

Dr. Kevin Reid, BSC (Hons), PhD

Ashtown Stables, Managing Director

An Bord Pleanála

Oral Hearing

DartWest

AN BORD PLEANALA	
03 OCT 2023	
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September – October 2023

1. **Introduction.** My name is Kevin Reid. My family are the owners and operators of Ashtown Stables, Ashtown, Dublin 15. My family have kept, bred and trained horses at Ashtown for the last 40 years. These horses help us to teach children and adults how to ride and care for them. The Stables provide an outlet for the community to exercise in the fresh air, engage with animals and make friends 52 weeks of the year. The Stables operates on an extremely small footprint comprising just 3 acres in total. Irish Rail's current DartWest plan for Ashtown will involve forcibly taking over 14% of the Stables' land with construction and demolition on all four sides of the Stables. This level of construction would render the Stables inoperable and cause irreparable damage to the local environment.

2. **Support.** Ashtown Stables has received amazing public support in response to Irish Rail's plans to force us to close. Over 4,000 people initially signed a petition on change.org in support of the Stables. Subsequently, over 6,000 people signed an objection form to Irish Rail's plans for the Ashtown area. Here is a copy of this form:

Irish Rail,

1. I object to the taking and demolition of Ashtown Stables.
2. I object to a tunnel for Ashtown, with or without CCTV.
3. I am in favour of Irish Rail choosing an option for Ashtown that does not interfere with Ashtown Stables.

I consent to the copy and use of this document (by Ashtown Stables) for future objection(s) if necessary.

