ZOI was established based on the extent at which potential impacts may be carried via identified pathways (i.e., hydrological connection, ornithological behaviours). Having regard to the nature of the proposed scheme, the nature of the receiving environment and the source-pathway-receptor model. It is considered that the Zones of Influence identified are reasonable. The applicant has mapped the site in the context of European sites in Figure 1 of the NIS and included a 20 km buffer for context.

Having regard to the information presented in the AA Screening Report, submissions, the nature, size and location of the proposed scheme and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I concur with the applicant's screening determination.

In summary, the potential impacts identified would effect the following European sites (no. 32),

#### SACs

1. Malahide Estuary SAC [000205],
2. Rogerstown Estuary SAC [000208],
3. River Boyne and River Blackwater SAC [002299],
4. Baldoyle Bay SAC [000199],
5. Boyne Coast and Estuary SAC [001957],
6. Rockabill to Dalkey Island SAC [003000],
7. Lambay Island SAC [000204],
8. North Dublin Bay SAC [000206],

9. South Dublin Bay SAC [000210],
10. Codling Fault Zone SAC [003015],

#### SPAs

11. River Nanny Estuary and Shore SPA [004158],
12. River Boyne and River Blackwater SPA [004232],
13. Boyne Estuary SPA [004080],
14. South Dublin Bay and River Tolka Estuary SPA [004024],
15. Howth Head Coast SPA [004113],
16. North Bull Island SPA [004006],
17. Baldoyle Bay SPA [004016],
18. Dalkey Island SPA [004172],
19. Malahide Estuary SPA [004025],
20. Rogerstown Estuary SPA [004015],
21. Dundalk Bay SPA [004026],
22. Skerries Islands SPA [004122],
23. Ireland's Eye SPA [004117],
24. Lambay Island SPA [004069],
25. Rockabill SPA [004014],
26. The Murrrough SPA [004186],
27. Stabannan-Braganstown SPA [004091],
28. the North-West Irish Sea SPA [004236]
29. the Seas Off Wexford SPA [004237],
30. Wicklow Head SPA [004127], and
31. Saltee Islands SPA [004002].

Further analysis in the AA (Stage 2) is required to determine the significance of such impacts to these sites and QIs and to apply any mitigation measures to exclude adverse effects.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

### **11.3 Appropriate Assessment (Stage 2)**

The following objective assessment of the implications of the proposed development on the relevant conservation objectives of the European sites is based on the

scientific information provided by the applicant and taking into account submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Commission.

This assessment has had regard to relevant guidance including:

- Office of the Planning Regulator (OPR) (2021) AA Screening for Development Management: OPR Practice Note PN01
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- Department of Environment, Heritage and Local Government (2010) AA of Plans and Projects in Ireland – Guidance for Planning Authorities
- NPWS (2010) AA under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.

All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness.

A description of the sites and their Conservation Objectives and QIs/SCIs, including relevant attributes and targets for these sites, are set out in Section 7 Assessment of Potential Effects of the NIS.

The NIS outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives. The NIS was informed by the following studies, surveys, and consultations:-

- Desk top study.



- Ecological surveys carried out on various dates and across seasons between 2021 to 2023. Surveys were carried out for terrestrial and aquatic flora and fauna, during the optimum seasons (where possible).

The report concluded that, taking into account the project design and the implementation of mitigation measures identified in the NIS, the proposed development will not result in adverse effects on the integrity of any Natura 2000 site. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge to assess any potential impacts. Details of mitigation measures are provided, and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for an appropriate assessment of the proposed development.

#### **11.3.1 Assessment of Sites**

The following tables summarise the information considered for the AA and site integrity test. I have taken this information from that provided by the applicant within the NIS. I expand on certain issues further in my report.

<b>Table 36: Appropriate Assessment Summary Matrix</b>			
Detailed Conservation Objectives available: <a href="https://www.npws.ie/protected-sites">https://www.npws.ie/protected-sites</a>			
<b>1. Malahide Estuary SAC [000205]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain	<p>Certain impacts may occur, including:</p> <ul style="list-style-type: none"> <li>• Habitat degradation as a result of hydrological impacts;</li> <li>• Habitat degradation as a result of air quality impacts; and</li> <li>• Habitat degradation as a result of introducing/spreading non-native invasive species.</li> </ul>	<p>Detailed pollution control measures to protect water quality are outlined within Section 7.1.12.1 and 7.1.12.2 of the NIS and include but are not limited to:</p> <ul style="list-style-type: none"> <li>• A requirement for a Pollution Incident Response Plan;</li> <li>• Construction Compound management including the storage of any fuels and materials;</li> <li>• Control of Sediments;</li> <li>• Use of concrete; and</li> <li>• Management of vehicles and plant including refuelling and wheel wash facilities, etc.</li> <li>• Implementation of Iarnród Éireann best practice procedures during</li> </ul>
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Maintain	<p>An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay.</p>	
<i>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</i>	Restore	<p>An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the intertidal habitats and the</p>	

<i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i>	Maintain	fauna communities they support.  A reduction in air quality during construction in particular, including an increase in dust has the potential to smother plants and change the chemical composition of soils which would negatively impacting the species and habitat	operations  The Commission will note areas prone to flooding like the construction compound at Bisset's Strand will only be used during the summer months.
<i>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</i>	Restore	The introduction and/or spread of invasive species to downstream European sites could potentially result in the degradation of existing habitats present, in particular coastal habitats not permanently or regularly inundated by seawater. These species may outcompete other native species present, negatively impacting the species composition, diversity and abundance and the physical structural integrity of the habitat.	A CEMP will be implemented during construction to manage air quality including an air quality management plan that will be prepared by the contractor and agreed with the planning authority.
<i>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</i>	Restore		See the mitigation measures described in Section 7.1.12.3 to prevent the introduction and/or spread of invasive species which includes the carrying out of preconstruction surveys and the implementation of an Invasive Species management plan. During operation, Iarnród Éireann best practice procedures for invasive species implemented.
<b>2. Rogerstown Estuary SAC [000208],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>

<i>Estuaries [1130]</i>	Maintain	As above.	As above.
<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain		
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Maintain		
<i>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</i>	Restore		
<i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i>	Maintain		
<i>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</i>	Restore		
<i>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</i>	Restore		
<b>3. North Dublin Bay SAC [000206]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain	As above.	As above.

<i>Annual vegetation of drift lines [1210]</i>	Restore		
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Restore		
<i>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</i>	Maintain		
<i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i>	Maintain		
<i>Embryonic shifting dunes [2110]</i>	Restore		
<i>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</i>	Restore		
<i>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</i>	Restore		
<i>Humid dune slacks [2190]</i>	Restore		
<i>Petalophyllum ralfsii (Petalwort) [1395]</i>	Maintain		
<b>4. South Dublin Bay SAC [000210],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>

<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain	As above.	As above.
<i>Annual vegetation of drift lines [1210]</i>	Restore		
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Restore		
<i>Embryonic shifting dunes [2110]</i>	Restore		
<b>5. Baldoye Bay SAC [000199]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain	As above.	As above.
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Maintain		
<i>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</i>	Maintain		
<i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i>	Maintain		
<b>6. Boyne Coast and Estuary SAC [001957]</b>			

Summary of Appropriate Assessment			
QI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Estuaries [1130]</i>	Maintain	As above.	As above.
<i>Mudflats and sandflats not covered by seawater at low tide [1140]</i>	Maintain		
<i>Annual vegetation of drift lines [1210]</i>	Restore		
<i>Salicornia and other annuals colonising mud and sand [1310]</i>	Restore		
<i>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</i>	Maintain		
<i>Embryonic shifting dunes [2110]</i>	Restore		
<i>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</i>	Restore		
<i>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</i>	Restore		
<i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i>	Under Review		
<b>Overall Conclusion: Integrity test</b>			

The applicant determined that following the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites.

Based on the information provided, I am satisfied that adverse effects can be excluded. No wetland habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water pipes which drain directly into these bays and estuaries. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.

The containment of dust, which will not impact all SCIs and will occur in a limited area adjoining works areas, compounds and haul routes, can also be controlled via mitigation measures, and an air quality management plan will be prepared in order to avoid or adequately contain dust.

The spread of invasive species can also be controlled via mitigation measures, pre confirmatory surveys will be carried out in order to avoid or adequately treat or remove invasive plants prior to construction being carried out in accordance with the Invasive Species Management Plan appended to the NIS.

The proposed scheme would not delay or prevent the attainment of the Conservation objectives of the Malahide Estuary SAC, Rogerstown Estuary, North Dublin Bay SAC, South Dublin Bay SAC, Baldoyle Bay SAC, Boyne Coast and Estuary SAC.

Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.

## 7. River Boyne and River Blackwater SAC [002299],

### Summary of Appropriate Assessment

SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
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<p><i>Alkaline fens [7230]</i></p>	<p>Maintain</p>	<p>certain impacts may occur, including:</p> <ul style="list-style-type: none"> <li>• Habitat degradation as a result of hydrological impacts;</li> <li>• Habitat degradation as a result of air quality impacts; and</li> <li>• Habitat degradation as a result of introducing/spreading non-native invasive species.</li> <li>• Disturbance and Displacement.</li> </ul>	<p>Detailed pollution control measures to protect water quality are outlined within Section 7.1.12.1 and 7.1.12.2 of the NIS and include but are not limited to:</p> <ul style="list-style-type: none"> <li>• A requirement for a Pollution Incident Response Plan;</li> <li>• Construction Compound management including the storage of any fuels and materials;</li> <li>• Control of Sediments;</li> <li>• Use of concrete; and</li> <li>• Management of vehicles and plant including refuelling and wheel wash facilities, etc.</li> <li>• Implementation of Iarnród Éireann best practice procedures during operations</li> </ul>
<p><i>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</i></p>	<p>Restore</p>	<p>An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the intertidal habitats and the fauna communities they support.</p>	

<p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>	<p>Restore</p>	<p>A reduction in air quality during construction in particular, including an increase in dust has the potential to smother plants and change the chemical composition of soils which would negatively impacting the species and habitat</p>	<p>The Commission will note areas prone to flooding like the construction compound at Bisset's Strand will only be used during the summer months.</p>
<p><i>Salmo salar</i> (Salmon) [1106]</p>	<p>Restore</p>	<p>The introduction and/or spread of invasive species to downstream European sites could potentially result in the degradation of existing habitats present, in particular coastal habitats not permanently or regularly inundated by seawater. These species may outcompete other native species present, negatively impacting the species composition, diversity and abundance and the physical structural integrity of the habitat.</p>	<p>A CEMP will be implemented during construction to manage air quality including an air quality management plan that will be prepared by the contractor and agreed with the planning authority.</p> <p>See the mitigation measures described in Section 7.1.12.3 to prevent the introduction and/or spread of invasive species which includes the carrying out of preconstruction surveys and the implementation of an Invasive Species management plan. During operation,</p>

<i>Lutra lutra (Otter) [1355]</i>	Maintain	Construction disturbance in the vicinity of the watercourses could result in disturbance to and potentially displacement of otter, particularly if works are undertaken at night-time. The River Boyne is c. 150 m from the Proposed Development boundary.	Iarnród Éireann best practice procedures for invasive species implemented.  In order to manage disturbance and displacement of otter will include pre-construction surveys ten months in advance construction and in accordance with Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes (NRA 2006) and a derogation licence is sought from the NPWS where necessary. Other precautionary measures will include avoidance of holts in breeding females or cubs are present., measures on the use of fencing and lighting, employment of an ECoW.
<b>Overall Conclusion: Integrity test</b>			
<p>The applicant determined that following the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites.</p> <p>Based on the information provided, I am satisfied that adverse effects can be excluded. No wetland habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water pipes which drain directly into these bays and estuaries. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.</p>			

The containment of dust, which will not impact all SCIs and will occur in a limited area adjoining works areas, compounds and haul routes, can also be controlled via mitigation measures, and an air quality management plan will be prepared in order to avoid or adequately contain dust.

The spread of invasive species can also be controlled via mitigation measures, pre confirmatory surveys will be carried out in order to avoid or adequately treat or remove invasive plants prior to construction being carried out in accordance with the Invasive Species Management Plan appended to the NIS.

The impact of construction phase activities on otters is well understood by the applicant and it is intended to put in place extensive measures which will mitigate disturbance and displacement effects and will be in line with relevant and widely used guidance.

The proposed scheme would not delay or prevent the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC.

Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.

#### **8. Rockabill to Dalkey Island SAC [003000]**

##### **Summary of Appropriate Assessment**

<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
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<i>Reefs [1170]</i>	Maintain	Certain impacts may occur, including:  • Habitat degradation as a result of hydrological impacts;	Detailed pollution control measures to protect water quality are outlined within Section 7.1.12.1 and 7.1.12.2 of the NIS and include but are not limited to:  • A requirement for a Pollution Incident Response Plan; • Construction Compound management including the storage of any fuels and materials; • Control of Sediments; • Use of concrete; and • Management of vehicles and plant including refuelling and wheel wash facilities, etc. • Implementation of Iarnród Éireann best practice procedures during operations  The Commission will note areas prone to flooding like the construction compound at Bisset's Strand will only be used during the summer months.
<i>Phocoena phocoena (Harbour Porpoise) [1351]</i>	Maintain	An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the intertidal habitats and the fauna communities they support.	
<b>9. Lambay Island SAC [000204],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Reefs [1170]</i>	Maintain	As above.	As above.

<i>Vegetated sea cliffs of the Atlantic and Baltic coasts</i> [1230]	Maintain		
<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Maintain		
<i>Halichoerus grypus</i> (Grey Seal) [1364]	Maintain		
<i>Phoca vitulina</i> (Harbour Seal) [1365]	Maintain		
<b>10. Codling Fault Zone SAC [003015]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>QI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Submarine structures made by leaking gases</i> [1180]	Maintain	As above.	As above.
<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Maintain		
<b>Overall Conclusion: Integrity test</b>			

The applicant determined that following the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites.

Based on the information provided, I am satisfied that adverse effects can be excluded. No wetland habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water pipes which drain directly into these bays and estuaries. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.

The proposed scheme would not delay or prevent the attainment of the Conservation objectives of the Rockabill to Dalkey Island SAC, Lambay Island SAC, and Codling Fault Zone SAC.

Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.

