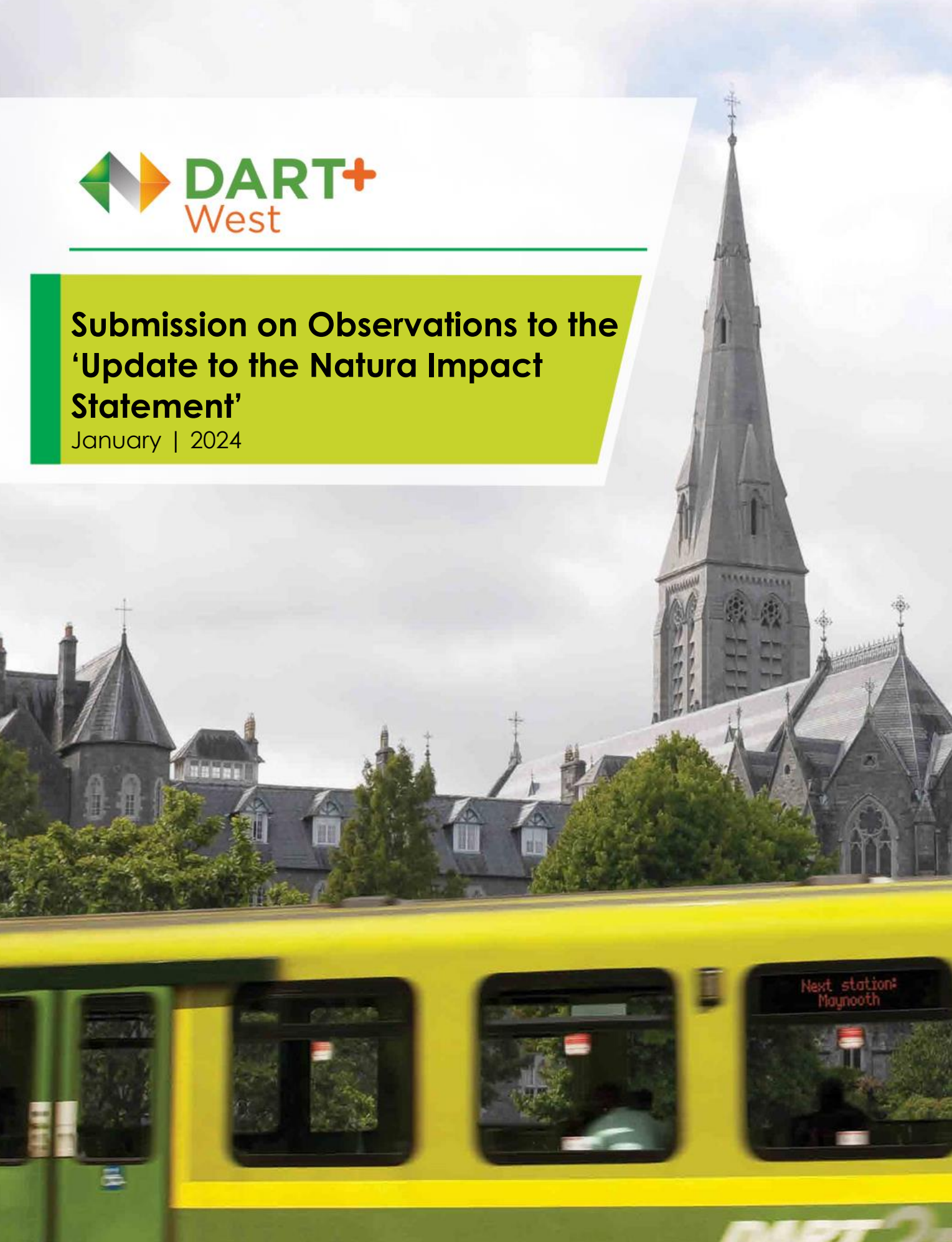




Submission on Observations to the 'Update to the Natura Impact Statement'

January | 2024



Tionscadal Éireann
Project Ireland
2040



Iarnród Éireann
Irish Rail

Table of Contents

1.	INTRODUCTION	1
2.	RESPONSE TO SUBMISSIONS	2
2.1	Introduction	2
3.	RESPONSES TO THE UPDATE TO THE NATURA IMPACT STATEMENT REPORT	3
3.1	Dublin City Council	3
3.1.1	Summary of Submission	3
3.1.2	Response to Submission	3
3.2	Kildare County Council	3
3.2.1	Summary of Submission	3
3.2.2	Response to Submission	3
3.3	Navan Road Community Council	3
3.3.1	Summary of Submission	3
3.3.2	Response to submission	4
3.4	Christopher Reid	4
3.4.1	Summary of Submission	4
3.4.2	Response to Submission	5
3.5	Kevin Reid	6
3.5.1	Summary of Submission	6
3.5.2	Response to submission	6
3.6	Sharon Weldon	9
3.6.1	Summary of Submission	9
3.6.2	Response to Submission	9
3.7	Sonja Brennan	10
3.7.1	Summary of Submission	10
3.7.2	Response to submission	10
3.8	Kay & John Brennan	11
3.8.1	Summary of Submission	11
3.8.2	Response to submission	11
3.9	Ref. No.05 – Kilcloon Environmental Action Association	11
3.9.1	Summary of Submission	11
3.9.2	Response to submission	11
3.10	Ref. No.03 – Carlos Clarke Limited	11
3.10.1	Summary of Submission	11
3.10.2	Response to submission	11

