

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Wednesday, 19 October 2022
[By hand]

Dear Sir/Madam

RE: OBESERVATION IN RELATION TO THE MAKING OF THE DART+ WEST DRAFT RAILWAY ORDER (ABP. REF. 3414232)

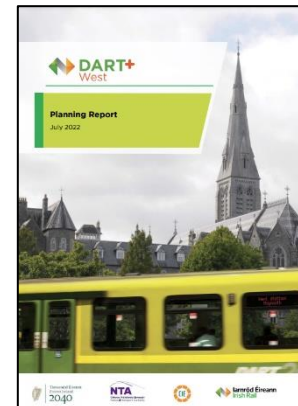
1.0 INTRODUCTION – THE PROPOSAL WILL DEVASTATE ASHTOWN BUSINESSES/EMPLOYMENT

1.1 Why we submit that from a town planning perspective the proposal will have devastating impacts on businesses/employment in Ashtown, Dublin 15 and superior social, environmental, and economical alternatives must be adequately considered

Burke Brothers¹ have retained, Tom Phillips + Associates², to make this Submission in respect of the making of the Dart+ West Draft Railway Order as it relates to Ashtown, Dublin 15.

Our Submission focuses primarily on the:

1. *Draft Railway Order*, dated July 2022;
2. *Railway order Book of Reference*, dated July 2022;
3. *Railway Order drawings*, dated July 2022;
4. *Environmental Impact Assessment Report*, dated July 2022;
5. *Appropriate Assessment*, dated July 2022;
6. *Planning Report*, dated July 2022;
7. *Site Specific Flood Risk Assessment*, dated July 2022; and
8. *Ashtown Revised Preferred Option Report*, dated March 2022. (That Report promotes Option 10 from the assessment of alternatives and does not adequately assess Options 4/4a and 9.)



¹ Mill Lane, Navan Road, Ashtown, Dublin 15, D15 R793.

² 80 Harcourt Street, Dublin 2, D02 F449.

In summary, having regard to the requirement for a thorough and objective examination of alternatives for the purposes of undertaking an environmental impact assessment, we note the detrimental impact that the proposed new roadway and cycleway to accommodate vehicular access under the Royal Canal and railway line would have on the operation and commercial viability of enterprise in the area.

In our professional town planning opinion, other variations must be examined further, including hybrids of previously identified route options expressed throughout the Dart+ West Ashtown Revised Preferred Option Report, dated March 2022.

We question the proposal's direction in the approach to mitigate impact upon the environment, for the reasons set out below.

From a town planning perspective, we submit that Options 4/4a and 9 are more optimal for the following reasons:

1. Objectivity of the multi-criteria analysis in the examination of an EIA-compliant 'Examination of alternatives'

EU legislation, and domestically, EPA Guidance, dictates proposals subject to an EIA include a thorough "examination of alternatives".

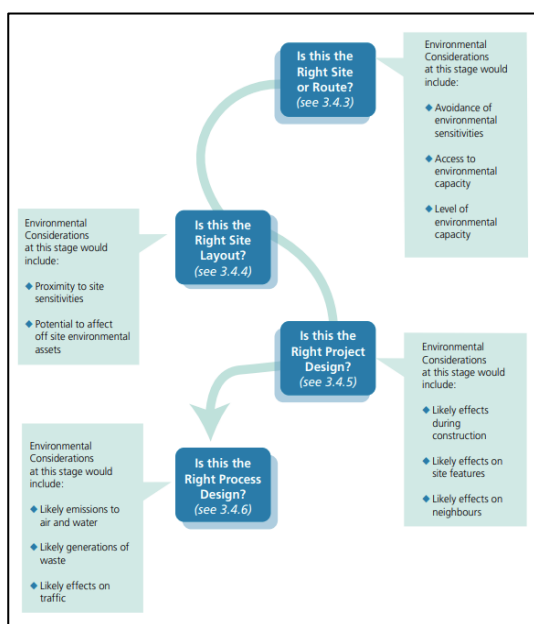


Figure 1: EPA Guidelines on what is to be contained in an EIAR; Figure 3.4: Consideration of Alternatives in an EIAR.