**11. River Nanny Estuary and Shore SPA [004158]**

**Summary of Appropriate Assessment**

SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Oystercatcher (Haematopus ostralegus) [A130]</i>	Maintain	Certain impacts may occur, including: <ul style="list-style-type: none"> <li>• Habitat degradation/effects on SCI species as a result of hydrological impacts.</li> <li>• Habitat degradation as a result of the spread of non-native invasives.</li> </ul>	Detailed pollution control measures to protect water quality are outlined within Section 7.1.12.1 and 7.1.12.2 of the NIS and include but are not limited to: <ul style="list-style-type: none"> <li>• A requirement for a Pollution Incident</li> </ul>

<p><i>Ringed Plover</i> (<i>Charadrius hiaticula</i>) [A137]</p>	<p>Maintain</p>	<ul style="list-style-type: none"> <li>• Disturbance and displacement; and</li> <li>• Direct injury/Mortality.</li> </ul> <p>An accidental pollution event during construction could affect surface water downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could potentially affect the quality the of intertidal/coastal habitats that support the SCI bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations.</p>	<p>Response Plan;</p> <ul style="list-style-type: none"> <li>• Construction Compound management including the storage of any fuels and materials;</li> <li>• Control of Sediments;</li> <li>• Use of concrete; and</li> <li>• Management of vehicles and plant including refuelling and wheel wash facilities, etc.</li> <li>• Implementation of Iarnród Éireann best practice procedures during operations</li> </ul> <p>The Commission will note areas prone to flooding like the construction compound at Bisset's Strand will only be used during the summer months.</p> <p>See the mitigation measures described in Section 7.1.12.3 to prevent the introduction and/or spread of invasive species which includes the carrying out of preconstruction surveys and the implementation of an Invasive Species management plan. During operation, Iarnród Éireann best practice</p>
<p><i>Golden Plover (Pluvialis apricaria)</i> [A140]</p>	<p>Maintain</p>	<p>An accidental pollution event during construction could affect surface water downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could potentially affect the quality the of intertidal/coastal habitats that support the SCI bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations.</p>	
<p><i>Knot (Calidris canutus)</i> [A143]</p>	<p>Maintain</p>	<p>The introduction and/or spread of invasive species to downstream European sites could potentially result in the degradation of existing habitats present, in particular coastal habitats not permanently or regularly inundated by seawater. This in turn could affect the use of habitat areas by birds and have long-term effects on the SPA populations.</p>	
<p><i>Sanderling (Calidris alba)</i> [A144]</p>	<p>Maintain</p>	<p>The introduction and/or spread of invasive species to downstream European sites could potentially result in the degradation of existing habitats present, in particular coastal habitats not permanently or regularly inundated by seawater. This in turn could affect the use of habitat areas by birds and have long-term effects on the SPA populations.</p>	



<i>Herring Gull (Larus argentatus) [A184]</i>	Maintain	Construction disturbance in the vicinity of SCIs could result in disturbance to and potentially displacement - this may arise from noise, vibration, lighting, air, dust, and/or any form human activity.	procedures for invasive species implemented.
<i>Wetland and Waterbirds [A999]</i>	Maintain	There is the potential for SCI species to collide with the OHLE infrastructure in particular which will be a new, elevated (max height 8.5 m) and exposed feature in the environment and may act as a barrier for flight. This is particularly acute where the railway crosses waterbodies like the Malahide, Rogerstown, and River Nanny Estuaries. Other elevated bridges and exposed location occur at Gormanston, Balbriggan and Laytown.	A CEMP will be implemented during construction to manage noise, vibration, lighting, air, dust, and/or any form human activity. This will be prepared by the contractor and agreed with the planning authority prior to construction.  In order to manage direct injury and mortality from OHLE in particular, feeder wire along both sides of the OHLE masts will be fitted with a diverter device to make lines more visible to commuting, foraging and migrating SCI species. The applicant has set out specification requirements which are set out in SNH Guidance, (2016)
<b>12 River Boyne and River Blackwater SPA [004232],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Kingfisher (Alcedo atthis) [A229]</i>	Maintain	As above.	As above.

**13. Boyne Estuary SPA [004080],**

**Summary of Appropriate Assessment**

SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Shelduck (Tadorna tadorna) [A048]</i>	Maintain	As above.	As above.
<i>Oystercatcher (Haematopus ostralegus) [A130]</i>	Maintain		
<i>Golden Plover (Pluvialis apricaria) [A140]</i>	Maintain		
<i>Grey Plover (Pluvialis squatarola) [A141]</i>	Maintain		
<i>Lapwing (Vanellus vanellus) [A142]</i>	Maintain		
<i>Knot (Calidris canutus) [A143]</i>	Maintain		
<i>Sanderling (Calidris alba) [A144]</i>	Maintain		
<i>Black-tailed Godwit (Limosa limosa) [A156]</i>	Maintain		
<i>Redshank (Tringa totanus) [A162]</i>	Maintain		
<i>Turnstone (Arenaria interpres) [A169]</i>	Maintain		
<i>Little Tern (Sterna albifrons) [A195]</i>	Maintain		

<i>Wetland and Waterbirds</i> [A999]	Maintain		
<b>14. South Dublin Bay and River Tolka Estuary SPA [004024]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Light-bellied Brent Goose (Branta bernicla hrota)</i> [A046]	Maintain	As above.	As above.
<i>Oystercatcher (Haematopus ostralegus)</i> [A130]	Maintain		
<i>Ringed Plover (Charadrius hiaticula)</i> [A137]	Maintain		
<i>Grey Plover (Pluvialis squatarola)</i> [A141]	Under Review		
<i>Knot (Calidris canutus)</i> [A143]	Maintain		
<i>Sanderling (Calidris alba)</i> [A144]	Maintain		
<i>Dunlin (Calidris alpina)</i> [A149]	Maintain		
<i>Bar-tailed Godwit (Limosa lapponica)</i> [A157]	Maintain		

<i>Redshank (Tringa totanus) [A162]</i>	Maintain		
<i>Black-headed Gull (Chroicocephalus ridibundus) [A179]</i>	Maintain		
<i>Roseate Tern (Sterna dougallii) [A192]</i>	Maintain		
<i>Common Tern (Sterna hirundo) [A193]</i>	Maintain		
<i>Arctic Tern (Sterna paradisaea) [A194]</i>	Maintain		
<i>Wetland and Waterbirds [A999]</i>	Maintain		
<b>15. Howth Head Coast SPA [004113]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
Kittiwake ( <i>Rissa tridactyla</i> ) [A188]	Restore	As above.	As above.
<b>16. North Bull Island SPA [004006]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</i>	Maintain	As above.	As above.

<i>Shelduck (Tadorna tadorna) [A048]</i>	Maintain		
<i>Teal (Anas crecca) [A052]</i>	Maintain		
<i>Pintail (Anas acuta) [A054]</i>	Maintain		
<i>Shoveler (Anas clypeata) [A056]</i>	Maintain		
<i>Oystercatcher (Haematopus ostralegus) [A130]</i>	Maintain		
<i>Golden Plover (Pluvialis apricaria) [A140]</i>	Maintain		
<i>Grey Plover (Pluvialis squatarola) [A141]</i>	Maintain		
<i>Knot (Calidris canutus) [A143]</i>	Maintain		
<i>Sanderling (Calidris alba) [A144]</i>	Maintain		
<i>Dunlin (Calidris alpina) [A149]</i>	Maintain		
<i>Black-tailed Godwit (Limosa limosa) [A156]</i>	Maintain		
<i>Bar-tailed Godwit (Limosa lapponica) [A157]</i>	Maintain		

<i>Curlew (Numenius arquata) [A160]</i>	Maintain		
<i>Redshank (Tringa totanus) [A162]</i>	Maintain		
<i>Turnstone (Arenaria interpres) [A169]</i>	Maintain		
<i>Black-headed Gull (Chroicocephalus ridibundus) [A179]</i>	Maintain		
<i>Wetland and Waterbirds [A999]</i>	Maintain		
<b>17. Baldoyle Bay SPA [004016]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</i>	Maintain	As above.	As above.
<i>Shelduck (Tadorna tadorna) [A048]</i>	Maintain		
<i>Ringed Plover (Charadrius hiaticula) [A137]</i>	Maintain		
<i>Golden Plover (Pluvialis apricaria) [A140]</i>	Maintain		
<i>Grey Plover (Pluvialis squatarola) [A141]</i>	Maintain		

<i>Bar-tailed Godwit</i> ( <i>Limosa lapponica</i> ) [A157]	Maintain		
<i>Wetland and Waterbirds</i> [A999]	Maintain		
<b>18. Dalkey Island SPA [004172],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Roseate Tern (Sterna dougallii)</i> [A192]	Restore	As above.	As above.
<i>Common Tern (Sterna hirundo)</i> [A193]	Restore		
<i>Arctic Tern (Sterna paradisaea)</i> [A194]	Restore		
<b>19. Malahide Estuary SPA [004025]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Great Crested Grebe (Podiceps cristatus)</i> [A005]	Maintain	As above.	As above.
<i>Light-bellied Brent Goose (Branta bernicla hrota)</i> [A046]	Maintain		
<i>Shelduck (Tadorna tadorna)</i> [A048]	Maintain		

<i>Pintail (Anas acuta)</i> [A054]	Maintain		
<i>Goldeneye (Bucephala clangula)</i> [A067]	Maintain		
<i>Red-breasted Merganser (Mergus serrator)</i> [A069]	Maintain		
<i>Oystercatcher (Haematopus ostralegus)</i> [A130]	Maintain		
<i>Golden Plover (Pluvialis apricaria)</i> [A140]	Maintain		
<i>Grey Plover (Pluvialis squatarola)</i> [A141]	Maintain		
<i>Knot (Calidris canutus)</i> [A143]	Maintain		
<i>Dunlin (Calidris alpina)</i> [A149]	Maintain		
<i>Black-tailed Godwit (Limosa limosa)</i> [A156]	Maintain		
<i>Bar-tailed Godwit (Limosa lapponica)</i> [A157]	Maintain		
<i>Redshank (Tringa totanus)</i> [A162]	Maintain		
<i>Wetland and Waterbirds</i> [A999]	Maintain		



20. Rogerstown Estuary SPA [004015],			
Summary of Appropriate Assessment			
SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Greylag Goose (Anser anser) [A043]</i>	Maintain	As above.	As above.
<i>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</i>	Maintain		
<i>Shelduck (Tadorna tadorna) [A048]</i>	Maintain		
<i>Shoveler (Anas clypeata) [A056]</i>	Maintain		
<i>Oystercatcher (Haematopus ostralegus) [A130]</i>	Maintain		
<i>Ringed Plover (Charadrius hiaticula) [A137]</i>	Maintain		
<i>Grey Plover (Pluvialis squatarola) [A141]</i>	Maintain		
<i>Knot (Calidris canutus) [A143]</i>	Maintain		
<i>Dunlin (Calidris alpina) [A149]</i>	Maintain		
<i>Black-tailed Godwit (Limosa limosa) [A156]</i>	Maintain		

<i>Redshank (Tringa totanus) [A162]</i>	Maintain		
<i>Wetland and Waterbirds [A999]</i>	Maintain		
<b>20. Dundalk Bay SPA [004026]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Great Crested Grebe (Podiceps cristatus) [A005]</i>	Maintain	As above.	As above.
<i>Greylag Goose (Anser anser) [A043]</i>	Maintain		
<i>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</i>	Maintain		
<i>Shelduck (Tadorna tadorna) [A048]</i>	Maintain		
<i>Teal (Anas crecca) [A052]</i>	Maintain		
<i>Mallard (Anas platyrhynchos) [A053]</i>	Maintain		
<i>Pintail (Anas acuta) [A054]</i>	Maintain		
<i>Common Scoter (Melanitta nigra) [A065]</i>	Maintain		

<i>Red-breasted Merganser (Mergus serrator) [A069]</i>	Maintain		
<i>Oystercatcher (Haematopus ostralegus) [A130]</i>	Maintain		
<i>Ringed Plover (Charadrius hiaticula) [A137]</i>	Maintain		
<i>Golden Plover (Pluvialis apricaria) [A140]</i>	Maintain		
<i>Grey Plover (Pluvialis squatarola) [A141]</i>	Maintain		
<i>Lapwing (Vanellus vanellus) [A142]</i>	Maintain		
<i>Knot (Calidris canutus) [A143]</i>	Maintain		
<i>Dunlin (Calidris alpina) [A149]</i>	Maintain		
<i>Black-tailed Godwit (Limosa limosa) [A156]</i>	Maintain		
<i>Bar-tailed Godwit (Limosa lapponica) [A157]</i>	Maintain		
<i>Curlew (Numenius arquata) [A160]</i>	Maintain		
<i>Redshank (Tringa totanus) [A162]</i>	Maintain		

<i>Black-headed Gull</i> ( <i>Chroicocephalus ridibundus</i> ) [A179]	Maintain		
<i>Common Gull</i> ( <i>Larus canus</i> ) [A182]	Maintain		
<i>Herring Gull</i> ( <i>Larus argentatus</i> ) [A184]	Maintain		
<i>Wetland and Waterbirds</i> [A999]	Maintain		
<b>22. Skerries Islands SPA [004122]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Cormorant</i> ( <i>Phalacrocorax carbo</i> ) [A017]	Restore	As above.	As above.
<i>Shag</i> ( <i>Phalacrocorax aristotelis</i> ) [A018]	Restore		
<i>Light-bellied Brent Goose</i> ( <i>Branta bernicla hrota</i> ) [A046]	Maintain		
<i>Purple Sandpiper</i> ( <i>Calidris maritima</i> ) [A148]	Maintain		
<i>Turnstone</i> ( <i>Arenaria interpres</i> ) [A169]	Maintain		

<i>Herring Gull (Larus argentatus) [A184]</i>	Restore		
<b>23. Ireland's Eye SPA [004117]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Cormorant (Phalacrocorax carbo) [A017]</i>	Restore	As above.	As above.
<i>Herring Gull (Larus argentatus) [A184]</i>	Restore		
<i>Kittiwake (Rissa tridactyla) [A188]</i>	Restore		
<i>Guillemot (Uria aalge) [A199]</i>	Maintain		
<i>Razorbill (Alca torda) [A200]</i>	Maintain		
<b>24. Lambay Island SPA [004069],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Fulmar (Fulmarus glacialis) [A009]</i>	Restore	As above.	As above.
<i>Cormorant (Phalacrocorax carbo) [A017]</i>	Restore		

<i>Shag (Phalacrocorax aristotelis) [A018]</i>	Restore		
<i>Greylag Goose (Anser anser) [A043]</i>	Restore		
<i>Lesser Black-backed Gull (Larus fuscus) [A183]</i>	Maintain		
<i>Herring Gull (Larus argentatus) [A184]</i>	Restore		
<i>Kittiwake (Rissa tridactyla) [A188]</i>	Restore		
<i>Guillemot (Uria aalge) [A199]</i>	Maintain		
<i>Razorbill (Alca torda) [A200]</i>	Maintain		
<i>Puffin (Fratercula arctica) [A204]</i>	Restore		
<b>25. Rockabill SPA [004014],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Purple Sandpiper (Calidris maritima) [A148]</i>	Maintain	As above.	As above.
<i>Roseate Tern (Sterna dougallii) [A192]</i>	Maintain		

<i>Common Tern (Sterna hirundo) [A193]</i>	Maintain		
<i>Arctic Tern (Sterna paradisaea) [A194]</i>	Maintain		
<b>26. The Murrough SPA [004186]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Red-throated Diver (Gavia stellata) [A001]</i>	Maintain	As above.	As above.
<i>Greylag Goose (Anser anser) [A043]</i>	Restore		
<i>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</i>	Restore		
<i>Wigeon (Anas penelope) [A050]</i>	Maintain		
<i>Teal (Anas crecca) [A052]</i>	Maintain		
<i>Black-headed Gull (Chroicocephalus ridibundus) [A179]</i>	Maintain		
<i>Herring Gull (Larus argentatus) [A184]</i>	Maintain		
<i>Little Tern (Sterna albifrons) [A195]</i>	Maintain		

<i>Wetland and Waterbirds</i> [A999]	Maintain		
<b>27. Stabannan-Braganstown SPA [004091],</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Greylag Goose (Anser anser)</i> [A043]	Restore	As above.	As above.
<b>28. the North-West Irish Sea SPA [004236]</b>			
<b>Summary of Appropriate Assessment</b>			
<b>SCI</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<i>Red-throated Diver (Gavia stellata)</i> [A001]	Maintain	As above.	As above.
<i>Great Northern Diver (Gavia immer)</i> [A003]	Maintain		
<i>Fulmar (Fulmarus glacialis)</i> [A009]	Restore		
<i>Manx Shearwater (Puffinus puffinus)</i> [A013]	Maintain		
<i>Cormorant (Phalacrocorax carbo)</i> [A017]	Restore		
<i>Shag (Phalacrocorax aristotelis)</i> [A018]	Restore		



<i>Common Scoter (Melanitta nigra) [A065]</i>	Maintain		
<i>Little Gull (Larus minutus) [A177]</i>	Maintain		
<i>Black-headed Gull (Chroicocephalus ridibundus) [A179]</i>	Maintain		
<i>Common Gull (Larus canus) [A182]</i>	Maintain		
<i>Lesser Black-backed Gull (Larus fuscus) [A183]</i>	Maintain		
<i>Herring Gull (Larus argentatus) [A184]</i>	Restore		
<i>Great Black-backed Gull (Larus marinus) [A187]</i>	Maintain		
<i>Kittiwake (Rissa tridactyla) [A188]</i>	Restore		
<i>Roseate Tern (Sterna dougallii) [A192]</i>	Maintain		
<i>Common Tern (Sterna hirundo) [A193]</i>	Maintain		
<i>Arctic Tern (Sterna paradisaea) [A194]</i>	Maintain		
<i>Little Tern (Sterna albifrons) [A195]</i>	Maintain		

<i>Guillemot (Uria aalge)</i> [A199]	Maintain		
<i>Razorbill (Alca torda)</i> [A200]	Maintain		
<i>Puffin (Fratercula arctica)</i> [A204]	Restore		
<i>Little Gull Hydrocoloeus minutus</i> [A862]	Maintain		

**Overall Conclusion: Integrity test**

The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites in view of the conservation objectives of those sites.

