

Dr. Kevin Reid, Ashtown Stables

DartWest Oral Hearing Summary

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1. Firstly, I would like to say that I welcome Mark Kilcullen's admission during this oral hearing that he and his team did not know about Ashtown Stables before they tried to forcibly take our land and render the Stables inoperable. This admission is revealing about Irish Rail's mindset and the quality of their work throughout this project. To attempt to CPO property without doing the appropriate research is not only deeply immoral and grossly unprofessional but demonstrates a lack of due diligence and a lack of due process.
2. Irish Rail Engagement: I would like to note that there was no response from Mr. Corrigan to the email involving his company advising against engaging with my family. There was no response to muted microphones at the webinar. There was no response to the DartWest team refusing to identify themselves. There was no response to a lack of signage to effectively communicate their plans to the public at the Ashtown level crossing. I would like to highlight that other individuals and groups throughout this oral hearing pointed to a similar lack of communication from Irish Rail. Our assertion that Irish Rail's engagement was not genuine still stands. Mr. Kilcullen stated during this oral hearing that he feels that Irish Rail engaged "comprehensively" during this process. This is demonstrably false.
3. I would also like to note that Irish Rail had no response to Gráinne Reid's accusation of surveillance.
4. Multi-Criteria Analysis (MCA): Irish Rail (Mr. Kilcullen in particular) attempted to explain the rationale behind the MCA on many occasions throughout the oral hearing. It is abundantly clear to anyone who listened to these explanations that the MCA, or Irish Rail's interpretation of it, is open to manipulation. There was clearly no objective, coherent rationale behind this MCA process.

5. Lack of passenger number data: During this oral hearing Mr. Kilcullen tried to justify closing the level crossings by stating that in 6 years rush hour will extend to 6 hours per day. I requested data to justify these claims over one week ago. Despite numerous requests, and promises by Irish Rail, these data were not forthcoming as of 6am on 12/10/23. These data, if they exist, should be readily available to Irish Rail and should have been available to the public before the oral hearing and made available when requested.
6. Irish Rail's Consultants: It is abundantly clear to all who have attended this oral hearing that the quality of Irish Rail's consultants has been sub-standard. By way of example, I would like to highlight a number of these consultants and the testimony they provided.
 - (a) Heritage consultant: I would like to note Irish Rail's heritage consultant admitted under cross-examination that he did not in fact fully inspect the wall at Ashton House despite earlier claims to the contrary. In my opinion, this is indicative of the lack of attention to detail displayed by Irish Rail throughout this process.
 - (b) Water levels/flood data: It is clear from the oral hearing that there is an over-reliance on desktop studies and modelling throughout this project. This is evidenced by the exchanges regarding flood levels at Ashton House and the proposed depot at Maynooth in particular. The confusion displayed by the DartWest team regarding the flood levels at the proposed depot at Maynooth was embarrassing. I would urge the Board to go back and listen to this exchange if they have not already done so. This lack of attention to detail is indicative of the sub-standard work of Irish Rail and is deeply concerning. In addition, in Irish Rail's "Submission on Observations to the Draft Railway Order Application" Section 4.11.2.7 it is stated that "Review of OPW records and consultations with Dublin City Council did not identify elevated flood risk at Mill Lane". Mill Lane is in Fingal, not DCC so maybe Irish Rail should check with Fingal County Council instead. The promotion of desktop analyses and modelling data over the real world experience of the people who live and work in the areas to be affected is simply unacceptable.

(c) Noise levels. Irish Rail's own noise level consultant gave an indication of the huge impacts that these construction works will have on the noise levels for Ashtown. In my opinion, Mr. Smith attempted to downplay these impacts in his testimony regarding the Stables and I would like to thank the Inspector for seeking more information in relation to the noise impacts on Mr. Malone's property. Mr. Smith drew parallels with the noise from the trains in an attempt to downplay the impact on our horses. Comparing the predictable noises from trains that the horses have grown accustomed to over many years and the unpredictable noises from building sites is totally inappropriate. The noise impacts outlined here will be spread over a large area from the Ashtown Road (bordering the arena), at Ashtown train station, at the proposed substation, at the level crossing, on the tracks, at the proposed new bridge at the proposed construction compound (bordering the arena and the stables) and all the way to the proposed tunnel. In addition, there will be further works at the western and southern boundary of the (relatively small) property (Book 1 Railway Works Plan Part 1 Page 12). These noise levels will be high, will carry on over a number of years and will occur on weekdays, weekends and at night. Mr. Smith made reference to "occasional impulsive noises" but failed to elaborate much on those. Under questioning from the Inspector, Mr. Smith finally admitted that these noise impacts will lead to sleep disturbances. These erratic noise levels will be at up to 80 decibels around the clock. Mr. Smith's own testimony indicated that even with screening this can only be reduced by 5 to 10 decibels. The proposed construction compound bordering the arena and the horses' stables is a 24/7 compound. Machinery operating in this compound around the clock will disturb the horses at rest and when the children are riding them. All of these unpredictable noises will endanger the people on or around the horses. No fair-minded person could argue with this. By way of example, we have an excavator at the Stables. Even though the horses know this excavator, we would never operate it while the lessons are going on or people are in the Stables with the horses. If the Inspector or any Board member would like to come to the Stables we could give them a demonstration of how a horse could react to heavy machinery. For Irish Rail to suggest that the Stables can

continue to operate while this level of construction activity is occurring on all sides is disingenuous. Mr. Smith made no reference to the effect of construction on audio-sensitive children or those with communication issues. Further, they have provided no plan on how they propose that construction could happen which indicates that they know it is unworkable. I would also like to note that conducting works at night in close proximity to the horses goes against the advice Irish Rail received from their own equine consultant. If the Inspector or any member of the Board would like to come visit the Stables to see for themselves they are more than welcome.