The EIA Directive requires an EIAR to contain:

"A description of reasonable alternatives studied by the developer which are relevant to that project, including, as appropriate, an outline of the likely evolution of the current state of the environment without implementation of the

project (baseline scenario), as a means of improving the quality of the environmental impact assessment process and of allowing environmental considerations to be integrated at an early stage in the project's design."

Such alternatives comprise:

1. Project design.
2. Technology.
3. Location.
4. Size.
5. Scale.

With respect, we are concerned with the extent of the multi-criteria analysis (MCA) outlined in the *Ashtown Revised Preferred Option Report*, dated March 2022, for the following reasons:

1. The choice and objective interpretation of the six criteria (economy to physical activity) is unclear?

Criteria	Do-Nothing	Do Min	Options													
			1	2	3	4+4a	4+4b	5	6	7	8	9	10	11	12	13
Economy																
Integration																
Environment																
Social Inclusion																
Safety																
Physical Activity																
Shortlisted for Stage 2 MCA	No	No	No	No	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes

Figure 2: The outcome of MCA1 provided in tabular form. (Source: *Ashtown Revised Preferred Option Report*.)

2. From our review of the documentation, it is unclear how the assessment to date demonstrates adequately that Option 10 is optimum in comparison to other options?

Criteria	Option 4+4b	Option 10	Option 11	Option 12	Option 13
Economy					
Integration					
Environment					
Accessibility and Social Inclusion					
Safety					
Physical Activity					
Preferred Option	No	Yes	No	No	No

Figure 3: The outcome of MCA2 provided in tabular form. (Source: *Ashtown Revised Preferred Option Report*.)

Regarding the choice of Option 10, the Report states that:

“Option 10 has been identified as the revised preferred option for Ashtown. It provides for a new train station to be constructed on the footprint of the existing station incorporating new bridging facilities to accommodate all users, except those in vehicles. The design is proposed to embrace high architectural and aesthetic value and will use steel construction to minimise the visual impact of the proposed works. Direct stepped access will be provided across the railway at the Ashtown Road for mobility enabled users. Shallow ramps with segregated cycle access are proposed in addition to the stepped access. The proposed new substation will be provided for within the footprint of the station. Access over the railway will be available on a 24hr basis. High quality urban landscaping will be provided on the approaches to the station and throughout.”

What about the impact on businesses and employment in Ashtown?

In Section 4.2.11 of that Report, the full extent of the land-take necessary to secure the gradients is not shown. (Figure 4, below.)

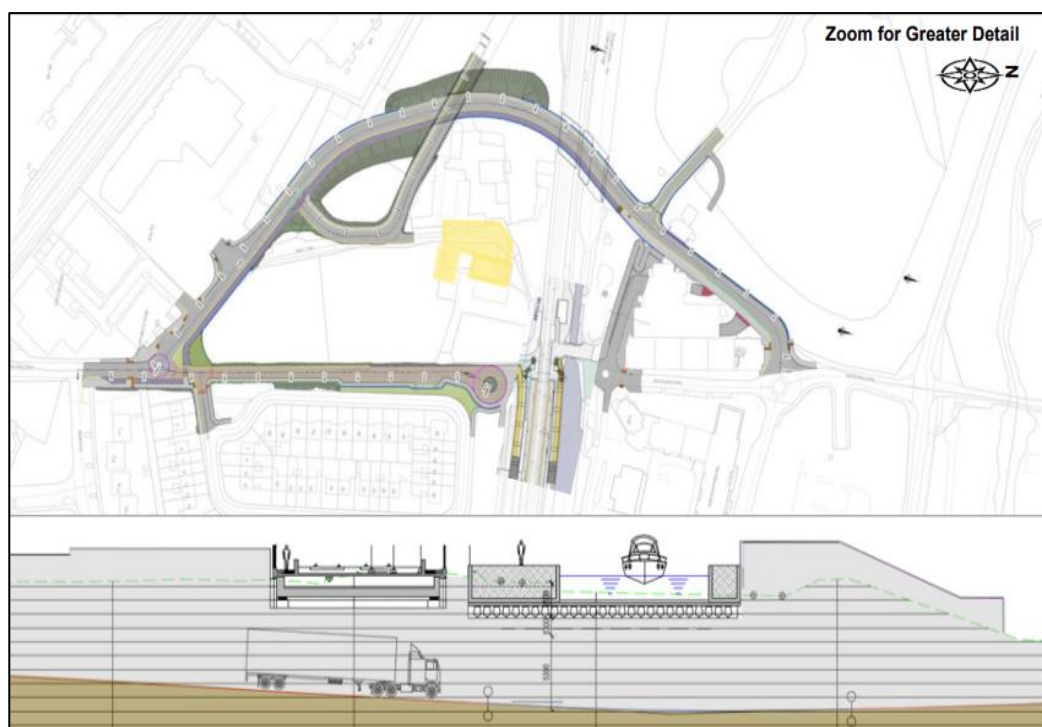


Figure 4: Option 10 plan and sections. (Source: *Ashtown Revised Preferred Option Report*.)