Print name: _____

Email or Postal Address: _____

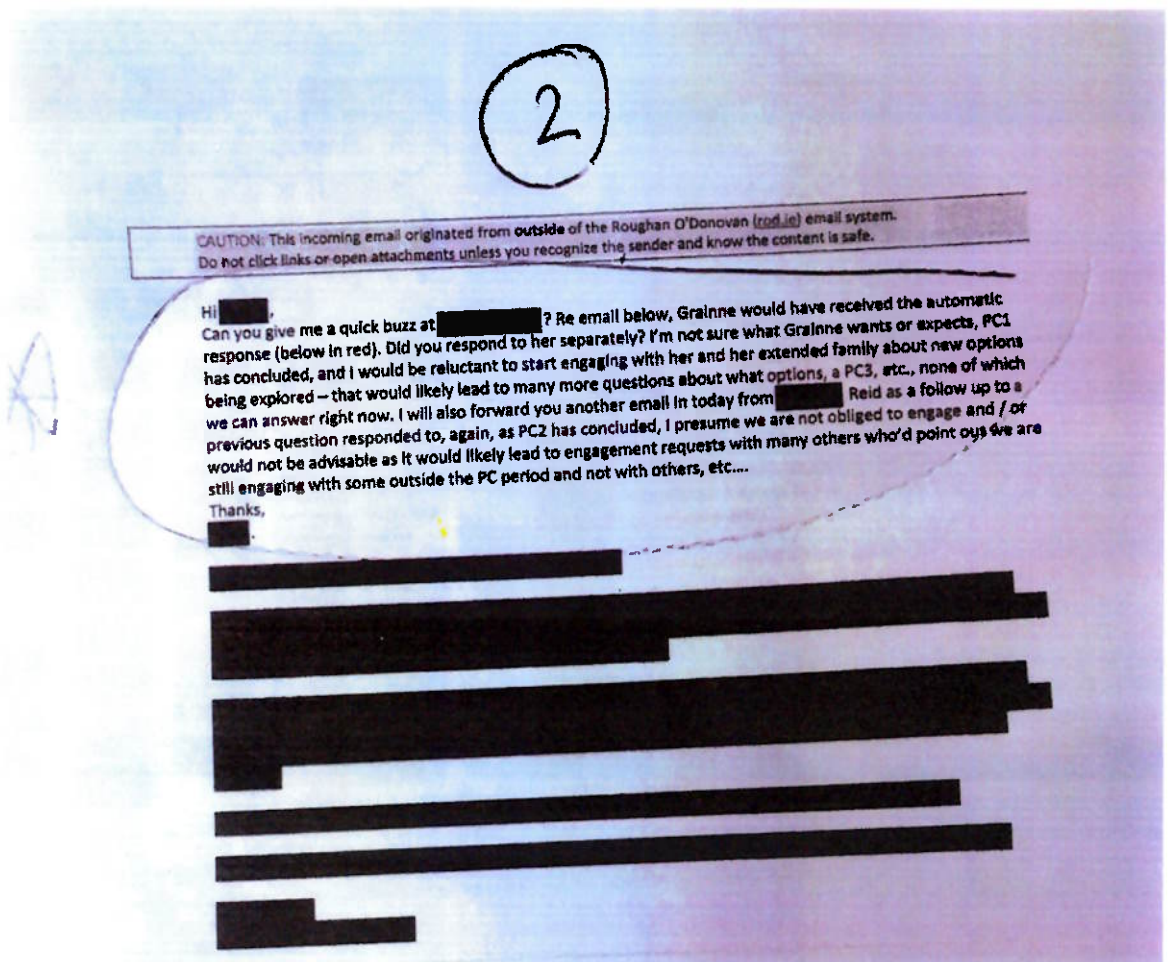
Signed: _____

Date: _____

3. **Irish Rail's response to feedback.** The above form explicitly states objections to a tunnel being built in Ashtown and to any interference with Ashtown Stables. These objections formed the overwhelming majority of opposition to the DartWest plan. Irish Rail will tell anyone who will listen that they have listened to the community. This is demonstrably false.

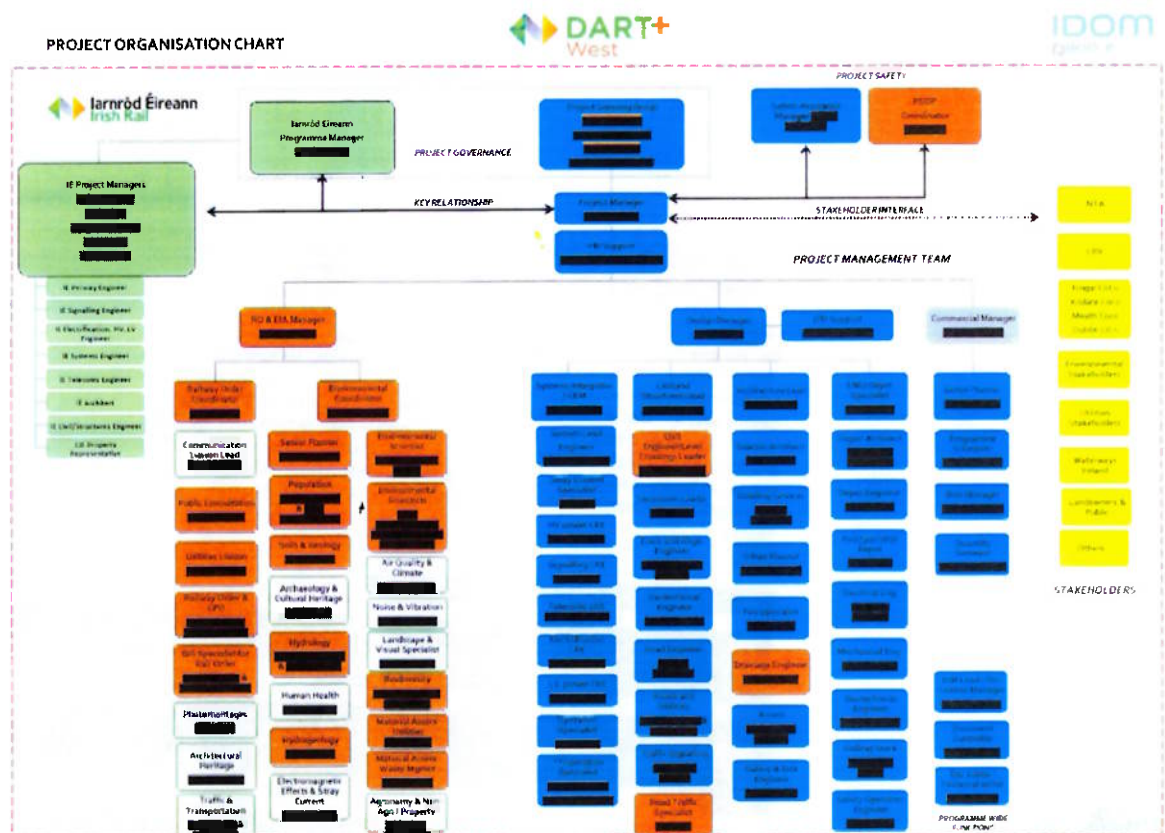
In Section 3.16 of the "Submission on Observations to the Draft Railway Order Application", Irish Rail states: "The efficacy of the public consultation process is demonstrated by the fact the design of the project in Ashtown was substantially altered in light of the feedback and representations that were received in relation to *inter alia*, the amenity value of Ashtown Stables during the public consultation process". This statement is completely disingenuous and deliberately misleading. How can Irish Rail ignore the explicit wishes of over 6,000 community members while insisting that they have listened to the community?