1. INTRODUCTION

This report provides a response to the submissions made to An Bord Pleanála (“the Board”) in relation to the additional information entitled ‘Update to Natura Impact Statement’ presented to the Board during the Oral Hearing (October, 2023) for the DART+ West Railway Order application.

The Update to Natura Impact Statement document contains information which came to the notice of the Applicant subsequent to the lodgement of the draft Railway Order application in July 2022 and clarification of certain matters relating to Appropriate Assessment which were raised by observers at the Oral Hearing.

In accordance with Section 41(2)(a)(ii) of the Transport (Railway Infrastructure) Act 2001 (as amended) and following a request made by An Bord Pleanála pursuant to section 41(2)(a) of the said Act, Córas Iompair Éireann (CIÉ) provided notice to the public that further information in relation to the likely effects on the environment of the proposed railway works has been furnished to An Bord Pleanála. The additional information was available for a period of 4 weeks, concluding on the 7th December 2023.

A total of 10 submissions were received. On the 20th December 2023, CIÉ received a letter from An Bord Pleanála requesting a response to the submissions received. This document contains responses to the 10 submissions that were received.

2. RESPONSE TO SUBMISSIONS

2.1 Introduction

The issues raised in the submissions have been summarised so as to provide a more concise response document, as some of the submissions are quite lengthy in the detail provided. Where the matters raised have already been responded to during the Railway Order process to date, i.e. the Oral Hearing, the EIAR, the NIS and/or the Submission on Observations to the Draft Railway Order Application (May, 2023), the relevant sections of reports or drawing numbers are referenced. Where the issues raised do not arise from the information contained in the Update to the Natura Impact Statement document and/or have already been responded to during the course of the oral hearing, this is stated, and no response is provided.

If it is the case that that a response to an issue raised is not provided in the submission, this should not be taken as an acceptance on the part of CIÉ of that issue, or anything set out in the submission, unless such an acceptance has been expressly stated.

The responses to the submissions are presented in the following order:

1. Dublin City Council
2. Kildare County Council
3. Navan Road Community Council
4. Christopher Reid
5. Kevin Reid
6. Sharon Weldon
7. Sonja Brennan
8. Kay and John Brennan (Glendale)
9. Kilcoon Environmental Action Association
10. Carlos Clarke Ltd

3. RESPONSES TO THE UPDATE TO THE NATURA IMPACT STATEMENT REPORT

3.1 Dublin City Council

3.1.1 Summary of Submission

Mitigation measures in the Update to the Natura Impact Statement Report are deemed appropriate. Submission incorrectly states that the cSPA was inadvertently omitted from July 2022 NIS.

3.1.2 Response to Submission

The local authority's view that the measures are appropriate is welcomed.

The NIS submitted with the planning application was finalised in July 2022. In July 2023, in accordance with Regulation 16 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended (S.I. No.477 of 2011), the Minister for Heritage and Electoral Reform published a notice of intention to designate the North-West Irish Sea cSPA. In anticipation of the formal designation of this European site, this NIS Update was prepared.

The cSPA was proposed since the preparation of the Draft Railway Order documentation and after the making of the application. The updated information is a reflection of the information available at the time of the Oral Hearing. The purpose of providing this information is to ensure that the Board, in carrying out the AA for the proposed development, has the most up to date information to hand, including the proposal to designate a new SPA in the Irish Sea as well as appropriate scientific/technical evidence on the effects, if any, of the proposed development on the site.

3.2 Kildare County Council

3.2.1 Summary of Submission

No comment on the Update to Natura Impact Statement.

3.2.2 Response to Submission

No response required.

3.3 Navan Road Community Council

3.3.1 Summary of Submission

The submission refers to the importance of the Ashtown area in general for Brent Goose and biodiversity in general. It questions the characterisation of the Ashtown Stables boundaries, which it states are ancient hedgerows. It states that even if the Ashtown Stables paddocks were used only occasionally by Brent Geese, they should be characterised as an inland feeding site. Concerns are raised about the proposed pedestrian and cycle bridge which it notes, would present an increased risk of obstruction to brent geese accessing their feeding site. Lastly, the submission requests that a condition of a grant includes the replacement of the underpass at Ashtown with a cutting for trains to pass on the existing line. The submission also notes the presence of bats in the Ashtown area.