Based on the information provided, I am satisfied that adverse effects can be excluded for these SPA sites that are remote from the proposed scheme site and that no effects of any significance will occur.

No habitat loss within the European designated sites will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water pipes which drain directly into Dublin Bay. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.

The spread of invasive species can also be controlled via mitigation measures, pre confirmatory surveys will be carried out in order to avoid or adequately treat or remove invasive plants prior to construction being carried out in accordance with an Invasive Species Management Plan.

Temporary ex-situ habitat has been shown not to be of significance to the SCIs and in any case, there will be no loss of suitable inland feeding site.

The applicant has set out a range of mitigation measures to manage displacement, disturbance, mortality and collision of certain bird species including migrating bird who may interact with the OHLE infrastructure.

Therefore, based on the information submitted, surveys carried out and analysis provided I am satisfied that no uncertainty remains.

The proposed scheme would not delay or prevent the attainment of the Conservation objectives of any of Rogerstown Estuary SPA, Malahide Estuary SPA, Lambay Island SPA, Skerries Islands SPA, Baldoyle Bay SPA, North Bull Island SPA, South Dublin and River Tolka Estuary SPA, River Nanny Estuary and Shore SPA, Boyne Estuary SPA, River Boyne and River Blackwater SPA, Howth Head Coast SPA, Dalkey Island SPA, Ireland’s Eye SPA, Rockabill SPA, The Murrough SPA, and Stabannan-Braganstown SPA, North-West Irish Sea SPA.

**29. the Seas Off Wexford SPA [004237],**

**Summary of Appropriate Assessment**

SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Red-throated Diver (Gavia stellata) [A001]</i>	Maintain	Certain impacts may occur, including: <ul style="list-style-type: none"> <li>Habitat degradation/effects on SCI species as a result of hydrological impacts</li> </ul> Certain species are likely to have no potential for impacts due to their foraging distance ranges.  An accidental pollution event during construction could affect surface water	Detailed pollution control measures to protect water quality are outlined within Section 7.1.12.1 and 7.1.12.2 of the NIS and include but are not limited to: <ul style="list-style-type: none"> <li>A requirement for a Pollution Incident Response Plan;</li> <li>Construction Compound management including the storage of any fuels and materials;</li> <li>Control of Sediments;</li> <li>Use of concrete; and</li> </ul>
<i>Fulmar (Fulmarus glacialis) [A009]</i>	Restore		
<i>Manx Shearwater (Puffinus puffinus) [A013]</i>	Maintain		
<i>Gannet (Morus bassanus) [A016]</i>	Maintain		
<i>Cormorant (Phalacrocorax carbo) [A017]</i>	Restore		

<i>Shag (Phalacrocorax aristotelis) [A018]</i>	Restore	downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could potentially affect the quality the of intertidal/coastal habitats that support the SCI bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations.	<ul style="list-style-type: none"> <li>• Management of vehicles and plant including refuelling and wheel wash facilities, etc.</li> <li>• Implementation of Iarnród Éireann best practice procedures during operations</li> </ul> <p>The Commission will note areas prone to flooding like the construction compound at Bisset's Strand will only be used during the summer months.</p>
<i>Common Scoter (Melanitta nigra) [A065]</i>	Maintain		
<i>Mediterranean Gull (Larus melanocephalus) [A176]</i>	Maintain		
<i>Black-headed Gull (Chroicocephalus ridibundus) [A179]</i>	Maintain		
<i>Lesser Black-backed Gull (Larus fuscus) [A183]</i>	Maintain		
<i>Herring Gull (Larus argentatus) [A184]</i>	Maintain		
<i>Kittiwake (Rissa tridactyla) [A188]</i>	Restore		
<i>Sandwich Tern (Sterna sandvicensis) [A191]</i>	Maintain		
<i>Roseate Tern (Sterna dougallii) [A192]</i>	Maintain		
<i>Common Tern (Sterna hirundo) [A193]</i>	Maintain		
<i>Arctic Tern (Sterna paradisaea) [A194]</i>	Maintain		
<i>Little Tern (Sterna albifrons) [A195]</i>	Restore		

<i>Guillemot (Uria aalge)</i> [A199]	Maintain		
<i>Razorbill (Alca torda)</i> [A200]	Maintain		
<i>Puffin (Fratercula arctica)</i> [A204]	Restore		
<b>Overall Conclusion: Integrity test</b>			
<b>30. Wicklow Head SPA [004127]</b>			
<b>Summary of Appropriate Assessment</b>			
SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Kittiwake (Rissa tridactyla)</i> [A188]	Restore	As above.	As above.
<b>Overall Conclusion: Integrity test</b>			
<b>31. Saltee Islands SPA [004002].</b>			
<b>Summary of Appropriate Assessment</b>			
SCI	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<i>Fulmar (Fulmarus glacialis)</i> [A009]	Maintain		
<i>Gannet (Morus bassanus)</i> [A016]	Maintain		
<i>Cormorant (Phalacrocorax carbo)</i> [A017]	Maintain	As above.	As above.

<i>Shag (Phalacrocorax aristotelis) [A018]</i>	Maintain		
<i>Lesser Black-backed Gull (Larus fuscus) [A183]</i>	Maintain		
<i>Herring Gull (Larus argentatus) [A184]</i>	Maintain		
<i>Kittiwake (Rissa tridactyla) [A188]</i>	Maintain		
<i>Guillemot (Uria aalge) [A199]</i>	Maintain		
<i>Razorbill (Alca torda) [A200]</i>	Maintain		
<i>Puffin (Fratercula arctica) [A204]</i>	Maintain		
<b>Overall Conclusion: Integrity test</b>			
<p>The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites in view of the conservation objectives of those sites.</p> <p>Based on the information provided, I am satisfied that adverse effects can be excluded for these SPA sites that are remote from the proposed scheme site and that no effects of any significance will occur.</p> <p>No habitat loss within the European designated sites will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water pipes which drain directly into Dublin Bay. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.</p>			

Therefore, based on the information submitted, surveys carried out and analysis provided I am satisfied that no uncertainty remains.

The proposed scheme would not delay or prevent the attainment of the Conservation objectives of Seas Off Wexford SPA, Wicklow Head SPA and Saltee Islands SPA.

### 11.3.2 Potential for Adverse Effects

Having reviewed the development proposal I submit that the main aspects that could adversely affect the conservation objectives of the above-mentioned European Sites include:

- Impacts as a result of reduction of water quality through construction or operational related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt runoff.
- Spread of invasive species through the movement of soils and/or use of machinery.
- Species mortality arising from electrocution/collision with OHLE, in particular at water crossings at exposed lands during operational phase.]
- Construction in the vicinity of could result in disturbance to and potentially displacement - this may arise from noise, vibration, lighting, air, dust, and/or any form human activity.
- Impacts as a result of deteriorated air quality and dust deposition.

The associated effects of a reduction of surface water quality, albeit unlikely, could potentially extend for a considerable distance downstream of the location of the accidental pollution event or the discharge. The potential changes to water quality from pollution and sedimentation of watercourses and given the proximity of the coast, the Irish Sea, during the construction phase could potentially result in adverse effects on the downstream habitat degradation/effects on QI species and habitat degradation and could affect the quality of intertidal/coastal habitat that support SCI bird species. As a worst-case scenario there is potential to affect mobile SCI bird species that commute, forage, and loaf along the Irish Sea coast. It could also negatively affect the quantity and quality of prey available to SCI bird species.

Based on the information provided and mitigation measures included in relation to protection of water during the construction period, adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the relevant watercourses and pipe networks which drain into the Irish Sea.



Regard is also had to the potential for habitat degradation as a result of introducing/spreading invasive species during construction phase. As noted, such invasive species are recorded within and in the vicinity of the rail corridor.

In terms of the operational phase there will be no net increase in existing runoff rates and appropriate treatment will ensure runoff quality. Attenuation tanks are to be provided to serve the new platform and substation buildings, new hardstanding areas and other retaining structures. There will be appropriate treatment prior to discharge.

Invasive species can be controlled via mitigation measures, including pre-construction surveys, implementation of a management plan and monitoring in subsequent years following treatment.

Light-bellied brent geese feed on grasslands in Dublin City when their main food source in Dublin Bay, eelgrass, becomes exhausted. Areas close to the proposed project which have potential to support this species include amenity grassland along the railway corridor. It is considered likely that wintering population may commute up the along watercourses to available foraging grassland habitat. I am satisfied that given the temporary use of the construction compounds and limited land take required for substations, there is an abundance of alternative suitable habitat for wintering wetland bird species in the surrounding area. The species is mobile and accustomed to moving from field to field to forage.

The potential for collision with Liffey Bridge OHLE infrastructure and mortality could have an adverse effect on populations trends and distribution. Collision risk is to be mitigated by the feeder wire along both sides of OHLE masts at certain locations being fitted with a device to make lines more visible species. A hanging device is proposed on the basis that it is universal, cost-effective, allows easy installation, remains in position in severe weather conditions and fits a range of conductors/wires.

In addition to the forgoing, I also consider it important to examine the potential for impacts to arise in relation to noise and vibration disturbance arising from construction works and in relation to Air Quality deterioration arising from both construction works and the operational phase of the development.

Potential Adverse effects in relation to noise disturbance and vibration have been examined by the applicant and are not considered to be likely to give rise to

significant adverse effect due to the distance of Natura 2000 sites and known ex-situ sites from the proposed works. Effects would not be expected beyond 150 m for mammals such as otter and 300 m for wintering birds. Noise levels arising from construction would attenuate to existing background noise levels at that distance.

As construction works may be undertaken during normal daylight working hours and nighttime, impacts to species like otter, who are nocturnal in habit may increase. However, I am satisfied that otter can (in many circumstances) tolerate high levels of human presence and disturbance, displacement of otter from their habitat is extremely unlikely to affect the local otter population. On this basis there will be no significant adverse effect on the SCIs listed and consequently on the conservation objectives of the River Boyne and River Blackwater SAC. As such no disturbance impacts arising from noise and vibration are considered likely.

In addition to the foregoing, consideration was given to the potential for adverse effects to occur in relation to habitat degradation as a result of air quality. I note that the unmitigated Zol for air quality effects arising from the proposed scheme has the potential to extend 50m from the Proposed scheme boundary, and 500 m from construction compounds during the construction phase, and up to 200 m the proposed scheme boundary during the operational phase. The applicant has identified extensive mitigation in this regard including a CEMP and Air Quality Management Plan.

As mentioned previously above the applicant identified a number of ex-situ sites in close proximity or adjacent to the Proposed Development throughout the entirety of the Proposed Development, including agricultural lands, and short sward grassland. These may be utilised and traversed by Bird Species, listed as SCIs. These species include light-bellied Brent goose, curlew, grey plover, black-tailed godwit, bar-tailed godwit, oystercatcher, lapwing, golden plover, ringed plover, grey plover, greylag geese, blacked-headed gull, herring gull and lesser black-backed gull. Surveys were undertaken to determine the importance of these sites for these species. I note that survey results demonstrated a relatively low frequency of occurrence of SCIs of the aforementioned sites. Low occurrence suggests that these species do not regularly use or rely upon these lands as foraging and/or roosting habitat and are likely to use other suitable sites available in the wider area on a similar or more regular basis. In

any case, there is an abundance of alternative suitable habitat for wintering wetland bird species in the surrounding area.

The availability of large areas of suitable foraging and/or roosting habitat for these SCI bird species in the wider locality of the proposed development, including those in closer proximity to SPAs ensures that there will be no significant adverse effect on the SCIs listed and consequently on the conservation objectives of those SPAs.

The proposed scheme crosses several watercourses, all discharging into the Irish Sea at various locations. Surface waters will also drain to the Irish Sea via existing drainage across the proposed scheme. The Irish Sea contains several European sites. The release of contaminated surface water runoff and/or an accidental spillage or pollution event into any surface water features during construction, or operation, has the potential to affect water quality in the receiving aquatic environment. Such a pollution event may include: the release of sediment into receiving waters and the subsequent increase in mobilised suspended solids and the accidental spillage and/or leaks of contaminants into receiving waters. The associated effects of a reduction of surface water quality could potentially extend for a considerable distance downstream of the location of the accidental pollution event or the discharge.

### **11.3.3 In Combination Assessment**

Chapter 8.0 of the NIS addresses the potential for in combination effects to arise. The potential is considered in the context of other permitted and planned development in the area as well as the existing/approved plans and programmes.

The primary concern I would raise in an in combination context would be any effects from water contamination and sediment release from other plans and projects in the water catchments and other catchments that are connected to the Irish Sea. Were there a cumulation of events this would result could adversely effect the water quality and in turn the SCIs and Qis of the various European sites that rely on it.

This being said, plans are projects, as identified in Appendix 1.8 of the NIS, would have and/or will be subject to the relevant regulatory process in order to receive consent or permission. The city and county development plans have clear policies and objectives for the protection of water quality and European sites. It should be noted that the relevant development plans were themselves subject to AA.

'Other projects I have identified projects including NTA projects that are in the public domain/at preliminary design i.e., not active/granted but have the potential for cumulative effects with the project. These include the following:

- DART+ West;
- DART+ South West;
- DART+ Coastal South;
- Metrolink;
- Luas Finglas;
- North Irish Sea Array Offshore Wind Farm (NISA);
- Dundalk Active Travel Project;
- ESB electricity supply connections (from substations to the ESB network);
- DART Station Enhancement Project;
- Multimodal Interchange Project;
- DART Platform Accessibility Project; and
- Iarnród Éireann Carparks Programme

It is accepted that the NIS was written at a point in time and proposals come and go in the planning system while any proposed development is being assessed by the Commission. I have reviewed the relevant planning registers in June 2025 to ensure no other projects arose. I note the submission of the local authorities also who identify certain projects. These are all noted and considered in the assessment.

I note in particular the ESB electricity supply connections and supply alterations/diversions required to serve the development. ESB are to progress a separate application for electricity supply connections to accommodate the development. The works will progress in parallel and will be completed in advance of the completion of the proposed project. The works will involve underground cabling along the local road networks which will require partial or temporary road closures. I do not consider that there would be in combination effects which would be adverse.

It is accepted that if construction works for these other supporting projects coincide with the proposed development there would be an increased likelihood of a pollution event traffic. These construction impacts are well understood and readily mitigated, as demonstrated by the applicant. In any case construction periods are generally temporary and often short-term and with appropriate management provisions being

made through the relevant CEMPs which will be updated throughout construction will ensure avoidance of effects.

I note overlap between construction works and the development of residential schemes in Donabate and Bettystown. I submit that the substantive in combination impacts which could potentially arise would be associated with the construction periods of the projects should they overlap or occur sequentially. There would be potential for impacts on water quality and also potential for in combination effects on air quality arising from construction dust in addition to increased noise and vibration which would impact species and habitats where projects overlap or are in the vicinity of one another. The mitigation measures including CEMPs should result in the impacts being avoided in the context of European sites. There is also a material distance between these residential schemes and European sites in any case.

The assessment of a range of plans and programmes is included in Table 8-1 and considers a suite of national, regional and local policy documents. I consider that the documents considered is comprehensive. I note that a number of the plans have been updated since the preparation of the EIAR including the National Planning Framework and the Climate Action Plan. I submit that the applicable and relevant provisions of the updated plans remain consistent with the overall objectives of the proposed development, and any changes therein do not materially change the outcome of this Appropriate Assessment.

Having regard to the nature and extent of the projects the likely in combination effects arising and to the mitigation measures proposed including CEMP, SWMP and ISPM, I accept the conclusions that there would be no significant in combination effects. I am satisfied that a robust and detailed assessment of the potential for in combination effects to arise has been carried out.

#### **11.3.4 Mitigation Measures and Monitoring**

A summary of mitigation measures is presented in the tables above. Full details are provided in the NIS, CEMP and Invasive Species Management Plan and SWMP. I consider that all measures proposed are implementable and will be effective in their stated aims. Furthermore, where deemed necessary a suitably experienced and qualified ecologist will be employed by the appointed contractor. The ecologist will advise the appointed contractor on ecological matters during construction,

communicate all findings in a timely manner to the CIÉ and statutory authorities, acquire any licences / consents required to conduct the work, and supervise and direct the ecological measures associated with the proposed scheme. A summary of mitigation measures is presented in the table below.