4. **Engagement:** In Section 3.16.2.11 of the “Submission on Observations to the Draft Railway Order Application”, Irish Rail assert: “Throughout the periods of public consultation and at all other times every effort was made from the initial launch of this project, right through the non-statutory consultations and the statutory consultation to engage proactively with this landowner” (i.e. the Reid family). This statement is contradicted by an internal email obtained by Ashtown Stables through a personal data request (Irish Rail reference number IE_DP_1350).



Unfortunately for Irish Rail, this email shows the facts to not correspond to their assertions.

In Section 3.16.2.12 of the “Submission on Observations to the Draft Railway Order Application”, my assertion that Irish Rail “refuse to provide basic information on the project, such as the identities of the DART+ West Team” is rebutted. When Irish Rail were asked to identify the members of the DartWest Team (IE_FOI_506), the response I received was a project organisation chart with every single name redacted. How can Irish Rail claim to have sincerely engaged with my family when they won’t identify their team?



In Section 2.2.2, Irish Rail claim that “Multiple webinar meetings were held between IÉ and potentially affected residents, community groups and elected representatives. This was as part of the efforts to inform the public as widely as possible whilst ensuring compliance with the government restrictions at that time”. Here, Irish Rail fail to mention that during the first webinar for the Ashtown area, the chair of the meeting, Jane Cregan, abruptly left the meeting leaving many people without a chance to speak. No-one from the DartWest team stood in to replace her. I would also like to point out that a third-party contractor acting for Irish Rail informed us that “CPOs are never easy” at the very first webinar. This statement revealed Irish Rail’s true intent for Ashtown Satables. Irish Rail’also fail to mention that during the second webinar for the Ashtown area, attendee’s microphones were muted, including those of public representatives. This is the equivalent of holding a town hall meeting and placing duct tape over the attendee’s mouths. These are two examples of the utter contempt shown by Irish Rail and their operatives for the public during this whole ordeal.

Also in Section 2.2.2, it is stated that “posters were put up at display boards at a number of stations to announce the preferred option consultation. In total, 31 posters were erected at 5 stations: Connolly, Ashtown, Castleknock, Coolmine and Clonsilla”. These posters were strategically placed **INSIDE** the stations, not on the affected roads outside the stations or at level crossings. This is yet another example of the disingenuous nature of Irish Rail and the DartWest Team.

5. **Impacts on Stables:** Irish Rail are still contesting that this proposal will primarily remove impacts at Ashtown Stables. This contention is blatantly false and deliberately misleading.