3.3.2 Response to submission

The submission refers to the Ashtown area in general as opposed to the Ashtown Stables paddocks or the Martin Savage playing fields. It has been acknowledged in the EIAR and NIS that the Ashtown area is an important area for Brent Geese to feed in the winter. The importance of the Martin Savage Park playing pitches is highlighted in the NIS, EIAR and the Submission on Observations to the Draft Railway Order Application.

Access to survey the Ashtown Stables lands was not permitted and therefore the assessment and conclusions are based on a desk study, which included a review of several Dublin City wide Brent Goose surveys and the scientific literature relating to inland feeding site selection by Brent Goose. The reasons for characterising the Ashtown Stables Paddocks as low-quality feeding habitat for Brent Goose is presented in the Update to the Natura Impact Statement (October, 2023).

The Update to the Natura Impact Statement Report (October, 2023) states "*The site is approximately 50m x 150m, intersected by fences **and surrounded by treelines on all but the north side**, thereby not providing the security and visibility that is preferred by this species*" [underlining and bold added for emphasis]. Contrary to the submissions made it was never stated that the Stables were surrounded by fences. The boundaries to the south, east and west consist of trees that are generally more the 5m in height. The description of these boundaries as treelines rather than hedgerows is based on the classification system in *A Guide to Habitats in Ireland* (Fossitt, 2000), which describes treelines as being at least 5m in height. The paddocks themselves contain internal fences and trees which are clearly visible on aerial photography.

The NIS contained an assessment of adverse effects on Brent Goose as a Qualifying Interest of European sites in Dublin Bay, which included disturbance and habitat loss at ex-situ feeding sites. The Ashtown Stables paddocks are considered to at-best provide low quality feeding habitat for this species. The site is unsuitable for the reasons outlined in the NIS and the Submission on Observations to the Draft Railway Order Application (May, 2023), and further elaborated upon in the Update to the Natura Impact Statement (October, 2023). CIÉ has no evidence of Brent Goose using the Ashtown Stables paddocks, nor has any evidence been provided by others of the use of these lands in any numbers let alone significant numbers.

The proposed pedestrian and cycle bridge at Ashtown is a significant structure, however, it will replace an existing, although smaller, pedestrian bridge and it will also be lower than the apartment buildings immediately to the north. It is 100m from the Martin Savage Park playing pitches and 60m from the nearest part of the Ashtown Stables paddocks, therefore it would not obstruct the use of either site by Brent Geese.

In the context of the Appropriate Assessment relating to the proposed development, bats are not a qualifying interest of any of the European Sites in question and are not relevant to the Update to the Natura Impact Statement Report. The assessment of impacts of the proposed development on bats is presented in the EIAR Chapter 08 Biodiversity Sections 8.3.5, 8.3.6.2, 8.4.9.3 and 8.5.4.1. On account of the protection afforded to bats under the Habitats Regulations, bats were included as a Key Ecological Receptor (see Table 8-22). The mitigation measures presented in Section 8.9 included general mitigation measures to protect bat habitat and specific mitigation measures for bats. The residual impacts on these Key Ecological Receptors, post the implementation of the mitigation measures, is presented in Table 8-28.

3.4 Christopher Reid

3.4.1 Summary of Submission

This submission contains two parts. Part 1 contains two transcripts which were read out at the Oral Hearing and a summary of the transcripts that was not read out at the Oral Hearing due to time constraints. This summary does not contain any information related to Appropriate Assessment or the Update to the Natura Impact Statement. As Part 1 of the submission raises issues which have already been raised and/or that are not relevant to the Update to the Natura Impact Statement, no response has been provided.

Part 2 contains a response to the Update to the Natura Impact Statement and the following response is provided.

The submission states that the assertion in the documentation that the stables is poor quality inland feeding habitat for Brent geese is wrong. The figures relating to habitat loss are contested in the submission, which states that the true figure is almost 19%. The submission states that no expert was available to be cross examined at the Oral Hearing. The submission states that CIÉ did not know about Brent Geese in Ashtown and are now trying to denigrate this species. The final issue raised related to the Tolka Flood Plain and the management of flood risk, and the use of local levels as opposed to sea levels.

3.4.2 Response to Submission

The assessment of the habitat quality of the Ashtown Stables for Brent Geese is presented in the Update to the Natura Impact Statement Report. It is based on a number of factors, primarily the fact that the area is small, has poor visibility and is intersected by fences and treelines. The forage is different to a managed amenity grassland, such as the Martin Savage Park playing fields to the east, which has a uniform sward height and a high nutritional content due to application of fertiliser. Further details on the suitability of inland feeding sites for Brent Geese were presented in the draft Railway Order Application and in the Submission on Observations to the Draft Railway Order Application (May, 2023).