- (d) Equine consultant: It is clear from Mr. Sadlier's testimony at this oral hearing that he has no experience in training riding school horses or teaching children in Dublin City. Mr. Sadlier made a brief reference to a 2-horse experiment at a concert in Australia. To try to equate the results of this experiment to teaching children to care for and ride horses in Dublin City is disingenuous at best. This is another example of Irish Rail trying to use an unqualified "expert" to further their cause. Mr. Sadlier made no mention of effects on neurodiverse children or people with communication issues.
- (e) Lighting: Irish Rail's lighting consultant indicated that Ashtown is a well lit area in his testimony without providing any data to support this idea. Anyone who knows this area knows that the areas where the construction compound and the tunnel are proposed are very dark at night. Allowing this utter nonsense to be put into the public domain is indicative of Irish Rail's poor standards throughout this project.
- (f) Photomontages: Like other contributors to this oral hearing, I have found the photomontages produced by Irish Rail to be misleading. For example, the photomontage of the proposed new roundabout at the southern end of Ashtown Stables is misleading (EIAR Vol 3B Photomontages Part 2 Sheet 11). Cross-referencing this photomontage with the works plan (Book 1 Railway Works Plan Part 1 Page 12) shows that the level of hedgerow and land loss is significantly greater than suggested by the photomontage.
- (g) Biodiversity: Again, an over-reliance on desktop studies is displayed. The Brent Goose study referred to (Irish Bent Geese Research Group) does not claim to be comprehensive. Irish Rail admits that Brent Geese feed in the

fields at Ashtown Stables. Other options have been discounted due to the presence of Brent Geese. As a fellow scientist, I am sure that Mr. O Shea understands that one cannot count data points that are favorable to your case and discount those that are not. Irish Rail's proposals will wipe out the hedgerow and parts of the field that Brent Geese need for food and shelter. No mitigation measures have been proposed. Note: I would like to make an objection to the introduction of last minute contributions that specifically list our property (at approximately 5pm on 11/10/23, Irish Rail submitted environmental documents to the Inspector that the public have not seen). This, in my opinion, is unacceptable.

Bats: My contention that mitigation measures are weak still stands as evidenced by the "Mitigation and Enhancement Mapping Sheet 3". The effects of removing horses from Ashtown and construction activity during the proposed works have been grossly underestimated. Irish Rail, and the State, have an obligation to protect these species.

(h) Due to the poor quality and often biased testimony of Irish Rail's consultants, Irish taxpayers can have no faith in their findings. As taxpayers deserve transparency and accountability, I will be pursuing an RTE-style Public Accounts Committee hearing into the DartWest Project.

7. Irish Rail have consistently tried to downplay the impact of the land take that they propose at Ashtown Stables. Using Irish Rail's own figures, the sum of permanent plus temporary land take that they propose is 0.1685ha out of a total of 1.2ha. This is approximately 14%. Therefore, our assertion that Irish Rail proposes to turn 14% of our land into a building site still stands.
8. I would like to note the lack of consistency across data provided by Irish Rail. By way of example, the Inspector pointed out that there is inconsistent data provided by Irish Rail with specific reference to cycle and pedestrian numbers provided for some bridges, but not for others. I would also like to point out the inconsistency in data provided by Irish Rail in relation to costings for different options. During the hearing (11/10/23), it was stated by Irish Rail's consultant that track lowering at Cope Bridge would cost 10.7 million euro and that bridge rebuilding would cost 1.4 million euro.

We have been asking for equivalent costings at Ashtown for a number of years now. Why can costing figures be published for Cope Bridge but not for Ashtown?

9. I would also like to note Irish Rail's responses during the oral hearing are not written and consequently very hard to follow.
10. Participation in decision making: Irish Rail ignored over 6,000 objections in relation to Ashtown. Irish Rail did not explain their reasons for ignoring these objections throughout the oral hearing. In fact, Irish Rail did not address these objections throughout the oral hearing. This demonstrates that the public had no real input into this decision making process. I would like to note that Irish Rail had nothing to say on their refusal to share environmental data with the public. By doing so, Irish Rail have deprived the public of any meaningful input at design stage. This is a clear breach of EU law. Note: this was further exacerbated by Irish Rail submitting additional environmental data (at approximately 5pm on 11/10/23) that the public have not seen.
11. Irish Rail's engineers have concluded (despite overwhelming public objections) that the best solution for Ashtown is the imposition of a dangerous tunnel and an unsightly bridge with concomitant community segregation. Throughout the oral hearing Irish Rail's engineers pointed out problems associated with road/DART interfaces. As Senator Emer Currie pointed out on the first day of this hearing, the DART runs along the coast without any problems with many road/DART interfaces. Irish Rail's engineers pointed out problems associated with dropping the railway line at Ashtown which would leave the rest of the Ashtown area intact. If Irish Rail's engineers cannot find a workable solution for Ashtown, then Irish Rail needs to find new engineers that can.