In Section 3.16.2 of the "Submission on Observations to the Draft Railway Order Application", Irish Rail attempt to refute my assertions that their proposed works will render the Stables inoperable. Irish Rail employed the services of an "equine expert" for this project in order to achieve this goal. Through a freedom of information request (IE_FOI_705), Ashtown Stables obtained the stated credentials of this "equine expert" and the advice that he gave to the DartWest Team. This "expert", Michael Sadlier, offered no relevant credentials on the operation of a riding school in Dublin City whatsoever.

Michael Sadlier conducted a desktop study on Ashtown Stables. This "study" apparently consisted of an internet search for "Ashdown (sic) stables" with a reliance on Google reviews. I really do not wish to be rude to Mr. Sadlier but it is patently obvious that he is clearly unqualified to offer any insight into the operation of Ashtown Stables. For Irish Rail to present Michael Sadlier as an expert on the operations of Ashtown Stables is disingenuous at best and downright deceitful at worst.

Mr. Sadlier also provided patently incorrect information regarding the layout of the property when he stated that the Stables are "bordered by the main Dublin-Sligo Railway line". The Stables are not bordered by the railway line. CIE own land between the Stables and the railway. This error is indicative of the lack of attention to detail that I have witnessed throughout my dealings with Irish Rail operatives.

Michael Sadlier, working for Irish Rail, spied on our private property and took detailed notes on, amongst other things, the activities of the persons on the property. He then made a series of assumptions and presumptions that were

entirely false including the number of stables, the type of horses, the temperament of the horses and the operation of the rides.

Mr. Sadlier uses a paragraph that has been copied and pasted from earlier works he has carried out for other infrastructure projects that are not relevant. He then states "Any construction activity has the potential to create a significant amount of abnormal noise and visual stimuli that may be quite intrusive to horses in the immediate vicinity". He goes on to make the following statement "Horses, bolting in fright, can injure themselves running into an obstruction or even other horses. However, more disturbingly, they can injure their riders and/or other personnel." At no point in the documentation provided by Irish Rail did Michael Sadlier suggest any measures that could effectively mitigate the disturbance caused by construction activities.

In Section 2.4.3 of the "Submissions on Observations to Draft Railway Order Application Document" it is stated that: "During certain construction activity, it may be prudent to restrict access to the horses and ponies to the paddocks but this is very manageable and no different than the management used when paddocks are sprayed, harrowed or even in inclement weather". I would like to know where this advice came from. Irish Rail have either withheld information requested or have drawn this conclusion themselves. All construction activities will have an effect on the horses and ponies. Irish Rail's own advice indicates that horses could 'bolt' due to strange stimuli. How could Ashtown Stables operate lessons/pony camps with construction, demolition and daily access to construction compounds required? People need to be on or around horses as part of normal activity. To have construction on all four sides of the property would have a devastating impact on the Stables and no fair-minded person could disagree with that.

6. **Impacts on the Stables according to Irish Rail.** In Section 2.4.3 of “Submissions on Observations to Draft Railway Order Application Document”, Irish Rail state that the “impact of the proposed development has been assessed in the EIAR and the significance of this impact is deemed to be ‘Moderate’. This assessment has considered the impact of land take, the reduction in the area of agricultural lands and the temporary construction impacts on the operation of the equine enterprise”. This conclusion has been reached without any justification, data or any other shred of evidence.

Irish Rail’s own documentation admits that construction works will last for a number of years, occur 24 hours a day and likely generate significant nuisance due to the scale of the significant infrastructure works required during the associated construction durations (Chapter 23 Human Health Volume 2 of the EIAR). This coupled with their own advice indicating that horses could ‘bolt’ due to strange stimuli shows a complete absence of any duty of care to the people and communities affected by their proposals.

Irish Rail claim that “Mitigation measures are set out in Section 16.6”. This section mentions “work mitigation measures” and some vague references to “good communication” between the contractor and adjacent landowners during the construction phase so that livestock can be moved away from the construction work during critical times. These mitigation measures could be appropriate for a farm maybe but are simply not practical for Ashtown Stables. Construction and/or demolition on all four sides plus a daily construction compound right beside the stable area and arena would be dangerous for horses and people in the vicinity. Again, Irish Rail have failed to propose any workable solutions for Ashtown Stables.