<b>Table 36: Mitigation Measures</b>	
<b>Measure</b>	<b>Detail</b>
Measures to protect surface water quality and groundwater quality during construction:	Use of silt traps, silt fences, bunds for run off to collect in, good construction practice in relation to concrete use and wash out on site. The use of bunded areas, secured areas for hazardous materials, fuels, lubricants and use of spill kits. The use of onsite treatment for surface water runoff, use of settlement tanks/ponds and management of same. Monitoring of water bodies.
Measures to protect surface water quality during operation:	IE Standards and Procedures
Measures to minimise dust and protected air quality	CEMP and Air Quality Management Plan.
Measures related to Otter	Water Quality Measures during construction and operation, confirmatory pre-construction checks and management in accordance with the <i>Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes (NRA, 2006)</i> , management of excavations and fencing, reduction of lighting
Measures to Prevent the Spread of Non-Native Invasive Species to Downstream European sites	Preconstruction survey, Implementation of an Invasive species management plan and post construction monitoring programme.

It is noted that otter is not a qualifying interest of the Malahide Estuary SAC, however, the applicant, under EIA, is proposing mitigation for same on the northern side of the Malahide Estuary at Kilcrea. Despite no otter holts being found in the Zol an otter crossing will be constructed across the railway by installing a 600 mm diameter pipe (as per TII guidance 2006) located just south of the River Pill (UBB31) on the basis of field signs that indicate activity. This is intended to support otters moving from the Outer Malahide Estuary into the stream and diverts them away from the railway tracks. It is noted that the NPWS has sought the extension of the tunnel

across the Broadmeadow Greenway. The applicant has no objection to this and suggests a condition be attached to enable this.

### **11.4 Appropriate Assessment Conclusion: Integrity Test**

In screening the need for AA, it was determined that the proposed scheme, DART+ Coastal North which intends to upgrade to the existing railway infrastructure and will primarily include the electrification of the line between Malahide and Drogheda (MacBride). had the potential to result in significant effects on European Sites, and that AA was required in view of the conservation objectives of those sites.

Following a detailed examination and evaluation of the NIS all associated material submitted with the application as relevant to the AA process and taking into account submissions of third parties, I am satisfied that based on the design of the proposed scheme, combined with the proposed mitigation measures, adverse effects on the integrity of:

#### **SACs**

1. Malahide Estuary SAC [000205],
2. Rogerstown Estuary SAC [000208],
3. River Boyne and River Blackwater SAC [002299],
4. Baldoyle Bay SAC [000199],
5. Boyne Coast and Estuary SAC [001957],
6. Rockabill to Dalkey Island SAC [003000],
7. Lambay Island SAC [000204],
8. North Dublin Bay SAC [000206],
9. South Dublin Bay SAC [000210],
10. Codling Fault Zone SAC [003015],

#### **SPAs**

11. River Nanny Estuary and Shore SPA [004158],
12. River Boyne and River Blackwater SPA [004232],
13. Boyne Estuary SPA [004080],
14. South Dublin Bay and River Tolka Estuary SPA [004024],
15. Howth Head Coast SPA [004113],
16. North Bull Island SPA [004006],

17. Baldoyle Bay SPA [004016],
18. Dalkey Island SPA [004172],
19. Malahide Estuary SPA [004025],
20. Rogerstown Estuary SPA [004015],
21. Dundalk Bay SPA [004026],
22. Skerries Islands SPA [004122],
23. Ireland's Eye SPA [004117],
24. Lambay Island SPA [004069],
25. Rockabill SPA [004014],
26. The Murrough SPA [004186],
27. Stabannan-Braganstown SPA [004091],
28. the North-West Irish Sea SPA [004236]
29. the Seas Off Wexford SPA [004237],
30. Wicklow Head SPA [004127], and
31. Saltee Islands SPA [004002].

can be excluded with confidence in view of the conservation objectives of those sites.

This conclusion is based on the following:

- A detailed assessment of all aspects of the proposed scheme that could result in significant effects or adverse effects on European Sites within a ZOI of the development site.
- Consideration of the conservation objectives and conservation status of QI habitats and species.
- A full assessment of risks to SCI bird species and QI habitats and species
- Complete and precise survey data and analysis of wintering birds. The proposed scheme site has been scientifically verified as not being of significance to or an area favoured by SCI bird species at any stage of the wintering or summer seasons.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.



The proposed scheme would not undermine the favourable conservation condition of any QI feature or delay the attainment of favourable conservation condition for any QI habitats and species for these European sites.

## 12.0 Compulsory Acquisition Assessment

The draft Railway Orders includes a series of Schedules of which the following are relevant to the issue of land acquisition:

<b>Table 37: Schedules of the Compulsory Purchase Order</b>	
<b>Schedule</b>	<b>Title</b>
Second Schedule-Part 1	Land which may be acquired
Second Schedule-Part 2	Structures to which brackets, cables, wires, poles or other fixtures may be attached
Second Schedule-Part 3	Airspace which may be acquired
Third Schedule	Land of which temporary possession may be taken
Fourth Schedule-Part 1	Land over which Permanent Private Rights of Way or Other Easements may be acquired
Fourth Schedule-Part 2	Land over which Temporary Private Rights of Way or Other Easements may be acquired
Fifth Schedule	Public Rights, including Public Rights of Way which may be extinguished or altered
Sixth Schedule	Private Rights, including Private Rights of Way which may be extinguished or altered
Seventh Schedule-Part 1	Public Rights of Way which may be temporarily interrupted
Seventh Schedule-Part 2	Private Rights of Way which may be temporarily interrupted
Eighth Schedule	New roads including public roads and bridges which may be constructed
Ninth Schedule	Roads including public roads which may be altered, realigned or closed
Tenth Schedule	Utilities to be decommissioned and diverted

Part III of the draft Railway Order relates to Acquisition and Possession of Land and Rights and contains a series of articles setting out the powers of the railway undertaking to extinguish rights of way, acquire lands, easements and other rights over the lands identified in the abovementioned schedules. The affected lands are also identified in the Book of Reference and are illustrated in a series of drawings.

The applicant advised that potentially impacted landowners/occupiers were contacted as soon as the need for land acquisition at their property was identified with property owners' names identified via Property Registration Authority of Ireland (PRAI) searches. Consequent to the lodgement of the application there are instances where this data was found to be out-of-date such as with Xeolas Pharmaceuticals Limited in Baldoyle. I acknowledge that this is a matter outside the control of the applicant, and it has continued to update the property owner database where new information has become available in the course of the engagement process.

## 12.1 Assessment

The matters that the Commission must consider before confirming the compulsory acquisition of lands are not clearly prescribed in legislation. Case law indicates that the Commission must be satisfied that the applicant (in this case CIÉ) has demonstrated that the compulsory acquisition “is clearly justified by the common good”.

Legal commentators have stated that this phrase requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the lands in question,
- The particular lands are suitable to meet that community need,
- Any alternative methods of meeting the community need have been considered but are not demonstrably preferable (taking into account environmental effects, where appropriate), and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.

Another test set out in “Planning and Development Law” (Garrett Simons – Second Edition) requires consideration of whether the proposed compulsory acquisition measures will have a disproportionate or excessive effect on the interests of the affected persons. This issue of proportionality, along with other issues arising from the matters raised by the objectors to the compulsory acquisition are discussed in the following sections. In assessing the compulsory acquisition, I have considered throughout whether the lands/rights being acquired are necessary and suitable to facilitate the provision of the Dart+ Coastal North. The Commission will note that some of these issues, namely justification/need for the scheme, development plan compliance and assessment of alternatives have also been addressed in other sections of this report, and, therefore, this section should be read in conjunction with same, where relevant.

Matters relating to compensation for land/property acquisition are not within the remit of the Commission and will be subject to separate compulsory purchase practice and procedures, should the Commission grant the Railway Order.

### **12.1.1 Community Need**

Overall, the proposed scheme as facilitated by the compulsory acquisition will deliver critical and necessary physical infrastructure which is required to support urban compact growth, to sustain and cater for the existing and projected population growth along the rail corridor which will benefit the community as a whole at a local, county, regional and national level. It will provide for an accessible, resilient, efficient and reliable public transport option providing an attractive alternative to the private car and will contribute to reducing transport congestion and emissions.

From the above it is clear that there is a distinct and obvious community need and justification for the proposed scheme – the community need is clearly supported in national, regional and local policy as set out in Section 8.1 of this report. The infrastructure facilitated by the acquisition will provide greater opportunities and enhanced connectivity for all sections of the local community and all will be able to enjoy the wider benefits arising in terms of modal shift, reduced congestion, and reduced emissions, as well as providing more sustainable transport options.

In conclusion, whilst there will be adverse impacts for individual landowners and occupiers whose lands it is proposed to acquire, I consider that the proposed acquisition can be justified by the exigencies of the common good. I submit that the community need for the proposed development has been established.

### **12.1.2 Suitability of Lands**

It is proposed to acquire lands (both on a permanent and temporary basis) and restrict or otherwise interfere with public rights of way along and in proximity to the existing railway corridor.

The lands subject to compulsory acquisition are currently used for a range of land uses including greenfield and brownfield sites. No habitable dwellings are proposed to be acquired.

The Book of Reference, as amended, identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with. Individual submissions/objections received in relation to the lands to be acquired and impacts on rights have been summarised in this report.

I have reviewed the submitted drawings and application documentation, considered the submissions made and conducted a site inspection. Having considered these matters, I am satisfied that the extent of land that would be permanently or temporarily acquired is necessary and proportionate to ensure the delivery of the proposed scheme to appropriate standards and I do not consider that the applicant is seeking to acquire lands in excess of the minimum required to achieve the project objectives. I am satisfied that the land and rights subject to the compulsory acquisition are suitable for the uses and purposes for which the compulsory acquisition is being sought i.e. to facilitate the DART+ Coastal North project and all associated works.

### **12.1.3 Alternative Methods**

The consideration of alternatives is addressed in Chapter 3 of the EIAR, is assessed in Section 9.2 of this report and under various headings of my planning assessment.

The Multi-Criteria Analysis (MCA) technique has been applied to inform the option selection process to determine the end-to-end preferred option for the proposed Project. The MCA was informed by the CAF for Transport Projects and Programmes (Department of Transport Tourism and Sport, March 2016 and updated October 2020). The CAF Guidelines require projects to undergo an MCA under a common set of six CAF criteria pertaining to economy, integration, environment, accessibility, safety and physical activity.

I accept that due to the existence of the existing operational rail line running in a pre-defined corridor the scope of reasonable alternatives is significantly constrained. Thus, the focus of the interventions required are, in their totality, on an operational rail line and primarily within or directly adjacent to the existing rail corridor. A number of discrete elements extend beyond the boundary of the existing railway such as substations, access and constructions compounds. Given this, the alternatives have been drafted to focus on those elements for which alternative options manifest, options which are markedly different from one another, and which have varied impact on the local environment. Examples of such include the turn back location at Malahide, the location for Platform 4 in Drogheda (MacBride) Station and the locations of substations and construction compounds and drainage.

I also note that in all new infrastructure has the specific requirements in terms of its position relative to the existing railway and in many cases, this restricts alternative locations – regardless, I am of the view that the applicant has presented all reasonable alternative design options and considered issues related to technical and design matters including the configuration and access arrangements.

I consider that the process undertaken by the applicant has included a robust assessment of alternative options having regard to planning and environmental considerations, safety, economic and social factors, and the stated project need and objectives, and I generally concur with the reasons for choosing the preferred options in terms of bridge modifications or replacement.

Furthermore, I note that the design of the scheme has, in so far as is possible, minimised impacts on individual landowners. Where land take requirements are necessary the EIAR shows that a number of alternatives were considered and reviewed before the final option was selected.

On the basis of the above I am satisfied that the proposed scheme chosen is the one which best meets the stated scheme objective, to support as part of the wider DART + programme urban compact growth and contribute to reducing transport congestion and emissions in Dublin by enabling a modernised high-quality commuter rail service. I am, therefore, satisfied that any alternative means of meeting the community need have been considered and are not demonstrably preferable to that set out in the application.

#### **12.1.4 Accordance with Planning Policy**

As detailed in Section 8.1 of this report, I am satisfied that the proposed development is consistent with all applicable planning policy and, more particularly, is supported by and in accordance with policies and objectives of the development plans of Dublin City and Fingal, Meath and Louth counties and is also consistent the applicable transport policies at national and regional levels.

### **12.2 Submissions/Objections to Compulsory Acquisition**

The submissions and issues raised have been summarised in Section 7.0 of this report. The submissions were circulated to the applicant who submitted a response which is summarised in in the same section. The applicant's responses were

forwarded to all third parties by the Commission and further commentary was invited. Further submissions were made, which are summarised in section 7.0 also.

### **12.2.1 Common Issues raised in Objections.**

There is a commonality to many of the issues raised by affected landowners/occupiers. Many of the matters arising pertain to planning and environmental issues rather than issues directly relating to the proposed land acquisition per se and, as such, are addressed in detail in the relevant sections of this report. Of note in this regard is the assessment on noise, vibration and structural integrity of properties, dust and air quality, public health considerations, vermin control and drainage and flood risk.

I consider that the common issues arising with specific regard to compulsory acquisition can be summarised as follows:

- Community liaison and clarity of proposals,
- Impact of acquisition on development potential and property valuation

#### **12.2.1.1 *Community Liaison and Clarity of Proposals***

Many objectors raised concerns as to the adequacy of the public consultation process and the ease of accessibility and understanding of the documentation served.

Landowners have been notified and the necessary documentation served with the process advertised accordingly. I am therefore satisfied in relation to the applicant's compliance with the relevant legislation in this regard. Some third parties raise concerns that the extent of land take lacks clarity and more detailed mapping should be provided, however, I am satisfied that the maps are of sufficient standard for clarity and the application documentation provides sufficient detail in relation to the nature of the proposed works.

I also note the commitments set out within the documentation for liaison and engagement with property owners in terms of the works that are proposed and timing/scheduling of same.

#### **12.2.2 Impact of acquisition on development potential and property valuation**

Acquisition is proposed at various locations along the corridor. Objectors are concerned that such acquisition would impact adversely on the development

potential of their lands, many of which have active projects in planning or indeed under construction, and that it would also result in devaluation of property.

The need for much of the acquisition would ensure the long term safety and stability of the rail operations. No adverse structural impacts to property are anticipated as a result of these works as set out in Section 17 and 18 of the EIAR. The applicant has proposed extensive mitigation measures to ensure land and properties are reinstated and made good following the construction period, particularly where the acquisition is temporary and the land will be given back to the owner/occupier. Any claim for compensation would be in accordance with statute, and standard compulsory purchase practice and procedures would address all matters.

I consider that the applicant has provided sufficient detail to justify the need for the acquisition and that matters regarding potential compensation arising from infringement on development rights, if any, and devaluation of property are not within the Commission's remit for consideration.

Some observers have raised concerns relating to possible implications the project will have in relation to them insuring their property. Again, this is not a matter for the Commission to make a determination on. In any event the provisions of Section 48(3)(a) of the Transport (Railway Infrastructure) Act 2001 Act are noted in terms of compensation where an owner/occupier suffers loss, injury, damage or incurs expenditure as a consequence of the railway undertaking.

### **12.2.3 Specific Observations on Lands**

In the interests of avoiding undue repetition, I have grouped submissions by location and where there is a commonality in their content, and I reference other sections of this report where a matter has already been addressed.

#### **12.2.3.1 *Baldoyle and Clongriffin***

##### **12.2.3.1.1 Xeolas Pharmaceuticals Limited**

It proposed to acquire temporarily an operational area of the Xeolas Pharmaceuticals Limited lands. The subject lands are adjoining the Howth Branch and much of it is currently set out as a car park the subject lands are used for car parking. A temporary private rights of way is also being acquired in order to access these lands



from Grange Way. The acquisition is required to carry out the works at Howth Junction & Donaghmede Station.

There appears to have been a change of ownership in the course of making this planning application which has result in no consultation with the current owners. The DART+ Coastal North Project team acknowledges this lack of consultation. The applicant did try to engage with the previous owners, McDermott Pharmaceuticals and Viatras, in respect of use of the site.