As stated in the Submission on Observations to the Draft Railway Order Application dated May, 2023: "In relation to habitat loss at the Ashtown Stables lands, the proposed development will result in minimal land take along the edge of the site, which will not change the overall character of the grassland and not diminish its suitability as a potential feeding site for Brent Goose. The land take at the Ashtown Stables is presented in the EIAR Volume 3A, Chapter 4: Roadwork Design- LC01: Ashtown General Arrangement Sheet 1 of 4 (Drawing No. MAY-MDC-HRW-LC01-DRC-L101-D)". Figures relating to the area of habitat loss are presented in Table 16-6 (Page 16/14) of the EIAR Chapter 16 – Material Assets: Agricultural Properties and Section 3.15, page 64 of the Submission on Observations to Draft Railway Order Application report.

The total area of the Ashtown Stables property is 1.21 ha. Within the Ashtown Stables lands, the proposed development involves the permanent land take of 0.0426ha (426m²) and an additional temporary land take of 0.0211ha (211m²). The total area of permanent land acquisition is 3.5%.

The figure cited in the submission is the total of the permanent land take (0.0426ha), temporary land take (0.0211ha) and temporary public road acquisition (0.1049ha). Together, these add up to 0.1686ha, or 14% of the total area. It must be noted however, that the temporary acquisition of the public road accounts for 8.7% of this total. It should also be highlighted that the area of grassland being permanently lost is at the southern end of the paddocks, where the paddocks narrow to a point, which has even more restricted sight lines than the rest of the paddocks.

The Ecologist who prepared the EIAR Biodiversity Chapter and NIS was present on every day of the Oral Hearing, provided evidence to the hearing and was available to answer questions from observers. The qualifications and experience of the Ecologist were presented in the EIAR and NIS.

CIÉ was aware of the presence of Brent Geese in Ashtown from the outset of the project and this is evident in the Option Selection Reports. Access to the Ashtown Stables to undertake biodiversity surveys was not permitted and the assessment relied on a desk study, using publicly available information consisting of six seasons of city-wide Brent Goose surveys and a literature review.

Flood Risk at Ashtown was considered as part of the Site-Specific Flood Risk Assessment (SSFRA) and Chapter 10 (Water) of the Environmental Impact Assessment Report (EIAR). It should be noted that subsequent to the Tolka flooding of 1954, significant modifications have been made to the main channel floodplain estuary to reduce flood risk throughout the catchment. Studies undertaken of the River Tolka as it is today indicates that flooding (in a 1 in 1000 year event) from the Tolka is ~80m away from any works proposed for the DART+ West Scheme. As such, fluvial flood risk is estimated to be low at this location.

The SSFRA has been undertaken in accordance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' published by the Office of Public Works (OPW) and Department of Environment, Heritage and Local Government (DoHGL) in 2009. Whereby the flood zones are categorised according to the probability of flooding from rivers and the sea.

3.5 Kevin Reid

3.5.1 Summary of Submission

The submission related to Brent Geese at the Ashtown Stables, and states that CIÉ recognised the importance of Brent Goose inland feeding habitat where options were ruled out, outside the Ashtown Stables lands, but did not recognise the importance of the claimed feeding habitat within the Stables.

Section 1 relates to the use of the Ashtown Stables paddocks by Brent Goose and raises issues around the desktop study used to inform the assessment of Brent Goose distribution. It contains a summary of a study on Brent Geese in Portmarnock, Dublin and states that Brent Geese have been shown to use quiet zones where public access, and therefore disturbance, is restricted, and lastly it questions the figure of 3% total habitat loss of Ashtown Stables lands and states that the photomontages provided in the EIAR misrepresent the true level of habitat loss at the Ashtown Stables.

Section 2 states that the Ashtown Stables attempted to contact the National Parks and Wildlife Service in relation to the impacts on wildlife at Ashtown and that they did not receive a response.

Section 3 notes the presence Pygmy Shrew in the Ashtown area and states that Irish Rail missed this species in the Update to the Natura Impact Statement report.

Section 4 reference the Fingal County Development Plan 2023-2029 and lists policy and objectives relating to recreation, amenity and community and states that the Update to the Natura Impact Statement Report fails to recognise the CDP policies on same.

Section 5 contains a commentary on the consultants employed by Irish Rail for the proposed development.

Section 6 contains notes on the evidence presented by CIÉ at the oral hearing relating to passenger number data, a construction management plan for Ashtown and states that CIÉ were not aware of the Ashtown Stables or the wildlife in the area at the time of the option selection process, and therefore submits that the options selection is flawed.

3.5.2 Response to submission

Response to Section 1

In relation to the use of a desk study to inform the assessment of Brent Goose use of the paddocks at the Ashtown Stables, the Ashtown Stables refused to engage with CIÉ over the course of the project. Every effort has been made by the Project Team to engage with the owners of Ashtown Stables. Following on from the strong feedback that was received in Public Consultation No. 2, the Project team re-examined the preferred option at Ashtown, and a third local consultation was held on a new preferred option, which greatly lessened the impact of the project on Ashtown Stables. On an individual level, from the initial launch of this project, right through the non-statutory consultations and the statutory consultation the Project Team attempted to engage proactively with this landowner. The DART+ West project team were available to meet in person, when public health restrictions allowed or virtually when they did not to discuss any concerns that this landowner may have. During the local Ashtown Public Consultation, members of the project team were at the in-person consultation and were very happy to engage. Members of the Reid family attended this consultation but declined to engage. The Landowner agreed to two meetings throughout the whole project design period, both of which the CEO of

the applicant attended at the insistence of the landowner. All other offers to engage were declined over the course of the DART+ West project. The details of these communications were set out at the oral hearing and are not repeated here.