Table 16-6 refers to “temporary construction impact on equine activities” and Section 2.4.3 states that “effects will be temporary and short term in nature”. Again, Irish Rail’s own documentation admits that construction works will last for a number of years, occur 24 hours a day and likely generate significant nuisance due to the

scale of the significant infrastructure works required during the associated construction durations (Chapter 23 Human Health Volume 2 of the EIAR). The Stables could not continue to operate under those conditions. Horses and children require consistency and routine. The suggestion that the operations of the Stables would not be hugely impacted by forced closures over a number of years is absurd.

Many neurodiverse children and adults attend the Stables. Some of our people are extremely audio-sensitive and some have issues regarding communication. Irish Rail have failed to mention any mitigations for any neurodiverse riders. Lessons or pony camps with audio-sensitive children surrounded by a building site would be intolerable for them.

In response to the concern that construction works around and within the Stables would render the Stables inoperable and force them to close (2.4.3.3), Irish Rail completely fail to address the question. Instead, they claim a Construction Environmental Management Plan (CEMP) will be produced by the successful contractor. Irish Rail provide no details of this plan which is a tacit admission that they have no solutions to this problem.

Irish Rail claim that “the current horses and ponies in Ashtown Stables will adjust to the new stimuli associated with the construction activity as they have done so many times before”. Therefore, they propose condensing 40 years of breeding and training into an overnight adjustment. Their own advice indicates that the horses will “bolt”. How is this compatible with the safe continuation of this local amenity?

Irish Rail repeatedly put out false information that will put people in danger. For example, in Section 2.4.3, it is stated that “The old mill, ancillary buildings and stable complex are very well located to minimise the construction activity at the northern end of the proposed construction works”. This is incorrect information. The construction compound runs right along the northern boundary – beside the stables and arena. According to Irish Rail’s own documentation, daily access to this

compound is required (3.16.9). Additionally, people in the stables with horses while construction activity is ongoing will be at risk.

Also, in Section 2.4.3 it is stated that “the two areas that are exposed are the proposed roundabout at the southern end of Mill Lane and the proposed footbridge and Ashtown Road redevelopment at the north-eastern aspect of the sand arena”. Again, this is incorrect information. The proposal will include construction work along the Ashtown Road that will run the length of the arena and beyond. How is this compatible with the continuation of the Stables? These mistakes will cause injury and/or death.

7. Irish Rail propose screening to mitigate the effects of construction/demolition.

Sections 14.5.3.5.4 and 14.6.1.4 Detail some of the long duration, high intensity and varied time requirements of the huge proposed developments in Ashtown. Irish Rail state in Section 2.4.3 that "Appropriate screening has been shown in previous infrastructural construction projects to be effective at reducing or even minimising the visual and aural stimuli which could have the potential to have adverse impacts on equine activity and behaviour". Where did this information come from? It was not mentioned in their FOI response to me regarding their "equine expert". Horses have exceptional hearing and screens themselves will make noise/move in the breeze. No knowledgeable horse-riding instructor or riding-school horse trainer could stand over such a ludicrous statement. Even another section of their own documentation (14.6.1.7) contradicts this statement when it says "In most practical situations the effectiveness of the screen is limited by the sound transmission over the barrier rather than the transmission through the barrier itself". Section 14.5.3.5.4 indicates that the underpass works will take approx. 2 years to complete with approximately two thirds of the work taking place during the day period. However, there will be night possession work where work is taking place close to the rail track, these works will include piling, excavation and concreting. Night works are likely to cause a significant effect at surrounding receptors. This directly contradicts their own advice regarding the welfare of the horses (MoM 10.3.21) which stated night works could disturb the rest periods of the horses.