The owner/occupier is of the view that the selection process was flawed in so far as the ownership and use of the site by Xeolas was not considered or assessed and the occupation and use of the site by Xeolas was not properly interrogated or reviewed.

I accept the objectors view that there is adjoining property which is state owned and substantially underdeveloped and could be utilised in a less impactful manner. However, I am conscious that this is a large infrastructural project and construction compounds are required route wide at different locations to undertake the necessary works. The identification and sizing of these construction compounds were conducted with a focus on efficiently supporting the required construction activities. The applicant is explicit that they require direct access to the railway line at this location.

The applicant chose this site over other locations, including the adjoining DDLETB Baldoyle Training Centre due to the proximity to the work sites, environmental and community considerations, access and logistics and activity-specific requirements. The Xeolas site is an existing hard standing adjoining the railway. The training centre is not directly adjoining the railway and there is an access point to the rear of the Xeolas site.

The applicant has stated that the impacts were fully considered in Chapter 17 Material Assets – Non-Agricultural Properties of the EIAR. Regardless of the change of ownership, the applicant was aware that the use of the site was by pharmaceutical companies and therefore the baseline rating for the site in question was noted as High. The magnitude of the impact however was low due to the temporary nature of the acquisition and minimal impact, given the use can continue. For those properties with a 'High' baseline rating and 'Low' magnitude of impact, the significance of impact is determined to be 'Slight'.

While there may be an impact or change to deliveries, staff parking, site security, fire protection the applicant will implement measures to minimise disruption to Xeolas' own operational traffic and staff parking and will be coordinate with Xeolas in future. This would be required over a 3-month period. Any disruption identified by Xeolas is ultimately a matter of compensation in the CPO process.

I consider that the works as detailed are essential for the delivery of the project at this location and are unavoidable. I submit that there is a community need to be met by the acquisition of the lands in question, these particular lands are suitable to meet that community need, alternative methods of meeting the community need have been adequately considered by the applicant and are not demonstrably preferable.

It is recommended that the Commission maintain property reference numbers: 5005 T.1 (A), 5005 4T.1 (A), 5005 4T.5 (A)) in the Railway Order.

It is noted that the objector did not make any response the applicant's submission of January 2025.

#### 12.2.3.1.2 Monobrio DAC

The submissions notes that the design of the interface at Clongriffin Station with Project Shoreline has developed through this ongoing engagement and considered the scenario where DART+ Coastal North is constructed post-development of Project Shoreline, which may not have been reflected clearly in the lodged planning documentation.

The observation requested that the findings and agreements of a close out meeting (included in Appendix A of the submission) with specific reference to Section 4 ' Final Design and Recommendations' is considered and encapsulated in the permitted scheme and planning conditions if the development is so permitted.

I have considered these documents and note content therein. While entirely relevant to the construction of the proposed development, I am satisfied they are matters of detailed design and addressed in the memorandum. They can be incorporated into the grant of planning permission should the Commission be so minded. No planning condition is considered necessary in this regard.

It is noted that the objector did not make any response the applicant's submission of January 2025.

### **12.2.3.2 Malahide**

#### 12.2.3.2.1 Malahide Marina Village Ltd.

It is noted that the submission support and agreement for the proposed project provided that: compensation payment is agreed prior to commencement to cater for all damage, disturbances, disruption and inconvenience caused and that any and a restoration works are carried out or compensated for on completion of the project.

Again, these are matters of compensation. Any claim for compensation would be in accordance with statute, and standard compulsory purchase practice and procedures would address all matters.

#### 12.2.3.2.2 Marina Village/Bissett's Strand Residents (incl. Stephaney Bissett, Karen Brown, Mary Theresa Cleary, Thomas McCarthy Des and Sharon Stone

These properties are to the north of Malahide Station and some back onto the railway. The rear boundaries at these locations will not be altered. No acquisition of lands is required however, the submissions are concerned with visual and residential amenity, health and safety, noise and vibration, air quality and property values impacts.

In view of the proximity of the houses to the railway and works the impact on their residential amenities during the construction phase will be significant. Such works are essential for the delivery of the project at this location and are unavoidable. A Noise Management Plan and a scheme of temporary rehousing where certain parameters are met, will be part of the construction stage of the project. The applicant proposes to keep residents informed of upcoming works and give advance notice of any disruptive operations.

The increased level of service proposed at the operational phase and impacts on residential amenities must be assessed in the context of the long-established use of the rail line onto which the affected properties back onto and which would dominate views. The proposed infrastructure proposed as part of the project would be seen in the context of these existing views. The increased train frequency will not result in increased visual access to properties.

I refer the Commission to the sections of my report addressing noise, vibration, dust and air, access and traffic, vermin control, property protection scheme, property valuation, impact of acquisition on development potential and train station provision.

I am satisfied the applicant has given consideration to wider impacts including access for emergency services, businesses and other activities, Malahide Estuary SAC and other ecological receptors, existing residential park and bin collection, safe access/egress from temporary construction compounds (particularly on Bisset's Strand). Any impacts are temporary and short term and be managed as part of the CEMP and CTMP.

### **12.2.3.3 Donabate**

#### **12.2.3.3.1 Cairn Homes Properties Ltd**

The Cairn Home lands are located to the east of the railway and north of the distributor road. These lands are subject to extant planning permissions under FCC Reg. Ref. F20A/0204 (ABP-308446-20) and LRD0017/53 for a total of 1,074 no. residential dwellings, associated local facilities, site and development works. The housing scheme has commenced development.

It is proposed to temporarily acquire lands related to an overhead electricity line under DCN.5015.T.7(A) and DCN.5015.T.2(A). The applicant has identified temporary access to this under DCN.5015.4T.2(A). The applicant has clarified the nature of the works which is solely to the decommissioning and removal of the existing overhead MV power line, with no future works or access requirements anticipated. There is no permanent Right of Way (Ref. 5015.4T.2(A)) identified by the applicant. '4T' in the reference indicates these are lands over which temporary private rights of way is to be acquired.

I have visually inspected the site, and it would appear that the MV line associated with DCN.5015.T.2(A), DCN.5015.T.7(A) and DCN.5015.4T.2(A) have been completed under relevant permissions for the housing scheme. The response from CIÉ is not entirely clear on whether they still require access or not. I am not satisfied that the applicant has provided sufficient justification for all the acquisition.

On that basis I recommend omit from the Railway Order, if the Commission is minded to grant, the easements associated with DCN.5015.4T.2(A) as detailed in

Schedule 1 of the Book of References, on the basis that the line has already been removed in part as part of the housing scheme.

While the submission requests that the railway order omit the acquisition parcels DCN.5015.T.2(A), DCN.5015.T.7(A), I would be inclined to maintain them to facilitate any residual works which the applicant may need to carry out to ensure the safe operation of the railway. This is a prudent approach. Should the applicant undo any works carried out under the residential scheme, this would ultimately be a matter of reinstatement and compensation under the CPO process.

It is noted the Applicant is committed to collaborating with Cairn Homes (CH) and working collectively with ESB to facilitate both the DART+ Project and the associated development plans. Both the DART+ project and housing scheme are ultimately complementary to one and other and provide high quality sustainable transport, to support the development of these lands. However, given the

Separately, rights are being acquired on the distributor road also to alter utilities. It is noted the applicants scheme includes a nature area south of the road. This is not being impacted by acquisition. It is noted that the Applicant confirms that the proposed connection to the existing ESB network is located outside lands under Cairn Homes' control. As a result, the referencing of Schedules DCN.5015.T1(A) and DCN.5015.4P.1(A) was incorrect and should not have included the applied buffer zone slightly overlapping with Cairn Homes' lands. The Applicant agrees to remove these schedules and proposes to correct this error in the Book of References – Schedule 1. This is accepted.

It is noted that the objectors did not make any response the applicant's submission of January 2025.

#### **12.2.3.4 Lusk and Rush**

##### **12.2.3.4.1 Alcove Ireland**

The Alcove Ireland submission queries whether the Transport (Railway Infrastructure) Act 2001 is the appropriate legal mechanism to compulsorily purchase the applicant's land. The oppose the location of the OHLE maintenance compound which is currently proposed to the east of Rush & Lusk Station. However, I am satisfied that the maintenance compound can be considered under the Transport

(Railway Infrastructure) Act 2001. It is logically related to the operation of the railway. The railway does not operate in a vacuum and requires ancillary services to function.

In selecting the site for the proposed substation at Rush & Lusk as part of the DART+ Coastal North Project, the Applicant followed the robust process set out in Chapter 3 Alternatives of the EIAR (Section 3.5.2). The proposed substation is within the existing IÉ property boundary, and it was decided to collocate OHLE compound site on the IÉ property also. The applicant has provided a response to the consideration of lands to the west of the railway line at Rush & Lusk, elsewhere on CIÉ property between Malahide and Drogheda, and elsewhere within the DART+ network. I am satisfied with this response and the chosen location balances operational needs, land-use considerations, and stakeholder concerns.

The applicant has provided information in its response to the submission regarding the consideration of reasonable alternatives for the maintenance compound including sites to the west, which would impact parking provision, which at this location is considered of importance given the peripheral location of station and distance to the built up areas of Rush and Lusk.

While permanent land acquisition is required to provide access to the substation (and OHLE maintenance compound), from Station Road, the Applicant is willing to work with AITL to ensure that any plans for these lands can be accommodated, with minimal impact. The permanent land take is minimal and peripheral to the development lands owned by Alcove and would not undermine the achievement of the current zoning objective or give rise to any significant impact to long term development potential. The improved access is appropriate and will provide safe sightlines in order to facilitate access and egress (Drawing D+WP56-ARP-P4-NL-DR-RO-000725). Having visited the site and used the existing access I am satisfied an improvement, in the interest of safety, is required. The land take required for this improved access will remove the landowner's direct access to the regional road, however, access to the field is being maintained. I am satisfied that continued access to Station Road can be achieved via the improved shared access which should benefit the landowner. While it may give rise to uncertainty for the landowner at this time, in the absence of a planning application for a 'future transit-oriented development' at this time and noting the current zoning of the lands. It is noted that CIÉ could facilitate a shared access, subject to an agreed right-of-way, should the

need arise in the future as part of any future planning application by AITL. I am satisfied that the proposed access road would not prohibit a wider scheme on AITL lands and any legal issues in terms of ownership and can be agreed under the CPO process.

I noted that a Transport Orientated Development Report is appended to the submission which identifies Rush and Lusk Station area as having potential to provide significant development and need to be safeguarded. While this may be the case and McCutcheon Halley has provided good grounds to develop these lands, I do not see an impediment to the timely development of the housing project based on the acquisition of minor tracts of lands and the lands will in future have the potential to benefit from improved access to the R128 which will likely precede the development on these lands. The Framework Masterplan for development of lands to the east of Rush & Lusk Train Station prepared by Conroy Crowe Kelly is not a statutory plan and could be amended and incorporate these changes, should the Commission be minded to grant planning permission. I accept the applicant's position that having a functional railway, is a critical enabler for these lands in any case.

The applicant has stated it will liaise with the landowner to achieve a shared access, subject to an agreed right-of-way, should the need arise in the future as part of any future planning application by AITL.

I am satisfied that there is a community need for sustainable transport infrastructure to be met by the permanent and temporary acquisition at these properties and related private rights, if any. The temporary land take is reasonably required for the duration of the construction period of the undertaking to allow working space for the construction works and boundary works/and or accommodation works. Temporary land take will be returned and reinstated after construction. The NTA will engage with the landowner to ensure disruption is kept to a minimum. The extent is reasonable and proportionate to meet the community need and generally accords with the development plan for the area. It is demonstrably the preferable option.

### **12.2.3.5 Skerries**

#### **12.2.3.5.1 Land Development Agency (Lands at Hacketstown)**

It is noted that the LDA was granted planning permission for a large residential scheme on lands related to DCN.5022.4P.1(A), DCN.5022.T.1(A) and DCN.5022.T.3(A). The applicant had expected work to commence on site in Q1 2025. At this time of a site visit in June 2025, no works had commenced.

I note that the EIAR has due regard to the cumulative impacts of the proposed development with the said permitted development and I refer the Commission to EIAR Volume 4 Appendix 26.2 Stage 3 and 4: Specialists Assessment. Liaison with the site developer and timing of works would ensure that the construction works on the projects can proceed in parallel and I do not see an impediment to the timely development of the housing project.

I note that the LDA respectfully request that the following condition is included:

*Prior to the commencement of development, the developer shall, in consultation with the relevant landowners : A) relocate, and/or resize, the proposed temporary compound, Works No. 15.13, so as not to impact the delivery of permitted residential development at this location; B) agree a timeframe for the utilisation of lands at Hacketstown for a temporary compound and easement (DCN.5022.T. 1 (A) and DCN.5022.4T. 1 (A)) C) amend the location of the permanent easement, DCN.5022.4P.1 (A), so as not to interfere with permitted residential development at this location. This easement should be proposed at a location that remains publicly accessible and does not prevent the delivery of residential units.*

While the request for the condition is noted and the submission is entirely constructive, I am satisfied it is not required in this instance and that continued liaison between the applicant and LDA will continue following the planning application process and under the CPO to agree the detail design and construction requirements at this location.

It is noted that the objector did not make any response the applicant's submission of January 2025.



#### 12.2.3.5.2 Carmel Dowling, Teresa Dowling and Mary MacLoughlin

There are three submissions received in respect of lands to the east of the railway and south of Golf Link Roads, referenced by DCN.5022.P.4(A), DCN.5022.T.4(A), DCN.5022.4T.4(A) and DCN.5022.4T.7(A). The Skerries South substation is proposed on these lands.

There is concern that the acquisition of the lands and the associated works and development will adversely affect traffic safety in the area and would disproportionately impact on their property rights, will diminish the value of their property and is contrary to proper planning and sustainable development where it will give rise to traffic hazards and arguable contravenes the site's zoning objective.

Overall, I am satisfied the Applicant has ensured that the extents of land included in the CPO are the minimum necessary to accommodate the works required for the DART+ Coastal North Project and mitigate impacts on the landowner. While the temporary acquisition which wraps around the residential dwelling on the road is undesirable, it is accepted that it is required in order to facilitate initial access during construction due height differential between the road and field.

I have given consideration to the zoning and land use objectives in Section 8.5 and do not intend to repeat it here for brevity. The proposed development of a substation associated with the operation of a railway is appropriate in the context of the zoning objectives for Greenbelt. In selecting the site for the proposed substation at Skerries South as part of the DART+ Coastal North Project, the Applicant followed the robust process set out in Chapter 3 Alternatives of the EIAR (Section 3.5.2) which is considered robust and complete.

I note the RA – Rural Area zoning, north of the proposed development site, however, the applicant has stated RA-zoned sites were explored but like other sites they presented significant constraints, including residential proximity and grid connectivity challenges. While the greenbelt zoning is noted, the location of a substation adjacent to an existing railway, a residential dwelling, school and extensive farm complex could not reasonably be viewed to undermine the zoning objectives.

The applicant has queried the permanent access is compliant with Objective SPQHO69 – Vehicular Entrances of the FCDP. While it would be my view that this provision is relate to residential developments. I am nonetheless satisfied that the

proposed development complies with the criteria therein. I am satisfied that sharing an entrance is not appropriate given the nature of the utility use and operational safety requirements. The applicant intends to minimise the removal of trees and hedgerows in so far as possible. The final access arrangements can be agreed with FCC by way of condition should the Commission be minded to grant planning permission.

In terms of traffic safety, a road safety audit stage 1 was carried out which ensured the forward visibility, geometry, gradients and associated sight lines are compliant with the requirements for the traffic speed. It is accepted that risks related to traffic have been proactively addressed through site-specific strategies. The South Skerries Substation construction incorporates measures to safeguard local traffic conditions, including managing HGV movements and temporary access routes.

The construction works at the South Skerries Substation, including the creation of the permanent access, are anticipated to last approximately 3–6 months, depending on local site constraints, weather conditions, and the availability of resources.

It is noted that the objectors did not make any response to the applicant's submission of January 2025.