Based on a review of aerial photography and the conditions on site, the Ashtown Stables paddocks do not correspond to the type of inland feeding habitat favoured by Brent Geese, for reasons set out in the Update to the Natura Impact Statement. The proposed development would involve the temporary disturbance to, and the loss of small area of habitat within the paddocks. The submission suggests that the information on inland feeding sites was from a single study, conducted by a voluntary organisation that meets once a year. This is incorrect. The Dublin-wide Brent Goose Surveys were carried out over a number of seasons and are referenced in the NIS and the Submission on Observations to the Draft Railway Order Application (May, 2023). This included a review of existing records including the Irish Brent Goose Research Group data, and also an assessment of grasslands in Dublin City.

The information on the Dublin-wide studies of Brent Goose on inland feeding sites, which combined were carried out over six winter seasons are contained in the following reports, which were referenced in the NIS and in the Submission on Observations to the Draft Railway Order Application:

- Scott Cawley (2017) Natura Impact Statement – Information for Stage 2 Appropriate Assessment. Proposed Residential Development St. Paul's College, Sybil Hill, Raheny, Dublin 5. Scott Cawley Ltd., Dublin
- Enviroguide (2022) Natura Impact Statement for Proposed Mix Use Development at Lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. Report prepared for Raheny 3 Limited Partnership.

The criteria for assessing the suitability of inland feeding sites used in the assessment was based on the scientific literature, including:

- Riddington, R., Hassall, B. and Lane, S.J. (1997) *The selection of grass swards by brent geese Branta b. bernicla: Interactions between food quality and quantity*. Biological Conservation 81(1):153-160
- Summers, R.W. and Critchley, C.N.R. (1990) *Use of grassland and field selection by Brent Geese Branta bernicla*. Journal of Applied Ecology:834-846.
- Inger, R., Bearhop, S., Robinson, J.A. & Ruxton, G. (2006) *Prey choice affects the trade-off balance between predation and starvation in an avian herbivore*. Animal Behaviour, 71, 1335-1341.

Disturbance is an important factor in relation to site selection by Brent Geese, and the Ashtown Stables is undisturbed relative to publicly accessible areas. Nonetheless, this is one factor, and the site still needs to be considered in the wider context of the birds' habitat preferences. In relation to the quiet zone in Maynestown, the "*large, open nature*" of the site is highlighted in the NIS for the LAP. The boundary treatment is wholly different to that present at Ashtown. At Maynestown, a 1.2m fence with low growing hedging is in place, "*to retain an open space preferred by waterbirds in feeding areas as predators are more easily observed*". This is in stark contrast to the field boundaries at Ashtown Stables. See image below.



View south along Ashtown Road reflecting height of treelines at southeastern corner of paddocks

As stated in the Submission on Observations to the Draft Railway Order Application dated May, 2023: "*In relation to habitat loss at the Ashtown Stables lands, the proposed development will result in minimal land take along the edge of the site, which will not change the overall character of the grassland and not diminish its suitability as a potential feeding site for Brent Goose. The land take at the Ashtown Stables is presented in the EIAR Volume 3A, Chapter 4: Roadwork Design- LC01: Ashtown General Arrangement Sheet 1 of 4 (Drawing No. MAY-MDC-HRW-LC01-DRC-L101-D)*". Figures relating to the area of habitat loss as presented in Table 16-6 (Page 16/14) of the EIAR Chapter 16 – Material Assets: Agricultural Properties and Section 3.15, page 64 of the Submission to Observation to Draft Railway Order Application report.

The total area of the Ashtown Stables property is 1.21 ha. Within the Ashtown Stables lands, the proposed development involves the permanent land take of 0.0426ha (426m²) and an additional temporary land take of 0.0211ha (211m²). The total area of permanent land acquisition is 3.5%.

The figure cited in the submission is the total of the permanent land take (0.0426ha), temporary land take (0.0211ha) and temporary public road acquisition (0.1049ha). Together, these add up to 0.1686ha, or 14% of the total area. It must be noted however, that the temporary acquisition of the public road accounts for 8.7% of the 14%. It should also be highlighted the area of grassland being permanently lost is at the southern end of the paddocks, where the paddocks narrow to a point, which has even more restricted sight lines than the rest of the paddocks.

The comments on the photomontages provided in the EIAR are not relevant to the Update to the Natura Impact Statement report which is the subject of this public consultation.