8. **Irish Rail's Options Selection Multi-Criteria Analysis is deeply flawed.** Below is the Multi-criteria analysis (MCA) to justify (retrospectively, in my view) choosing Option 2 (taken from Option Selection Report Volume 1, August 2020). Dark brown colours indicate less favourable, dark green colours indicate more favourable (which makes it very difficult to effectively compare and contrast different options). Option 9 (dropping the railway line leaving the rest of the Ashtown area intact) scores all dark brown for some reason which is hard to justify given that it would have no negative impacts on "Integration", "Social Inclusion", and "Physical Activity" whatsoever, and would be more favourable for "Environment" and "Safety" than Option 2. Irish Rail haven't released actual data on "Economy" so it is unclear if even this criterion would be favourable.

Table 9-4 Stage 1 MCA Matrix

Criteria	Do Nothing	Do Min	Options									
			1	2	3	4+4a	4+4b	5	6	7	8	9
Economy												
Integration												
Environment												
Social Inclusion												
Safety												
Physical Activity												
Shortlisted for Stage 2 MCA	No	No	No	Yes	No	Yes	Yes	No	Yes	No	No	No

9.3.2.3 Summary and Recommendations

Irish Rail subsequently changed this analysis so that only "Environment" and "Economy" categories scored poorly (i.e. dark brown). However, despite numerous requests (IE_FOI_502), Irish Rail refused to share publicly-held environmental data with the public. Irish Rail also refused to share the details of their "Economy" category. This meant that options were ruled out without any informed participation from the public whatsoever. Withholding such important data from the public deprives us of the ability to make informed choices. We are expected to trust Irish Rail without any oversight whatsoever. One question that needs to be asked is – did

Irish Rail factor in delay and legal costs when they tried to close a local amenity, segregate communities and override citizens' constitutional rights?

9. **Irish Rail's biased treatment of Brent Geese environmental data.** Irish Rail have admitted that Brent Geese (*Branta bernicla hrota*) feed at Ashtown Stables (Section 2.4.1). Therefore, they need to update their Natura Impact Statement July 2022 accordingly. Instead, they simply dismiss the fact that Brent Geese feed at Ashtown Stables without any data whatsoever. As the necessity for shelter is well-established in the scientific literature, their contention that Ashtown Stables lands "do not provide what is considered suitable inland feeding habitat for Brent Goose, as described in the literature", is without merit and must be dismissed. Irish Rail recognise Ireland's Brent Geese population are of international importance when convenient (EIAR 8.4.3.2) while simultaneously proposing to bulldoze their habitat at Ashtown Stables. The State must lead the way in protecting habitats and biodiversity and is obliged under EU-law to do so.

10. The State must lead the way in protecting our bat populations. Studies of bats on the Royal Canal carried out for Waterways Ireland & Fingal County Council Parks Division have shown that “Ashtown was the area where the greatest number of bats was noted” (Keeley, 2004). The large quantity of arthropods supported by the stables provides a valuable feeding site for bats in the area. The importance of insect-rich habitats for bats is well established (Eurobats Publication Series no. 9). In addition to the availability of food and roost sites, maintenance of linear landscape elements, for commuting to feeding areas (hedgerows, tree lines, shrub lines, water streams, drains), within at least 6 km from a maternity roost is also important (Eurobats Publication Series no. 9). Irish Rail’s current plan to force the Stables to close, remove the mature trees in the grounds of Ashton House and remove the hedgerows along Ashtown Road and Mill Lane would have a devastating effect on the bat population of Ashtown. Irish Rail’s mitigation measures focus on bat boxes for roosting sites but fail to account for the loss of the insect-rich feeding site at the Stables and the loss of the hedgerows essential for commuting. The EU Habitats Directive provides protection for the habitats and roosts of all bat species as well as the bats themselves. Again, the State must lead the way in protecting habitats and biodiversity and is obliged under EU-law to do so.