I am satisfied that there is a community need for sustainable transport infrastructure to be met by the permanent and temporary acquisition at these properties and related private rights, if any. The temporary land take is reasonably required for the duration of the construction period of the undertaking to allow working space for the construction works and boundary works/and or accommodation works. Temporary land take will be returned and reinstated after construction. CIÉ will engage with the landowner to ensure disruption is kept to a minimum. The extent is reasonable and proportionate to meet the community need and generally accords with the development plan for the area. It is demonstrably the preferable option.

### **12.2.3.6      *Balbriggan***

#### **12.2.3.6.1      BH Imports Ltd.**

It is proposed to acquire lands from BH Imports Ltd for the purposes of developing a substation. This includes the substation and access to the R132 Regional Road. A

portion of the acquisition is temporary and will be returned following the construction phase.

The High Amenity zoning is noted by the applicant, and I have addressed this issue and material contravention above in Section 8.5. I am satisfied that the development of a utility installation at this location is acceptable although it does not fully meet the vision and objectives for same. I do not agree with the applicant's contention that the proposed development represents storage of plant or is light industrial – it is a utility installation. The objector contention that the road (being asphalt) and compound (being a yard/depot) are also a material contravention is also not agreed with. These are ancillary requirements to the primary development and logically required to connect and service it. On the logic put forward by the objector, all developments considered permitted in principle, such as agri-tourism, burial grounds, etc. would have to materially contravene the plan based on access and any services were they to apply for planning permission. The development plan under Objective ZO4 – Ancillary Uses clearly makes provision for these uses.

*Objective ZO4 – Ancillary Uses Ensure that developments ancillary to the parent use of a site are considered on their merits.*

The applicant lists a range of other policies and objectives which it believes will be materially contravened also including Policy EEP23 - Rural Economy, Policy EEP24 - Protecting the Rural Landscape And Natural Heritage, Policy EEP28 – Agriculture, Policy EEP29 - Regenerative Farming and Community Supported Agriculture, Objective EE063 –Sustainable Agricultural Practices, Objective EE078 – Protection of Agricultural Lands.

The objector is of the view that the development of a substation on arable lands is inefficient use of resource. The cites the relevant policies and objectives in the FCDP that underlines the importance of same. While these policies and objectives are noted, none specifically exclude the development of substations or other electrical infrastructure on these lands and as address, the zoning matrix does not explicitly exclude such infrastructure either.

Regardless, the displacement of the current agricultural practices on lands that make up the site is accepted. The production will cease as it cannot be farmed

concurrently with the substation. While the proposed development is not considered agriculture, utilising agricultural lands for utility infrastructure is common.

I am satisfied that the proposed development, which will acquire a minimal amount of land in the context of Fingal's agricultural land would not undermine the counties identity, rural character and based on the substations location, adjoining the railway, on the edge of an established settlement adjoining amenity lands would not irreversibly harm or compromise the commercial viability of existing agricultural land at this location (1 hectare from a 100 ha land parcel). Overall, I agree with the applicant that the tillage enterprise is a medium sensitivity receptor and that the residual effect is adverse but not significant.

Additionally, it is considered by the observer that the proposed development materially contravenes the following objectives, names Objective GINH056 Visual Impact Assessments, Objective GINH058 Sensitive Areas, Objective GINH060 Protection of Views and Prospect, Objective GINH061 Landscape/Visual Assessment, Objective GINH073 New Development and the Coast, or Objective SPQH091 Retention of Hedgerows and Other Distinctive Boundary Treatments, and Policy GINHP21 Protection of Trees and Hedgerows. I am also satisfied that the applicant in siting the proposed substation has balanced protecting the landscape and natural heritage and protected the value and character of open countryside. This is addressed under the landscape and visual section of the EIA.

In specific response to those policies identified as being in material contravention the Applicant notes that the proposed substation, essential for the electrification of the Northern Line as part of DART+ Coastal North, aligns with the principles of balanced development as outlined in the cited policies.

While the proposed substation is located between the R132, a coastal road, and the sea and interferes with preserved views from said road and is on lands zoned HA - High Amenity and consider a highly sensitive landscape. The site for the substation must be view in the context of it wider land scape location which is on edge of the built up settlement of Balbriggan, adjoining the existing railway for which OHLE equipment is being proposed, adjacent to playing pitches which already has elevated flood lights, goalposts and perimeter netting to stop balls. Coastal views from R132 are limited in any case at this location owing to the hedgerow and distance of the

road from the coast. The Commission also need to consider requirements of the DC system utilised by DART services and the requirement for each substation be located as close as possible to an optimum location identified in the power study completed as part of the design development. I am also conscious the applicant has mitigation measures included for the location and design of this substation as set out in Section 15.6.3 of Chapter 15 of the EIAR which includes measures to retain / augment field boundary hedgerow and new screen planting around north, west and south of substation.

The objector is of the view that the EIAR and NIS are inadequate due to sparse and incorrect data analysis regarding Mr. Bell's lands, resulting in an adverse impact on biodiversity, and protected and endangered species, including Curlews, Lesser Black-backed Gull, Common Tern, Arctic, Yellow hammer, Linnets. I am satisfied that the applicant has provided a robust and complete biodiversity impact assessment, which included ecological Surveys carried out in 2021, 2022, 2023 and 2024 for the Proposed Development in Chapter 8 Biodiversity of the EIAR. Having reviewed in particularly Section 8.3.5 of the EIAR, I am satisfied that the timing, methods and competence of those carrying out surveys is entirely appropriate and in line with best practice (and extensively used) guidance. Breeding bird and Habitat surveys were undertaken within this location. It is noted wintering bird surveys were not undertaken on these lands specifically, but lands 300 m south were. The applicant is satisfied with its survey campaign based on competent ecological expertise and that no adverse effects would arise on wintering bird species on these lands due to its location and location of the substation within those lands. Mitigation is proposed to include for pre-confirmatory checks to be carried out within all areas of suitable badger habitat within 12 months prior to construction works.

The remaining habitat in the field would remain suitable for wintering bird species, and the abundance of surrounding suitable habitat would ensure, with the full implementation of the mitigation measures described in the EIAR biodiversity chapter and NIS as appropriate, that there is no significant impact on local bird species, either breeding or wintering birds.

I note the applicant's concern in relation to the optioneering and selection of the site in question, however, I am satisfied in the methodology used as part of the options selection process as presented in Section 3.3.4 in Chapter 3 of the EIAR. The

appraisal method applied was based on the Guidelines on a Common Appraisal Framework for Transport Projects and Programmes' (CAF) published by the Department of Transport, Tourism, and Sport (DTTAS). It is noted that Option 3 has a greater capital cost but is optimum in terms of the power study and that other options considered are expected to be used for a recreational park.

It is noted that the objector did not make any response to the applicant's submission of January 2025.

I am satisfied that there is a community need for sustainable transport infrastructure to be met by the permanent and temporary acquisition at these properties and related private rights, if any. The temporary land take is reasonably required for the duration of the construction period of the undertaking to allow working space for the construction works and boundary works/and or accommodation works. Temporary land take will be returned and reinstated after construction. CIÉ will engage with the landowner to ensure disruption is kept to a minimum. The extent is reasonable and proportionate to meet the community need and generally accords with the development plan for the area. It is demonstrably the preferable option.

#### 12.2.3.6.2 O'Dwyers GAA

The submission of O'Dwyer's GAA is noted and their forecasted growth in club members acknowledged. It is their view that the location of the substation and access road will prohibit the club's expansion in future, particularly if they require lands north of their current location.

It is their request to move the substation and access 200 m north or redesign the access to allow for the provision of up to three other pitches in future. This would allow for any future facilities to remain connected to the current pitches.

The applicant in response has stated that moving the access road by 200 m to the north would introduce a more impactful and costly design over that which has been included in the Railway Order application. Should O'Dwyers GAA Club seek to expand in future, the Applicant is open to discussing solutions that work for both parties, including potential access road crossing points, as may be appropriate at that time. The applicant is also open to discussing arrangements for access to retrieve sports equipment, noting that some restrictions may apply given the nature of the access road and its intended purpose.

The ambition of the football club to expand their facilities is noted and I am conscious that the membership of the club may grow. However, there is currently no firm plans provided to develop the lands as football pitches but there is current a need to upgrade the railway infrastructure at this location. The location of the substation and access, while it may sever lands, would not prohibit the development of these lands for football pitches in future – it is a sizable field. The two uses could operate together, and the applicant has given an undertaking to continue engage with the club and manage access requirements and requests across its proposed infrastructure as it arises.

It is noted that the objector did not make any response the applicant's submission of January 2025.

#### 12.2.3.6.3 Balbriggan Football Club

The Applicant confirm there is no intention to permanently acquire lands from Balbriggan FC as part of the DART+ Coastal North Project and no permanent acquisition is included in the Railway Order application.

It is noted that temporary acquisition of land is required to carry out the decommissioning and removal of the existing overhead low voltage (LV) power lines by ESB Networks to accommodate the installation of a new underground low voltage power line as a diversion to facilitate the removal of existing overhead services by ESB. The works are expected to be completed in a relatively brief period, by ESB Networks, and the existing footpath will be fully reinstated further to the completion of the ESB diversion.

#### 12.2.3.6.4 Keith Ryan

Mr Ryan will be impacted by a temporary land acquisition (DCN.5027.T.25(A)) to facilitate utility works. The Applicant acknowledges the concerns raised by the observer in relation to Health and Safety, but the applicant is satisfied that all works will be carried out in accordance with the CEMP that includes best practice methodologies with the protection of communities and the environment in mind. I am satisfied that the works proposed at Mr Ryan's lands are routine for the ESB and can be carried out safely. The works will be carried out over a relatively brief time-period of one week and restriction to access will be minimised. Access for emergency vehicles will be maintained throughout. It is not intended the works would occur for a

period of ten years and would fit into a shorter period of the 36 month construction phase.

It is noted that the objector did not make any response the applicant's submission of January 2025.

### **12.2.3.7 Bettystown**

#### **12.2.3.7.1 Greenwalk Homes Ltd.**

It is noted the Applicant is committed to collaborating with Greenwalk Homes Ltd. and working collectively with ESB to facilitate both the DART+ Project and the associated development plans. Both the DART+ project and housing scheme are ultimately complementary to one and other and provide high quality sustainable transport, to support the development of these lands. It is noted that the planning application of respect of the residential scheme for these lands is currently under appeal to the Commission (ABP-321491-24).

I have addressed the provision of a new station at Bettystown in Section 8.6 of this report above. I am satisfied with the applicant's response, and that further information is not required seeking its inclusion as a part of the proposed development. As noted in Section 8.6 The DART+ Coastal North Project does not preclude any future development of any potential new station at Bettystown.

### **12.2.3.8 Drogheda**

#### **12.2.3.8.1 Conor Rock, Johnny and Grainne Dunne**

I have considered matters in relation to residential amenity in various sections across this report including noise and vibration and air quality and dust, landscape and visual during the construction phase. While impacts will arise, I do not consider them to be adverse and are routine impacts that arise in the course of the construction of large infrastructure project. The applicant has identified a suite of mitigation measures to ensure that environmental impacts are minimised through the construction period including a noise and vibration monitoring programme and dust deposition monitoring. These are all documented in the individual chapters of the EIAR and in Chapter 27 Summary of Mitigation and Monitoring Measures. These are reasonable and will protect residential amenity at the Rock and Dunne properties in so far as practicable. While I note the observer's concerns, I am satisfied the



applicant has correctly categorised the impacts. A detailed Construction Environmental Management Plan (CEMP) has also been prepared and is included in Appendix A5-1 of the EIAR which will ensure the management of this phase of the proposed development including ongoing liaison with landowners. In respect of noise, it is noted that temporary accommodation may be offered, should the proposed mitigation measures not be sufficient to fully mitigate the noise impact, during the construction phase. While the observers do not find this satisfactory, it is a suitable and entirely reasonable mitigation measure should it be required.

The construction of the Drogheda Substation will be carried out over a relatively short timeframe, primarily during normal working hours. The re-construction of OBB80/80A/80B, however, will take place over an approximately 18-month period due to the requirement to keep the railway operational during construction. The bridge is the primary access to the Rock and Dunne lands and a temporary diversion will be required while it the bridge is replaced. While it is acknowledged that this is disruptive for the owner/occupiers of the lands, the community need for the acquisition is clear this location and the bridge requires replacement to facilitate the railway infrastructure. The temporary diversion will result in a temporary access route being established linking to the R150 Regional Road to the north. The proposed route will increase the travel distance and travel time to the town centre by approximately 30% to 2.2 km, which is approximately 28 minutes' walk or 7 minutes' drive. The distance to the railway station will double. While this diversion results a slight-moderate negative effect on journey characteristics for occupants, it is short term, and access will be reinstated following construction. While again I note the observers concerns in respect of the significance of the impact, I am satisfied that the applicant has correctly categorised the impacts and the diversion proposed as a mitigation measure is entirely reasonable, in the short term, to maintain access.

I accept the applicant's position that it is not appropriate for access to be provided to the owner/occupiers of these lands via the existing Irish Rail maintenance depot entrance from McGrath's Lane and route through the railway station for the duration of the construction phase. It is a restricted and operational railway and to do so would have health and safety implications for Irish Rail who implement strict safety control and practices. I note the observer's reference to a condition requiring access previously in relation to a 2001 planning application (PL54.123480). The

requirements for and controls of health and safety has changed substantially in the intervening twenty years and while it may have been appropriate in that planning application at that time, does not make it appropriate in this planning application. The applicant has identified an appropriate alternative temporary access which is compliant with its current health and safety requirements. While it may be inconvenient, it is considered acceptable.

It is also requested that the temporary access arrangement to Marsh's Road be maintained permanently also post construction through a temporary compound construction traffic route to the west of Newtown Lodge to Newtown View. I am satisfied that there is no requirement for the temporary access arrangement to be maintained permanently, and it is a private matter for the landowner should they wish to have such a facility – there is no community need for it in the context of this Railway Order.

The potential for effects from EMF as a result of the proposed development has been considered and a comprehensive assessment is presented in Chapter 22 of the EIAR, and I am satisfied that the applicant has meet the relevant standards.

The applicant has considered the impact from leylandii trees in proximity to Drogheda substation. The substation building itself is approx. 20 m away from the tree line at its closest point. The applicant does not consider them an issue from an operational point of view and is not proposing or requesting they be removed. This is a matter for the landowner. In respect of the loss of other trees including the treelined avenue to Mr Rock's property in particular it is noted that there is a series of mitigation and management measures are proposed to avoid, reduce or remediate, wherever practicable significant negative on landscape features like trees. Wherever possible, trees and vegetation will be retained within the Proposed Development. Trees and vegetation identified for removal will be removed in accordance with 'BS 3998:2010 Tree Work – Recommendations' (BSI 2010) and best arboricultural practices as detailed and monitored by a professional qualified arborist.

The location and design of the substation has had due regard to and respect for the residential amenity of Mr Rock's property and has incorporated a number of measures to protect and prevent undue impacts. Of course, the siting of substation is not atypical in such an urban location and, despite concern from the observer,

substations are a common feature in towns and cities and adjacent to properties and there is no reason to move or omit it.

The local built heritage value of the bridge is addressed fully by the applicant the exception requirement for its replacement justified in other sections. There is no protection as such on the bridge, but I have included a condition that final details be agreed with LCC so that any local heritage features be protected. I am satisfied that the applicant has fully considered the proposed gradient and levels at the western part of McGrath's Lane adjacent to the entrance to Chanticleer and that the design proposed is acceptable. While it may not be strictly in compliance with DMURS, given the spatial constraints at this location, I am satisfied that applicant has applied the principles of DMURS in so far as practicable.

The overall land take on and in proximity to the Rock and Dunne lands is proportionate and I am satisfied that it correlates with and is justified by the extensive works to be carried out at Drogheda (MacBride) Station and provides the applicant with sufficient flexibility in order to carry out works which includes utility diversions. The overall works area may expand and contract as the works necessitate. Continued liaison between the applicant and the Rocks and Dunnes will continue to ensure that disruption is kept to a minimum.

The Commission should note that I have read the reports of John Spain Associates and ILTP Consulting who review the proposed development. In deciding not to accept the opinion of these experts, I am satisfied that, following the implementation of the design and mitigation measures, the proposed development would be acceptable. This view is based on applicant response, which I consider holistic and takes a wider view of the proposed development which has many facets including the requirement to maintain an operational railway and service depot at Drogheda. Other matters such as details of replanting, etc. are matters of detailed design and can be addressed through the CPO process.