Response to Section 2

The comment on the lack of response from the NPWS to requests from the Ashtown Stables are not relevant to the Update to the Natura Impact Statement, which was the subject of this public consultation or to Appropriate Assessment in general.

Consultations with the NPWS were undertaken during the preparation of the draft Railway Order. Records of the two consultation meetings, which took place on the 12th January 2021 and the 12th October 2022, are presented in Table 1-1 of the NIS. Two written public consultation responses were received from the NPWS including the formal submission to An Bord Pleanála and two senior representatives from the NPWS attended the Oral Hearing and provided a further submission on day 1 of the hearing.

Response to Section 3

In the context of the Appropriate Assessment relating to the proposed development, Pygmy Shrew is not a qualifying interest of any of the European Sites in question and are not relevant to the Update to the Natura Impact Statement Report. The assessment of impacts of the proposed development on Pygmy Shrew is presented in the EIAR Chapter 08 Biodiversity Table 8-8 and Sections 8.3.6.9 and 8.5.4.1. The Key Ecological Receptors (KER) include habitat used by Pygmy Shrew, KER 1 Royal Canal pNHA, and KER 2 Railway Line Ecological Corridor. Mitigation measures are presented in Section 8.9 which including the retention, protection and replacement of these habitats. The residual impacts on these Key Ecological Receptors, post the implementation of the mitigation measures, is presented in Table 8-28.

Response to Section 4

The Fingal County Development Plan 2023-2029 is included in the updated in-combination assessment, which takes account of changes in other plans and projects since the draft Railway Order was lodged. The in-combination assessment is part of the Appropriate Assessment and assesses whether the DART+ West could adversely affect one or more European site in-combination with the Fingal County Development Plan. The comments on the Fingal County Development Plan 2023-2029, which relate specifically to amenity, recreation and community, are not relevant to the Update to the Natura Impact Statement, which was the subject of this public consultation, or to Appropriate Assessment in general. Therefore, no response is provided.

Response to Section 5

The qualifications and experience of each of the specialists was provided in the EIAR and where relevant, in the NIS. As stated in the NIS, the assessment was undertaken in view of best scientific knowledge and the Conservation Objectives of the European sites concerned, and also applied the precautionary principle (NIS Section 1.1; Section 8).

Response to Section 6

This section is not relevant to the Update to the Natura Impact Statement, which was the subject of this public consultation, or to Appropriate Assessment in general. Therefore, no response is provided.

3.6 Sharon Weldon

3.6.1 Summary of Submission

The submission makes a number of points and can be summarised as follows: CIÉ did not include an assessment of the impact on Brent Geese in the original Railway Order application and it shows that the project was designed without the proper environmental assessments; the information was only submitted on day 7 of the Oral Hearing; the Brent Goose studies relied upon did not include a survey of private properties, the stables at Ashtown would never have been surveyed and a desktop study is not appropriate for a project of this scale; the observer also notes that they have seen Brent Geese feeding at the Ashtown Stables; and, comments in relation to Pygmy Shrew, Bats and hedgerow removal.

3.6.2 Response to Submission

The EIAR and NIS contained assessments of the impact of the proposed development on Brent Geese, as a species and as a Qualifying Interest of European sites, respectively. The Update to the Natura Impact Statement, which was the subject of the public consultation, does not contain a new assessment of the impact on Brent Goose, but provides further clarity on the suitability of the Ashtown Stables paddocks for this species. Information on the Ashtown Stables paddocks in particular was provided in Section 2.4.1 of the Submission on Observations to the Draft Railway Order Application (May, 2023).

The Update to the Natura Impact Statement Report was presented to the Board at the Oral Hearing to provide the Board with the most up to date information for their Appropriate Assessment. Regarding Brent Goose in particular, the clarification in relation to the assessment of this species was a response to concerns raised by a number of observers during the Oral Hearing. Although responses had been provided in the Submission on Observations to the Draft Railway Order Application (May, 2023), CIÉ decided to provide further clarity to the Board, to allay any potential remaining concerns. Regarding the timeline between the proposal to designate the cSPA in July 2023, and the Oral Hearing/ presentation of the information by CIÉ in October 2023, CIÉ collated information to be included up until the Oral Hearing. For example, Site-specific Conservation Objectives for the cSPA were published in the days before the Oral Hearing began. On the first day, the Oral Hearing was notified of the proposal to designate the North-West Irish Sea cSPA and that information relating to same would be submitted in due course at the appropriate time.

