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An Bord Pleanála,
64 Marlborough Street,
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4th October 2023

**Re: Dart+ West Railway Order – Dublin City to Maynooth and M3 Parkway
County Dublin, County Meath, County Kildare**

Our case number: ABP-314232-22
Your reference: Flynn & O'Flaherty Construction

Dear Sir/Madam,

I refer to our submission on the above Oral Hearing and the response to our submission copied below. Our further response is written in red below.

3.20 Ref. No.21 – LO020 – Flynn & O'Flaherty Construction

Representative – John Smyth of OMS Architects

3.20.1 Submission Location – Ashtown – Navan Road Parkway Station

1. As per the Fingal CDP, the lands proposed to be acquired by IE are zoned under Zoning Objective HT (High Technology) and are valuable, and appropriate for high-density development in close proximity to public transport, and the recently completed secondary school St. Brigid's GAA Club
2. Impacts on land and values
3. Justification of the site selection - have requested, but not received the justification for the selection of these lands for the compounds
4. Proposed alternative - propose to move the location of the compound to a different site in their ownership. The site (Appendix 6 of submission) is 1.275ha at the eastern end of the site, adjacent to the railway line and with vehicular access from the N3, via the Ashtown Business Park, noting that although these lands are valuable, they are not as valuable as the site currently selected by IE.

3.20.2 Response to submission

1. The lands to be acquired and owned by Flynn O'Flaherty are zoned in the previous and current Fingal County Development Plan 2023-2029. For 'High Technology uses'. The land use zoning objective states: "Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment." The proposed

development will contribute to providing a high quality-built environment and will support the development of high technology uses through the provision of high quality sustainable transport infrastructure and services.

The provision of a temporary and permanent compound will not add to a high-quality environment. It is a service function for the Dart-West services and will prevent any further development taking place on the site. When the 'temporary' compound has been returned to the owners the receiving environment will be defined by the adjoining permanent compound. There is no timeline for the 'temporary' compound so no visibility when and what development could take place.

The lands in question form part of a land parcel subject to a LAP. The provision of the compounds will prevent vehicular access to adjoining lands, also zoned High Technology uses', effectively landlocking these sites for development.

The development plan includes land use classes that are permitted in principle and not permitted. The proposed development supports employment uses through the provision of high-capacity public transport services. The submission received states that these lands may be considered for residential purposes which would not be consistent with the Development Plan for this land use zoning.

While the current Development Plan does not permit for residential development, this does not prevent future Development Plans allowing residential development.

Given its strategic location adjoining the railway station (paid for by Flynn and O'Flaherty) and in particular following electrification it would be consistent with national and local planning policies to provide for residential use in this location.

The temporary acquisition of CIÉ for a construction compound beside the Navan Road Parkway station which is currently undeveloped would support the development of existing land uses and provide for efficient uses and transportation of equipment along the railway line during the construction phase. The smaller land area that is required for the telecommunications equipment and the maintenance compound is consistent with existing rail based infrastructure land uses in this area and are permitted class of development under the high technology land use zoning objective under Fingal CDP namely under 'telecommunications structures and 'industry light'.

The lands to be acquired and owned by Flynn O'Flaherty are zoned in the previous and current Fingal County Development Plan 2023-2029 For 'High Technology uses'. The subject lands are zoned as part of 'Long term strategic reserve for the lands around Dunsink'. The subject lands are also part of an objective to develop the Navan Road Parkway Local Area Plan (LAP 13.B) which requires the consideration of transport and drainage infrastructure as part of its strategic issues.

The land use zoning objective states: "Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment."

The proposed development will contribute to providing a high quality-built environment and will support the development of 'high technology' uses through the provision of high-quality sustainable transport infrastructure and services.

It is not a credible argument to propose that the provision of a temporary and permanent compounds provide a high-quality context for future development of any description. There will be a detrimental effect of the proposed compounds not only the proposed site for acquisition but on the adjoining lands.

The proposed development supports employment uses through the provision of high-capacity public transport services. The submission received states that these lands may be considered for residential purposes which would not be consistent with the Development Plan permitted classes of development identified for this land use zoning.

While the current Development Plan does not permit for residential development, this does not prevent future Development Plans allowing residential development, particularly with the electrification of the Dart-West line.

The temporary acquisition by CIÉ for a construction compound beside the Navan Road Parkway station (which is currently undeveloped) would provide for efficient transportation of equipment along

the railway line during the construction phase. The smaller land area that is required for the telecommunications equipment and the maintenance compound after the construction phase is also considered to be consistent with existing rail-based infrastructure land uses in this area and is identified as permitted class of development under the high technology land use zoning objective under Fingal CDP namely under 'telecommunications structures and 'industry light'.

The fact that the proposed compounds can be considered as 'Permitted' development under the current Development Plan does not mean this is an appropriate use and it is clearly not the best use of these lands given all of the above.

2. If the Railway Order is confirmed compensation will be addressed in accordance with statute and Compulsory Purchase practice and procedure as and when statutory notices are served.
3. The EIAR document Chapter 3 Alternatives (Volume 2 Main Text) explains the locations studied for the location of the construction compound and an operational phase maintenance facility in Navan Road. Section 3.6.9.1 explains the MCA developed that leads to selecting the chosen option.
4. The "alternative proposed option" shown in the Appendix 4 was studied as an option in the MCA (Multi Criteria Analysis). Section 3.6.9.1 of Chapter 3 Alternatives (EIAR) sets out the reason for the chosen option:
 - The project option has some comparative advantage over the alternative proposed option under the Environment Criteria. This option is partially located on undeveloped lands and made ground and will require the removal of less vegetation. Additionally, the project option is located the furthest from sensitive noise, and visual receptors compared to the alternative proposed option and is therefore advantageous.
 - Project Option offers an advantage over the alternative proposed option, as the first one provides a shorter access route to the compound and avoids construction traffic gaining access to the compound at the R147(Navan Road) level.

When taken into consideration with the favourable assessment and suitability of the lands offered by Flynn and O'Flaherty it is difficult to see a justification for selecting the proposed lands. The selection of these lands will have a detrimental effect on the receiving environment for any future development should the 'temporary' compound be returned to Flynn and O'Flaherty. Given the undisclosed time required for the 'temporary' compound it will also be impossible to develop these lands or plan for the development of these or adjoining lands which will be effectively landlocked.

The far-reaching effect of this is to further delay the proposed LAP, given the uncertainty of time required for the 'temporary' compound and the landlocking of adjoining lands.

We request An Bord Pleanála to alter the Railway Order proposal and direct the applicant to accept the offer of Flynn and O'Flaherty in respect of the alternative lands.

Yours faithfully,

John Smyth