I am satisfied that there is a community need for sustainable transport infrastructure to be met by the permanent and temporary acquisition at these properties and related private rights, if any. The temporary land take is reasonably required for the duration of the construction period of the undertaking to allow working space for the construction works and boundary works/and or accommodation works. Temporary

land take will be returned and reinstated after construction. CIÉ will engage with the landowner to ensure disruption is kept to a minimum. The extent is reasonable and proportionate to meet the community need and generally accords with the development plan for the area. It is demonstrably the preferable option.

#### 12.2.3.8.2 J Murphy Construction Limited / Ravala

I note the extensive planning history for a mixed use development including residential on lands owned by J Murphy Construction Limited / Ravala and identified by the applicant for both temporary and permanent acquisition east of Drogheda (MacBride) Station.

The permanent acquisition is minimal, and I satisfied that proposed development as designed will not undermine the wider objective for a high-density development at this location. It is appreciated that the lands to the east of the railway will be used intensively and extensively during the construction phase, mainly in the provision of a temporary construction compound. However, it is noted that the majority of the land in question does not benefit from planning permission at present. Regardless, the area identified is considered reasonable so as to not unduly limit the contractor's ability to deliver the works in a timely and efficient manner. I am satisfied that the temporary acquisition is just that, temporary, and in the absence of a planning permission to develop these lands for a high density development at present a temporary construction compound would not undermine the zoning objectives either.

It is noted the Applicant is committed to collaborating with the observer to facilitate both the DART+ Project and the associated development plans. Both the DART+ project and any high density scheme are ultimately complementary to one and other and provide high quality sustainable transport, to support the development of these lands. The proposed development has the primary objective to deliver a better public transport service and aligns with the relevant zoning objective for the lands in the LCDP, as a transportation development hub .

In respect of the land take for McGrath's Bridge, I am satisfied that the proposed development has been designed to adopt a sustainable and cost-effective solution, as a result earthwork embankments were chosen as the more economical solution to reduce capital costs and carbon footprint of the project. The applicant considered retaining walls in Section 4.10.4.1 of the EIAR. I am satisfied that the extent of the

acquisition sought adequately accommodate the future development and would not undermine the zoning objectives for these lands. I note the objector is concerned about meeting certain residential densities for site and is of the view that it would be suitable for development at up to 150 dwellings per hectare. However, they have provided no material evidence of whether this can or cannot be achieved and I would be of the opinion that the relatively minor land take on a peripheral part of the overall land holding required for the earthworks would not result in achieving any future high density development of between 50-150 dwelling per hectare as required by the 'Sustainable Residential Development And Compact Settlements Guidelines For Planning Authorities 2024'. I am satisfied the remaining lands would be suitable for development at up to 150 dwellings per hectare generally and which would benefit from the improved bridge crossing and community need met by the proposed development in the long term. The applicant also provided no material evidence that the future cycle/ pedestrian connection would be undermined and could not be integrated into the design of the earthworks. The extent of the land take is proportionate. On this basis I am satisfied that there is no requirement for the Commission to seek revised plans for a retaining wall.

I am satisfied that Chapter 3 Alternatives of the EIAR (see Section 3.3 in particular) provides an overview of the alternatives considered and describes in detail the process followed to select the proposed substation site. I am satisfied that the proposed substation lands are entirely suitable and the assessment of alternative locations for the ESB Substation compound is entirely adequate. In a similar context to the earthworks, no material evidence is provided by the objector that the substation in and of itself would undermine the achievement of any future high density development of between 50-150 dwelling per hectare as required by the 'Sustainable Residential Development And Compact Settlements Guidelines For Planning Authorities 2024'. Again, it is a relatively minor land take on a peripheral part of the overall land holding. The extent of the land take is proportionate. On this basis I am satisfied that there is no requirement for the Commission to seek revised plans for a retaining wall. Substations are common and necessary feature in urban locations, and I am satisfied the location and design would not be injurious to the remaining objectors lands. The substation would be viewed in the context of other

utilitarian infrastructure associated with this operational railway including the large maintenance depot already in existence.

An extended and upgraded footbridge at MacBride Station is requested by the objector that would provide access to the objector's lands which is zoned and will host a new community in time. While a constructive proposal, the applicant has not proposed an extension to the overbridge at this location at this time. I am satisfied such a facility is not required at this time and it is a matter between the applicant and the objector if they wish to pursue it outside of this planning application. There is nothing in this planning application that would prohibit providing such a facility in future. The eastern side of the railway is currently and predominantly used for operational and maintenance needs of the railway and the substation location may prevent the most direct route in future, but its access arrangements could be agreed across various lands and uses should parties be agreeable. Regardless, I see no need for the Commission to require such a facility at this time in the absence of any planning permission for the objector's land.

Again, the temporary land take for a temporary construction compound is disruptive of the objector and may have a bearing on its approach the developing the site. However, any infringement on property rights as a consequence of such works is not a matter for comment in this application and may be a matter of compensation under the CPO process. The provisions of Section 48(3)(a) of the Transport (Railway Infrastructure) Act 2001 Act are noted in terms of compensation where an owner/occupier suffers loss, injury, damage or incurs expenditure as a consequence of the railway undertaking.

I consider that the works as detailed are essential for the delivery of the project at this location and are unavoidable. I submit that there is a community need to be met by the acquisition of the lands in question, these particular lands are suitable to meet that community need, alternative methods of meeting the community need have been adequately considered by the applicant and are not demonstrably preferable, and the works to be carried out would be generally consistent of the provisions of the relevant development plan.

It is noted that the objector did not make any response the applicant's submission of January 2025.

## **12.3 Conclusion**

I am satisfied that the process and procedures undertaken by CIÉ have been fair and reasonable, that it has demonstrated the need for the lands and that all the other lands being acquired are both necessary and suitable to facilitate the provision of DART + Coastal North.

Having regard to the constitutional and convention protection afforded to property rights, I consider that the permanent and temporary acquisition of lands, restriction/interference with public rights of way, acquisition of private rights, restriction/interference with private rights, and temporary restriction/interference with private rights, as set out in the draft Railway Order Book of Reference pursues, and is rationally connected to, a legitimate objective in the public interest, namely the development of DART+ Coastal North.

I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Commission, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition made by the acquiring authority unreasonable or disproportionate.

The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed permanent and temporary acquisition of lands, restriction/interference with public rights of way, acquisition of private rights, restriction/interference with private rights, and temporary restriction/interference with private rights would be consistent with the policies and objectives of the Dublin City Development Plan, Fingal County Development Plan, Meath County Development and Louth County Development Plan all of which support the provision and roll out of DART + Coastal North. Accordingly, I am satisfied that that the confirmation of the draft Railway Order is clearly justified by the exigencies of the common good.

## **13.0 Conditions Assessment**

It is noted that several parties including the planning authorities, prescribed bodies, observers and objectors seek the imposition of conditions should the Commission be minded to grant planning permission or indeed confirm the compulsory purchase. The Commission should note that the conditions do not raise any significant issues in relation to the principle of the proposed development and were largely focused on detailed design and service issues.

### **13.1 Conditions requested by Planning Authorities**

A number of the conditions that the planning authorities requested are seeking to implement the presented design or mitigation measures already proposed by the applicant as part of the planning application. They are also covered by the general conditions which the Commission typically apply. I am satisfied that Condition 2 which seeks to implement measures proposed in the EIAR, NIS and any other documents will ensure the appropriate management of the construction phase and render the attachment of such conditions unnecessary.

DCC alone proposed a total of sixty-six planning conditions, with MCC proposing twenty-one and LCC proposing eight. The applicant has provided a summary of these conditions in Table 4 and Table 5 of its Response to Submissions of January 2025 for DCC and MCC, respectively. These are collated from the various departments in the planning authority. The number of conditions in of itself and regardless of the complexity of the proposed development onerous and would not be practical to enforce. While they are entirely legitimate conditions and are generally acceptable, I note that the applicant has stated that additional specification conditions are not required and are largely covered by mitigation measures proposed. I agree entirely with the applicant's response and recommend the Commission simply adopt it. The applicant did not respond to the conditions put forward by LCC, however, I have reviewed all of them and consider they are already covered in the mitigation measures and conditions below.

Overall, I am satisfied that proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as recommended in Condition 1. Furthermore, under the recommended Condition 3 and 4 the applicant will be required to follow through on all mitigation, environmental



commitments and monitoring measures identified in the EIAR, NIS and any other supporting document. Such mitigation, environmental commitments and monitoring measures covers the principal issues in the requests for conditions and there is no requirement to transpose individual mitigation measures into conditions to satisfy individual departments of the planning authorities. These related to detailed measures such as drainage, methodologies for conservation and recording and carrying out works around heritage receptors, traffic management, agreement on detailed design features, reinstatement works and standards to be adopted. However, the local authorities should be in no doubt that they hold the power to enforce Condition 3 and 4 should it be required.

Where I am not satisfied that the applicant has covered the request of the planning authority, these have been incorporated into a consolidated schedule of conditions below which seek to merge planning authority requests.

I note in relation to the carrying out of works to and in the vicinity of natural and built heritage features that both DCC, FCC, MCC and LCC have specialist conservation, landscape, biodiversity and architectural departments. These departments have detailed local expertise and considering their development management and planning functions, I consider it appropriate to ensure CIÉ engage with them. Therefore, it is important, having regard to the nature and scale of the project and the particular built and natural heritage features which are being impacted, that a condition be applied to ensure the efficacy of the recording, preservation, protection, and reuse, replacement and retention methodologies where relevant.

The Commission will note Condition 6 in respect of built heritage. This is in direct response to relevant sections of the local authorities who are concerned how, in particular, heritage structures, will be treated. The impacts have been thoroughly considered above and are considered acceptable. However, such a condition doubles down on the requirements set out in the supporting documentation and ensures input from the competent experts of the local authorities who have local knowledge and can contribute meaningfully to the construction of the proposed development - particularly where removal and reinstatement is required. It will also ensure monitoring and supervision by a qualified specialists during construction and operation phases. Additional survey requirements for a structure at Irishtown, Co.

Meath is also included under Condition 7. The applicant was unable to survey it fully prior to the making of the planning application due to its location on military lands.

Given the extent of development at Donaghmede and Howth Junction and Drogheda (MacBride) stations and the interaction with public realm and their inherent public function, I have also included a Condition 9, which ensures that the planning authorities are involved in agreeing the final details for same and ensure they are finished to a satisfactory standard and integrates with its surrounds.

### **13.2 Conditions requested by Prescribed Bodies**

The conditions sought by the DHLGH in respect to extend the otter tunnel have been set out under Condition 11 below. The applicant is agreeable to this. I am satisfied the proposed change being requested in relation to the otter tunnel by condition above are minor in nature and do not require a further information request. The changes would not materially change the outcome of the EIA or AA.

In respect of archaeology I have included, under Condition 8 below, standard Condition C4 in the OPR Practice Note PN03: Planning Conditions (October 2022).as requested by the DHLGH. This is acceptable and ensures further consultation with the department where required. I have opted not to include Condition C5 as requested by DHLGH as I am satisfied all mitigation measures in the EIAR are already required to be incorporated into to the CEMP.

The request by the HSE for the implementation of mitigation measures in included in Condition 3 of the schedule of conditions below. All conditions proposed as part of the EIAR must be implemented during relevant phases of the projects as standard.

The TII request that any crossing or interaction with the national road network, in particular the Port Tunnel (M50) must include prior consultation with TII to ensure compliance with TII Publications. This is reasonable and included for in Condition 4 and the preparation of the CEMP.

Uisce Éireann has sought a condition requiring prior agreement in respect of diversions, easements and connection agreements in order to protect existing and proposed public water and wastewater infrastructure. I am satisfied that such a condition is not required, and the applicant has consulted extensively with the Uisce

Éireann and will be required to further engage during construction phase. No significant impacts are expected on Uisce Éireann assets in any case.

### **13.3 Conditions requested by Owner/Occupiers**

Individual owner/occupiers have sought specific conditions in respect of their properties including access, impact to amenities, how and when reinstatement should occur. One example being owner/occupiers at McGrath's Lane. I do not consider such bespoke conditions necessary, however the observer and objector at relevant properties should continue to engage with the applicant directly to agree.

The majority relate to the continued engagement between the applicant and planning authority or landowner/occupier. It is noted that CIÉ intend to continue collaboration in advance of, and during, the subsequent construction stage. Construction works will therefore be carried in consultation with the planning authority, owner/occupiers the community generally, as the case may be. There will also be continued engagement with owner/occupiers under the CPO process also and specific agreements will need to be made in this regard. In this regard I have therefore omitted not include specific conditions being proposed by owners/occupiers and the applicant on specific design issues such as size and location of temporary construction compounds, agreement of timeframe for works, specific arrangements for permanent and temporary accesses.

Under Condition 2 and Condition 13 I have recommended certain schedule acquisitions be omitted or restricted due to clerical and changes to the lands since the time of making the application, which is acceptable and does not undermine the Railway Order or have any material difference to the outcomes of the EIA, AA and WFD assessment.

### **13.4 Conditions in respect of Rail Services and Stations**

As noted in Section 8.2 there is a request by observers for a condition, obligating CIÉ to continue direct services to Howth Station. I am satisfied that this would be beyond the remit of the Commission and is related to CIÉ's operational remit. I am satisfied it is not required, and members of the public would have the opportunity to participate in the 'Timetable Customer Consultation Process' should changes be proposed.

Similarly, as set out in Section 8.6, it is beyond the scope of this application to require the development of new railway stations by way of condition. Should the Commission see the provision of station as necessary, then further information should be requested from the applicant in respect of same to enable the Board to make a complete decision.

### **13.5 Other Conditions**

All other conditions are considered standard to the granting of this planning permission and typically apply during the construction phase to protect relevant receptors and environmental factors such as traffic, air, noise biodiversity, water, archaeology, architectural heritage.

## **14.0 Recommendation**

It is recommended that the Commission grant the Railway Order for the proposed development on the basis of the reasons and considerations below and subject to the following conditions.

## 15.0 Reasons and Considerations

In performing its functions in relation to the making of its decision, the Board had regard to:+

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).
- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

The Board also had regard to the following in coming to its decision:

- (c) European legislation, including of particular relevance:
  - The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and
  - Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020).
- (d) National planning and related policy, including:
  - the Climate Action Plan 2025,
  - the National Development Plan 2021-2030,
  - Project Ireland 2040 National Planning Framework, as revised April 2025,
  - the Department of Transport National Sustainable Mobility Policy, 2022,
- (e) Regional level policy, including:
  - the Greater Dublin Area Transport Strategy 2022-2042,

- Regional Spatial Economic Strategy for the Eastern and Midlands Region
- (f) local planning policy, including:
- Dublin City Development Plan 2022-2028,
    - Draft Dublin City Centre Transport Plan 2023
    - Dublin City Biodiversity Action Plan 2021-2025,
    - Dublin City Strategic Heritage Plan 2024-2029
  - Fingal County Development Plan 2023-2029
    - Donabate Local Area Plan (LAP 7.A) (extended to 2026)
    - Flemington Local Area Plan (LAP 4.B) (adopted in 2024)
    - Fingal Biodiversity Action Plan 2023-2030
    - Fingal Heritage Plan 2024-2030
  - Meath County Development Plan 2021-2027, as varied
  - Louth County Development Plan 2021-2027, as varied
    - Louth Biodiversity Action Plan 2021 – 2026
- (g) the nature, scale extent and design of the proposed development as set out in the planning application and the characteristics and pattern of development of the railway corridor and in the vicinity,
- (h) the entirety of the documentation submitted by the Coras Iompair Éireann (applicant) in support of the proposed scheme, including the Environmental Impact Assessment Report and the Natura Impact Statement, the range of mitigation and monitoring measures proposed and in particular to robust response to submissions made in January 2025
- (i) the submissions made to An Bord Pleanála in connection with the planning application, under the initial statutory consultation in 2024 and a subsequent submission period in 2025,
- (j) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed scheme and the likely significant effects of the proposed development on European Sites, and
- (k)** the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to planning and sustainable development, environmental impact assessment, appropriate assessment and, water framework directive assessment and the compulsory acquisition.