The studies on Brent Goose in Dublin City were carried out over six winter seasons and included review of the sites being studied. The statement that none of the studies included surveys of sites in private ownership is incorrect. There are numerous examples of golf courses, sports clubs and schools in the surveys. During the preparation of the draft Railway Order, despite requests to access the Ashtown Stables paddocks for biodiversity, surveys were not permitted, and the assessment of this site and its suitability as an inland Brent Goose feeding site was based on a review of aerial photography, a literature review and a review of previous studies on Brent Goose in Dublin City. As stated in the Submission on Observations to the Draft Railway Order Application (May, 2023), the Ashtown Stables paddocks do not meet the criteria for good quality Brent Goose feeding habitat. This is due to overall size of the paddocks, the fact that the paddocks are intersected by fences and contain trees, and that the paddocks are surrounded by treelines on all but the northern boundary, which obscures the sight lines and make the Geese more vulnerable to predation. The loss of 3.5% of the area of the paddocks at Ashtown Stables, at the point where the site narrows, will not affect the site's suitability for Brent Geese.

In the context of the Appropriate Assessment relating to the proposed development, Pygmy Shrew and bats are not qualifying interests of any of the European Sites in question and are not relevant to the Update to the Natura Impact Statement Report. The assessment of impacts of the proposed development on Pygmy Shrew is presented in the EIAR Chapter 08 Biodiversity Table 8-8 and Sections 8.3.6.9 and 8.5.4.1. The Key Ecological Receptors (KER) include habitat used by Pygmy Shrew, KER 1 Royal Canal pNHA, and KER 2 Railway Line Ecological Corridor. Mitigation measures are presented in Section 8.9 which including the retention, protection and replacement of these habitats. Similarly, bats are dealt with in the EIAR Chapter 08 Biodiversity, in Sections 8.3.5, 8.3.6.2, 8.4.9.3 and 8.5.4.1. On account of the protection afforded to bats under the Habitats Regulations, bats were included as a Key Ecological Receptor (see Table 8-22). The mitigation measures presented in Section 8.9 included general mitigation measures to protect bat habitat and specific mitigation measures for bats. The residual impacts on these Key Ecological Receptors, post the implementation of the mitigation measures, is presented in Table 8-28.

3.7 Sonja Brennan

3.7.1 Summary of Submission

The submission states that the proposed development will have an impact on the Glendale estate environs, specifically in relation to green space, the removal of trees, pollution as a result of increased traffic, harm to wildlife and a reduction in air quality. It also says that the impacts have been inadequately assessed.

3.7.2 Response to submission

The Update to the Natura Impact Statement contains information relating to Appropriate Assessment. The loss of green space, the removal of trees, pollution as a result of increased traffic, harm to wildlife and a reduction in air quality in Glendale are not relevant to Appropriate Assessment or the material presented in the Update to the Natura Impact Statement. Therefore, no response is provided.

3.8 Kay & John Brennan

3.8.1 Summary of Submission

The submission raises concerns about the impact that the proposed development will have in the locality of Glendale, Leixlip. Specific issues raised include climate change, the loss of trees, the loss of green space, and proposes alternative locations for the substation and compound proposed in Glendale.

3.8.2 Response to submission

The Update to the Natura Impact Statement contains information relating to Appropriate Assessment. Climate change, tree loss and the loss of green space in Glendale are not relevant to Appropriate Assessment or the material presented in the Update to the Natura Impact Statement. Therefore, no response is provided.

3.9 Ref. No.05 – Kilcloon Environmental Action Association

3.9.1 Summary of Submission

The submission contains a request for a Park and Ride facility at the proposed depot, citing objectives in the NTA Greater Dublin Area Transport Strategy 2022-2042 and the Draft Maynooth and Environs Joint Local Area Plan 2024-2030.

3.9.2 Response to submission

The objectives of the DART+ West project is to increase capacity and electrify the line. Additional car parking facilities are not within the scope of the DART+ West project. As advised to the Inspector at the Oral Hearing however, Iarnród Éireann's Network Enhancement Division and the National Transport Authority's Park & Ride Development Office are working on other projects to deliver enhanced parking at stations, for cars and bicycles in parallel to DART+ West. No further response is provided.

3.10 Ref. No.03 – Carlos Clarke Limited

3.10.1 Summary of Submission

The submission raises a number of points relating to 1) Culverts UBG24A and UBG24B, and the hydrological effects on the Rye Water Valley/ Carton SAC, 2) the amended flood compensatory storage areas, and 3) the updated in-combination assessment.

3.10.2 Response to submission

Response on issues relating to Culverts UBG24A and UBG24B

The report published for public consultation in November 2023 presents an update on a number of items relevant to the Natura Impact Statement published in July 2022 and provides the Board with information to inform their Appropriate Assessment. This information was prepared by a Competent Expert and provided to the Board at the Oral Hearing.

The additional information referred to in the submission was presented at the Oral Hearing and was also submitted in the Errata (dated September 2023) (Section 5.1, page 55) which was submitted on day 1 of the Oral Hearing. Section 4.1 of the 'Update to the Natura Impact Statement' refers to the additional information that was provided at the Oral Hearing.

CIÉ clarified at the Oral Hearing that these culverts would no longer drain the depot lands. The submission from Carlos Clarke Ltd is based on the assumption that the diversion is to avoid ecological impacts and a “likely adverse effect” on the Royal Canal. This assertion is also incorrect.