Three species of pipistrelle bat (soprano pipistrelle, *Pipistrellus pygmaeus*, common pipistrelle, *Pipistrellus pipistrellus* and Nathusius’ pipistrelle, *Pipistrellus nathusii*) were recorded at Ashtown during a bat survey conducted at Ashtown Stables (Brian Keeley, *Wildlife Surveys Ireland*). Irish Rail’s bat survey only recorded two species of pipistrelle at Ashtown. Nathusius’ pipistrelle has only relatively recently begun to establish maternity roosts on the island of Ireland and there are relatively few records for the species. Identified threats to this species include; removal of hedges, copses and shrubs; demolition of buildings and human structures; destruction of insect-rich foraging habitats such as wetlands, riparian woodland and unimproved grassland (Marnell et al., 2019). Main threats include roost disturbance and destruction of insect-rich foraging habitats (Marnell et al., 2019). Leisler’s bat (*Nyctalus leisleri*) and Daubenton’s bat (*Myotis daubentonii*) were also recorded at

the Stables (*Brian Keeley, Wildlife Surveys Ireland*). For Daubenton's bats, it is commonly understood that parkland, woodland and open-water habitats, tree lines and other linear structures should be conserved (Eurobats Publication Series no. 9). By forcing the Stables to close, removing hedges and mature trees and turning the Ashtown area into building site, Irish Rail's current plans would have a devastating effect on the bat population of Ashtown. Irish Rail do not seem to be concerned with the devastation of bats' foraging and commuting areas. However, the State must protect these areas under EU law. Irish Rail's weak mitigation measures will not be enough to protect these bat species in Ashtown. Having a thriving population of bats in Dublin city should be treasured and protected, not undermined and destroyed as Irish Rail wish to do.

Leisler's bat (*Nyctalus leisleri*) has been recently been revised to Least Concern in the current red list report due to population recovery (Marnell et al., 2019). However, the status of the internationally important Leisler's bat should be carefully monitored in case the recoveries are not sustained (Marnell et al., 2019). As there are also concerns about the underlying status of many of the natural habitats on which Irish mammal species rely (Marnell et al. 2019), conservation of a special habitat in Dublin city like Ashtown should be protected, not actively destroyed, by the State.

11. Otter (*Lutra lutra*) also needs to be protected by the State. Irish Rail's own data show that otter activity is high in the Ashtown area (EIAR Chapter 8). Again, this necessitates the protection, not the destruction of this area. Having otters all along the canal to the city centre should be treasured and the State needs to do all it can to protect their habitat. Otter have been recently been revised to Least Concern in the current red list report due to population recovery (Marnell et al., 2019). However, the status of the internationally important otter, should be carefully monitored in case the recoveries are not sustained (Marnell et al., 2019). The otter is listed as Near Threatened at European and Global level (www.iucnredlist.org), so the Irish population remains of importance. There are also concerns about the underlying status of many of the natural habitats on which Irish mammal species rely (Marnell et al. 2019). Irish Rail's own data (Table 8-11) show otter activity and holts in the very area where they propose to build a huge tunnel. It is incumbent upon the State, and Irish Rail, to choose an option for Ashtown that does not involve the habitat destruction of internationally-threatened species.

12. Irish Rail's objectives versus the common good. Irish Rail claim that their objective to electrify the railway gives them a right to force a valued local amenity to close, segregate local communities, override citizens' constitutional rights and cause unnecessary and irrevocable damage to the local environment and biodiversity. Irish Rail's objective to electrify the railway must be balanced against other State objectives and the interests of its citizens. For example, the final report of the Citizen's Assembly on Biodiversity Loss highlighted what it called the failure of the State to adequately fund, implement and enforce existing laws and directives to protect biodiversity and nature. Destroying unique habitats in Dublin City centre is diametrically opposed to the State's commitment to protecting biodiversity.

Furthermore, according to the National Children's Research Centre, 1 in 4 school-going children are either overweight or obese in Ireland. The Government's Obesity Policy and Action Plan covers a ten-year period, up to 2025. The vision is to turn the tide of the overweight and obesity epidemic. The overall aim is to increase the number of people with a healthy weight and set us on a path where healthy weight becomes the norm. Closing down a unique local sporting amenity like a riding Stables is diametrically opposed to the State's commitment to reduce obesity.