## **Proper Planning and Sustainable Development**

It is considered that the proposed scheme would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.



## **Environmental Impact Assessment**

- (i) The Commission completed an Environmental Impact Assessment of the proposed development taking into account:
- (ii) the nature, scale and extent of the proposed development,
- (iii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (iv) the submissions made in the course of the application; and
- (v) the inspector's report.

The Commission 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 Commission 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 Commission 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 increase in level crossings closures on the Howth Branch, to facilitate the theoretical peak timetable, would improve train efficiencies, enhance rail safety,

and remove delays caused on congestions on the railway, which is necessary to facilitate the intended enhanced level of service. The proposed changes to infrastructure at Howth Junction & Donaghmede Station, including to provision of turnback facilities does not give rise to any direct significant impacts in terms of population or residential amenity between Howth Junction & Donaghmede Station and Howth Station. While the changes to infrastructure may, in time, facilitate the realisation of changes to timetabling of trains and the operation of a shuttle service between Howth Junction & Donaghmede Station and Howth Station, it is not considered that the associated environmental impacts in terms of traffic and transportation (i.e. increased level crossing closure, traffic congestion, access and convenience) population (i.e. residential amenity, commercial / tourist / industrial activity, property devaluation) noise and vibration (i.e. increased frequency and passing of trains) and cultural heritage (i.e. loss of direct service dating to circa 1847) would be significant.

- The proposed upgrades of the Howth Junction & Donaghmede Station and Drogheda (MacBride) Station as well as turnbacks at Clongriffin and Malahide would constitute a significantly improved railway infrastructure and would enhance rail services for this area and would make a positive contribution to the delivery of enhanced public transport services. The proposed design and security provisions at Howth Junction & Donaghmede Station in particular would aid in minimising and monitoring the effects of anti-social behaviour arising from the scheme.
- 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 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.
- An extensive list of options was considered as part of the reasonable consideration of alternatives through a multi-criteria analysis process for option selection for:

- design solutions in respect of the mainline and Howth branch;
- station infrastructure at Donaghmede & Howth Junction, Clongriffin and Platform 4 at Drogheda (MacBride) station;
- turnbacks at Malahide;
- substations at Donabate, Rush and Lusk, Skerries South, Skerries North, Balbriggan, Gormanston, Bettystown and Drogheda and .

With due regard to the degree of assessment of alternatives undertaken, the full range of infrastructure proposed for DART+ Coastal North is acceptable and the optimum reasonable alternatives were chosen with regard to economic, technical, environmental, social and deliverability criteria.

### **Biodiversity**

- Negative impacts on biodiversity relate to the removal of habitat, largely in the form of hedgerows and other vegetation. Such impacts are not considered significant and can adequately be mitigated for within the scheme. Vegetation will be planted in the vicinity to bolster existing treelines and hedgerow, where possible and with regard to the safe operation of the railway. Significant impacts are therefore not expected in this regard. Preconstruction surveys will ensure that no mammals, bats, birds or invasive species are present within the works areas. Adequate mitigation measures are proposed to ensure the protection of such mammals, bats and birds encountered and to prevent the spread of invasive species. Significant impacts to biodiversity can therefore be ruled out.
- The proposed mitigation measures to protect water and aquatic and marine environments at river and estuary crossings are reasonable and necessary to minimise construction phase impacts, while accepting that disturbance is unavoidable for key ecological receptors for a construction project of this nature and scale. The proposed development would not add in any significant manner to the disturbance arising for wildlife and the habitats.

### **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.

## **Noise**

- Significant noise impacts arise in relation to construction noise during nighttime and weekend hours when thresholds are lower will arise. Works carried out in daytime hours will cause no significant effects. In the event that works are required during nighttime or weekend hours, liaison with residents in this regard and the use of noise abatement will reduce the level of impacts. Should the need arise, for whatever reason, temporary rehousing may be offered. Noise disturbance from the operation of the development can be ruled out.

## **Water**

- Negative impacts on Water could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering watercourses, the sea or groundwater via piling activities during the construction phase of the development. These impacts will be mitigated by measures outlined within the application and can therefore be ruled out.

## **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 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 bridge at McGrath's Lane which is not a protected structure and not on the NIAH shall be recorded by means of photographs and, written description which is a standard and appropriate approach in the provision of this railway infrastructure.

## **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. Of particular note are the visual impacts to properties at Malahide Marina who will have views to the proposed turnback facility and Railway Terrace in Drogheda who will be impacted by the development of Platform 4 at Drogheda (MacBride Station).

The Commission 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 Commission adopted the report and conclusions of the inspector.

## Appropriate Assessment

The Commission agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that *Malahide Estuary SAC [000205]*, *Rogerstown Estuary SAC [000208]*, *River Boyne and River Blackwater SAC [002299]*, *Baldoyle Bay SAC [000199]*, *Boyne Coast and Estuary SAC [001957]*, *Rockabill to Dalkey Island SAC [003000]*, *Lambay Island SAC [000204]*, *North Dublin Bay SAC [000206]*, *South Dublin Bay SAC [000210]*, *Codling Fault Zone SAC [003015]*, *River Nanny Estuary and Shore SPA [004158]*, *River Boyne and River Blackwater SPA [004232]*, *Boyne Estuary SPA [004080]*, *South Dublin Bay and River Tolka Estuary SPA [004024]*, *Howth Head Coast SPA [004113]*, *North Bull Island SPA [004006]*, *Baldoyle Bay SPA [004016]*, *Dalkey Island SPA [004172]*, *Malahide Estuary SPA [004025]*, *Rogerstown Estuary SPA [004015]*, *Dundalk Bay SPA [004026]*, *Skerries Islands SPA [004122]*, *Ireland's Eye SPA [004117]*, *Lambay Island SPA [004069]*, *Rockabill SPA [004014]*, *The Murrough SPA [004186]*, *Stabannan-Braganstown SPA [004091]*, *the North-West Irish Sea SPA [004236]* *the Seas Off Wexford SPA [004237]*, *Wicklow Head SPA [004127]*, and *Saltee Islands SPA [004002]* are the European sites for which there is a likelihood of significant effects.

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed scheme for the *Malahide Estuary SAC [000205]*, *Rogerstown Estuary SAC [000208]*, *River Boyne and River Blackwater SAC [002299]*, *Baldoyle Bay SAC [000199]*, *Boyne Coast and Estuary SAC [001957]*, *Rockabill to Dalkey Island SAC [003000]*, *Lambay Island SAC [000204]*, *North Dublin Bay SAC [000206]*, *South Dublin Bay SAC [000210]*, *Codling Fault Zone SAC [003015]*, *River Nanny Estuary and Shore SPA [004158]*, *River Boyne and River Blackwater SPA [004232]*, *Boyne Estuary SPA [004080]*, *South Dublin Bay and River Tolka Estuary SPA [004024]*, *Howth Head Coast SPA [004113]*, *North Bull Island SPA [004006]*, *Baldoyle Bay SPA [004016]*, *Dalkey Island SPA [004172]*, *Malahide Estuary SPA [004025]*, *Rogerstown Estuary SPA [004015]*, *Dundalk Bay SPA [004026]*, *Skerries Islands SPA [004122]*, *Ireland's Eye SPA [004117]*, *Lambay Island SPA [004069]*, *Rockabill SPA [004014]*, *The Murrough SPA [004186]*, *Stabannan-Braganstown SPA [004091]*, *the North-West Irish Sea SPA [004236]* *the Seas Off Wexford SPA*

[004237], Wicklow Head SPA [004127], and Saltee Islands SPA [004002] in view of the Sites Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Commission considered, in particular, the

- Likely direct and indirect impacts arising from the proposed scheme both individually or in combination with other plans or projects, specifically upon the *Malahide Estuary SAC [000205], Rogerstown Estuary SAC [000208], River Boyne and River Blackwater SAC [002299], Baldoyle Bay SAC [000199], Boyne Coast and Estuary SAC [001957], Rockabill to Dalkey Island SAC [003000], Lambay Island SAC [000204], North Dublin Bay SAC [000206], South Dublin Bay SAC [000210], Codling Fault Zone SAC [003015], River Nanny Estuary and Shore SPA [004158], River Boyne and River Blackwater SPA [004232], Boyne Estuary SPA [004080], South Dublin Bay and River Tolka Estuary SPA [004024], Howth Head Coast SPA [004113], North Bull Island SPA [004006], Baldoyle Bay SPA [004016], Dalkey Island SPA [004172], Malahide Estuary SPA [004025], Rogerstown Estuary SPA [004015], Dundalk Bay SPA [004026], Skerries Islands SPA [004122], Ireland's Eye SPA [004117], Lambay Island SPA [004069], Rockabill SPA [004014], The Murrough SPA [004186], Stabannan-Braganstown SPA [004091], the North-West Irish Sea SPA [004236] the Seas Off Wexford SPA [004237], Wicklow Head SPA [004127], and Saltee Islands SPA [004002]*

and

- Mitigation measures which are included as part of the current proposed scheme,
- Conservation Objective for these European Sites, and
- Views of prescribed bodies in this regard.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed scheme on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed scheme, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

## Conditions

1. The proposed scheme 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed scheme shall be carried out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The following modifications are made to the Railway Order:
  - (a) The Eleventh, Twelfth and Thirteenth Schedules shall be omitted. An amended Eleventh Schedule, entitled 'Explanatory Notes in relation to the decision of and Conditions imposed by An Coimisiún Pleanála' shall be added to the Railway Order and shall consist of the Commission's reasoned conclusion and the conditions hereby attached to the grant of the Railway Order.
  - (b) The following Land Acquisition References: DCN.5015.4T.2(A), DCN.5015.T.2(A), DCN.5015.T1(A) and DCN.5015.4P1(A) as identified on Property Plan No. 15 shall be omitted from the relevant schedules of the Railway Order.

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

3.
  - (a) All mitigation, environmental commitments and monitoring measures identified in the EIAR shall be implemented in full as part of the proposed scheme.
  - (b) All mitigation, environmental commitments and monitoring measures identified in the Natura Impact Statement shall be implemented in full as part of the proposed scheme.

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



4. Prior to the commencement of development a finalised Construction Environmental Management Plan, including a Construction Traffic Management Plan, shall be prepared in consultation with the planning authorities. 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. In finalising the Construction Environmental Management Plan the applicant shall liaise with Transport Infrastructure Ireland, National Parks and Wildlife Service, and Inland Fisheries Ireland.

**Reason:** To protect amenities, public health and safety.

5. 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.

6. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out on all bridge features and other protected structures, including:

- (i) the design of all interventions including railings and IP2X panels to bridge parapets and proposed finishes.

- (ii) proposals, if necessary, for the underpinning of historic walls arising from the lowering of the railway track.

- (iii) Details of proposed interventions and/or repair of the abutments and associated retaining walls.

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,

- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) protection of built heritage features during the construction works,
- (e) materials/features of architectural interest to be salvaged,
- (f) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing finish,

In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

**Reason:** In the interest of the protection of architectural heritage.

7. A full architectural and photographic survey of the unroofed block structure in the townland of Irishtown, Co Meath (as identified on Property Plan No. 31 on Land Acquisition References: DCN.5031.T.1(A)) for demolition shall be carried out, and drawings and photographs indicating details of these buildings, shall be submitted to the planning authority prior to the commencement of development.

**Reason:** In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.

8. The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service,

regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

9. Howth Junction & Donaghmede Station, and Drogheda (MacBride) stations, shall be finished in accordance with the comprehensive scheme submitted. Final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In addition, the final details of fencing at Clongriffin, the Maintenance Compound Building at Rush and Lusk Station and Signalling Equipment Building (SEB) at Malahide Station shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

10. (a) All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and works areas.  
(b) Prior to the commencement of development, the applicant shall submit a detailed lighting plan to be held by the planning authority. The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the site compounds of the development site.

**Reason:** In the interests of clarity, and of visual and residential amenity and protection of local biodiversity.

11. Prior to the commencement of development, a finalised design for an otter tunnel at Kilcrea shall be prepared in consultation with the National Parks and Wildlife Service. The final details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of wildlife protection.

12. Prior to the commencement of development at each section of the proposed works, pre-construction surveys shall be carried out to determine the presence of protected mammal, bird or bat species.

**Reason:** In the interest of environmental protection.

13. The temporary construction compounds at Quay Street Car Park (Balbriggan) and identified as DCN.5027.T.2(A) DCN.5027.T.2(B) DCN.5027.T.12(A), DCN.5027.T.18(A) and DCN.5027.T.52(A) under the relevant schedule of the Railway Order and shall be restricted to a works area only and it shall not be used for site offices, welfare facilities, storage facilities and workshops, storage of construction plant and equipment or stockpiling of materials. Following the works, the developer shall ensure that the public realm is fully reinstated to the planning authority's satisfaction.

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

14. (a) Noise monitoring shall be carried out at all times during the construction phase of the development. In the event of exceedances all relevant works shall cease until appropriate mitigation is implemented.  
(b) The applicant shall provide, at the expense of CIÉ/IÉ, a scheme of temporary rehousing / alternative accommodation for residential properties for such a time as the construction works and/or associated compounds are in operation within 100 m of a property, where construction noise and vibration levels would be such that mitigation would not provide sufficient attenuation to prevent disturbance or interference with everyday activities and/or sleep. Details of the temporary accommodation scheme shall be submitted to the

relevant planning authority for written agreement prior to the commencement of development and shall include eligibility criteria to determine the properties falling within the scheme's remit. In default of any agreement, the matter shall be referred to An Bord Pleanála for determination.

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

## **Professional Declaration**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Tomás Bradley,

Senior Planning Inspector

10<sup>th</sup> July 2025

## **Appendix A – Extract from Typical Submission on issues on Howth Branch**

### **1. Loss of direct DART services**

The direct DART services from Howth, Sutton and Bayside to the city centre and beyond are vital to keep our communities connected.

DART services have been running to Bayside, Sutton and Howth for 40 years, and a direct train service has been running to Howth Station since 1847.

### **2. Level crossings**

A shuttle DART service operating every 10 minutes in each direction would cause the level crossings to be closed for up to 30 minutes of every hour. (Appendix A6.1 Dart+ Coastal North Level Crossing Assessment page 11)

For example, the crossing at Sutton Station could be closed for more than 32 minutes of every hour, and the Baldoyle Road crossing could be closed for more than 30 minutes of every hour in a worst-case scenario.

### **3. Increased traffic**

The traffic assessment submitted by Irish Rail as part of their application shows that longer closures of the level crossings will result in more traffic congestion.

The traffic study states that traffic queues on Baldoyle Road could be up to 59% longer than they currently are. (Appendix A6.1 Dart+ Coastal North Level Crossing Assessment page 29)

This has the potential to impact traffic on the wider road network including buses and cars that aren't passing through the level crossings.

As a user having to cross the level crossing several times a day, the traffic already gets backed up on to the main road, this will have implications for local road users who will be impacted dramatically causing further delays and lowering quality of life in the surrounding areas.

### **4. Sustainable travel**

It is National Policy to encourage people to use sustainable transport instead of their

cars. 77% of people who took part in the 2nd public consultation said they would not be encouraged to use the DART over their cars. (Appendix A3.2 PC2 Findings Report page 21)

Furthermore, Irish Rail's 2nd public consultation report found that: "The loss of direct services to Dublin City Centre was regularly cited in submissions as grounds for existing DART users from the Howth Peninsula to revert from DART usage to private car usage."- Appendix A3.2 PC2 Findings Report page 33

Removing direct DART services does not align with our national transport and climate policy.

## **5. Accessibility**

A shuttle DART service will require people to transfer DARTs at Howth Junction Station if they want to continue into the City Centre.

This is a problematic area with gangs of youths, so for safety and / would not allow my teenage children to use this station. Limiting the independence of children in this area to feel safe and have freedom of movement.

This will also cause difficulties for people with disabilities, limited mobility, and wheelchair users where they need to use the lifts in the station.

In 2023 the Irish Independent reported that lifts at Irish Rail stations were marked out of service over 800 times in just 18 months. It can take days, and even weeks for lifts to be repaired.

## **6. Local businesses**

The loss of direct DART services will have significant negative impacts on local business in Baldoyle, Sutton and Howth.

Businesses will have to grapple with delays to their deliveries and longer journey times for staff and customers