The proposed depot will be isolated from the groundwater below, and any surface water will be directed through a SUDS compliant treatment system before being discharged into the Ballycaghan Stream. The diversion of surface water flow from these two culverts will help to restore the natural hydrological regime of the catchment.

The portion of the proposed depot lands drained by Culverts UBG24A & UBG24B is 0.28% of the overall catchment of the Lyreen at UBG22.

On 15th November 2023, the Commissioner of Public Works (Office of Public Works (OPW)) approved the hydrological assessment, hydraulic modelling and flood risk management strategy adopted for the project under Section 50 of the Arterial Drainage Act, 1945.

The methodology adopted in determining the catchment boundaries was described in detail at the Oral Hearing and in the supporting documentation. This is fundamental to catchment hydrology and hydraulics – which has subsequently been accepted by the OPW.

The hydrological assessment & methodology was discussed at length in the Oral Hearing and is described in detail in the supporting documentation.

At no stage was it stated nor is it correct to state that the topographical survey was completed in one day. The submission may be confusing topographical surveys with walkover surveys.

Response on issues relating to the amended Flood Compensatory Storage Areas

The report published for public consultation in November 2023 presents an update on a number of items relevant to the Natura Impact Statement published in July 2022 and provides the Board with information on a number of points, to inform their Appropriate Assessment.

The proposed amendments to the flood compensatory storage areas referred to in the submission were presented and discussed at the Oral Hearing and were also submitted in Section 2.3 of an Errata (dated September 2023) which was submitted on day 1 of the Oral Hearing. This information is summarised in the ‘Update to the Natura Impact Statement’ Report. In undertaking the Appropriate Assessment, the Board will take account of all relevant information provided as part of the Railway Order process.

As presented and discussed at the Oral Hearing, the flood compensatory storage areas will not be impervious and will be allowed to fill and drain naturally, recreating a natural flood plain.

The depot itself will be impervious. All surface water originating from the depot will be treated with a SUDS compliant treatment system to remove sediment and pollutants. Further clarification in relation to the surface water drainage system at the proposed depot was presented at the Oral Hearing and provided to the Board in writing on Day 8 of the Oral Hearing (‘Depot Drainage System Submission by Cristina Chalé’). Drawing illustrating the surface water drainage was provided to the Board on Day 9 of the Oral Hearing. The flood compensatory storage areas will be allowed to fill and empty naturally, and completely independently of the depot. The level of pollutants in the water in the flood compensatory storage areas will be identical to the Ballycaghan Stream, and therefore there is no risk of groundwater contamination.

The Site-Specific Flood Risk Assessment (SSFRA) was updated with the information collected since the draft Railway Order was published in July 2022. The information was presented in Section 5 of the Errata (dated September 2023) which was submitted on day 1 of the Oral Hearing. The proposed amendments to the flood compensatory storage areas referred to in the submission were presented at the Oral Hearing and were provided in Section 2.3.1 of the Errata (dated September 2023) which was submitted on day 1 of the Oral Hearing. This information is summarised in the ‘Update to the Natura Impact Statement’.

The submission makes the assumption that the diversion is to avoid ecological impacts on the Royal Canal. This is incorrect. In fact, the diversion of the surface water to the Ballycaghan Stream would provide a more direct route to the Rye Water Valley/ Carton SAC. The proposed depot will be isolated from the groundwater below, and any surface water will be directed through a SUDS compliant treatment system, before being discharged into the Ballycaghan Stream. Further clarification in relation to the surface water drainage system at the proposed Depot was presented at the Oral Hearing and provided to the Board on Day 8 of the Oral Hearing ('Depot Drainage System Submission by Cristina Chalé'). Drawing illustrating the surface water drainage was provided to the Board on Day 9 of the Oral Hearing. The diversion of surface water discharge from the canal (via UBG24A and 24B) to the Ballycaghan Stream will restore the natural hydrological regime of the catchment.

The basis for the conclusions of the Hydrologist and Hydrogeologist were clearly described at the Oral Hearing and in the supporting documentation. The portion of the proposed depot lands drained by Culverts UBG24A & UBG24B is 0.28% of the overall catchment of the Lyreen at UBG22.

All competent experts are named and their credentials provided in the EIAR.

There is no proposed diversion of the stream described in the submission as flowing from Kilcock to Chambers Bridge where it flows into the Royal Canal. This culvert (UBG24A) remains in place and will continue to discharge the flow from east Kilcock to the canal. The portion of the depot lands that previously drained to this culvert will be diverted to the Ballycaghan Stream as clarified at the Oral Hearing.

Any development of foul and surface water drainage in Kilcock is a matter for Uisce Éireann and does not arise from the Update to the Natura Impact Statement Report.

Response on issues relating to the updated in-combination assessment

As stated at the Oral Hearing the proposed development does not preclude the provision of future infrastructure at Collinstown or Maynooth depot area and CIE will engage with the NTA in relation to any future projects.