A huge proportion of the riders at Ashtown Stables are women and girls. According to the most recent data, around 30% fewer girls are involved in sport in secondary school than in primary school. Sport Ireland have recently launched the HERMOVES campaign to make sports more visible and attractive to women and girls. The need for a non-traditional sport like horse riding in the city centre is greater now than ever. Closing down a unique local amenity is diametrically opposed to the State's commitment to reduce involving women and girls in sports.

Demand for Child and Adolescent Mental Health Services (CAMHS) increased by 33 per cent between 2020 and 2021, while simultaneously seeing 21 per cent more cases during the same period. Horse riding is recognised as an effective tool in preventing and treating many mental health conditions. Closing down a unique local

amenity is diametrically opposed to the State's commitment to preventing and ameliorating mental health issues in women and girls.

While the goal of electrifying the railway is a worthwhile one, it must not come at the cost of other objectives of the State. It is a huge stretch to try to use these objectives as a basis for forcibly closing a valued local amenity, forcibly taking land 300m away from the railway, constructing a massive bridge, digging a huge tunnel, building two roundabouts, all in a small area like Ashtown. This is clearly beyond their remit of Irish Rail.

13. **Constitutional rights.** Irish Rail's plans are in clear breach of my, and my family's constitutional rights. I will be defending those rights through every possible channel.

14. The Aarhus Convention. Irish Rail frequently refer to their non-statutory public consultations when questioned on public communication and public participation in this project (13.6.2.11). Sections 2, 3, 4 and 7 above highlight the serious issues with this non-statutory public consultation. Unfortunately, Irish Rail have not listened to the public, have denied us access to important information and have not allowed us to be involved in the decision-making process in any meaningful way. Fortunately, the Aarhus convention protects these rights under EU law.

The Aarhus Convention is an international agreement (to which Ireland is a signatory) that gives people the right to access information about the environment. It also promotes public participation in decision-making and provides access to justice on environmental matters.

The convention gives us the following 3 rights:

1. Access to environmental information and measures affecting the environment.

Irish Rail repeatedly denied the public access to key environmental data in a timely way (e.g. IE_FOI_502 above), thus depriving us of the ability to make informed choices.

2. Participation in environmental decision-making. The public is entitled to express comments and opinions when all options are open before decisions on the plans and programs are made. In making those decisions, due account shall be taken of the results of the public participation. This point is key in the present context. The public had no meaningful say in the plans for Ashtown. Over 6,000 clear objections were largely ignored and Irish Rail refused to allow the public meaningful interventions when all (or even some) options were open.

3. Access to justice Public's right to a review by a court or another independent body to ensure that public authorities respect the rights to access to information and public participation and environmental laws in general.

15. **Conclusion.** It is clear that Irish Rail have tried to force their plans on the public without meaningful engagement. This is a pity because public support for the electrification of the railway is high. I think the way that Irish Rail and their operatives have conducted themselves throughout this process has contributed to the lack of public support for these specific plans. Irish Rail's refusal to share environmental data at early design stage and their refusal to share financial data at all will lead to long and costly delays for this project. I firmly believe that the Oireachtas needs to step in now, conduct an RTE-style Public Accounts Committee investigation into this whole process and hand the project over to a truly independent body. Irish Rail's aim to electrify the railway must not come at the expense of other Government objectives and citizens' rights.

16. **References.**

Keeley, B. (2004) The Mammal Fauna of the Royal Canal. Report prepared for Waterways Ireland and Fingal County Council

Marnell, F., Looney, D. & Lawton, C. (2019) Ireland Red List No. 12: Terrestrial Mammals. National Parks and Wildlife Service, Department of the Culture, Heritage and the Gaeltacht, Dublin, Ireland.

Signed: _____

Dr. Kevin Reid, Ashtown Stables