We also note that many of the drawings provided for the Options do not have dimensions – even high level.

Justice Richard Humphreys delivered a Judgement on Wednesday, 25 November 2020 ‘quashing’ the Rennie Place SHD, which sought to deliver 164 No. homes in Howth [2020 No.293 JR] (ABP Ref. 305828) for this very reason.

One of the J. Humphreys’ key concerns was that there were no dimensions provided on drawings for structures and that:

*“the actual grant of permission is **devoid of meaning** because the permission is to construct the development in accordance with the plans submitted, but those **plans do not include adequate details as to the location and dimensions**”.*

[Our emphasis.]

We question why the same doesn't apply for the Dart+ West Options proposed? (See Figure 5, below, of Option 10 showing no dimensions on the drawing; the same is asked regarding all other Options/drawings.)

Whilst we acknowledge that this was leading to, but was not, a planning application, the drawings were too indiscernible to facilitate detailed examination.

For example, the articulated truck is very close to the base of the rail line (Figure 4 above) and we question whether greater clearance would not be required?

How much land take would be required to construct and operate such an underpass?

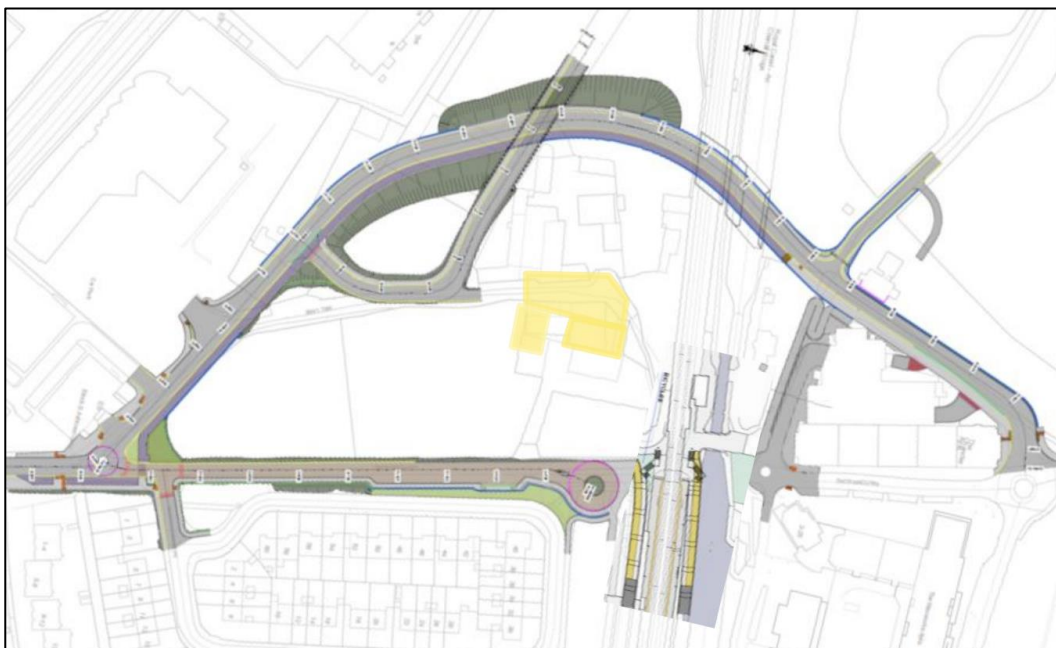


Figure 5: Option 10 showing no dimensions on drawing. (Source: *Ashtown Revised Preferred Option Report*.)

The same has occurred in the Draft Railway Order drawings of July 2022. (See Figure 6.)

Where are the dimensions on the drawings and what is the land take?

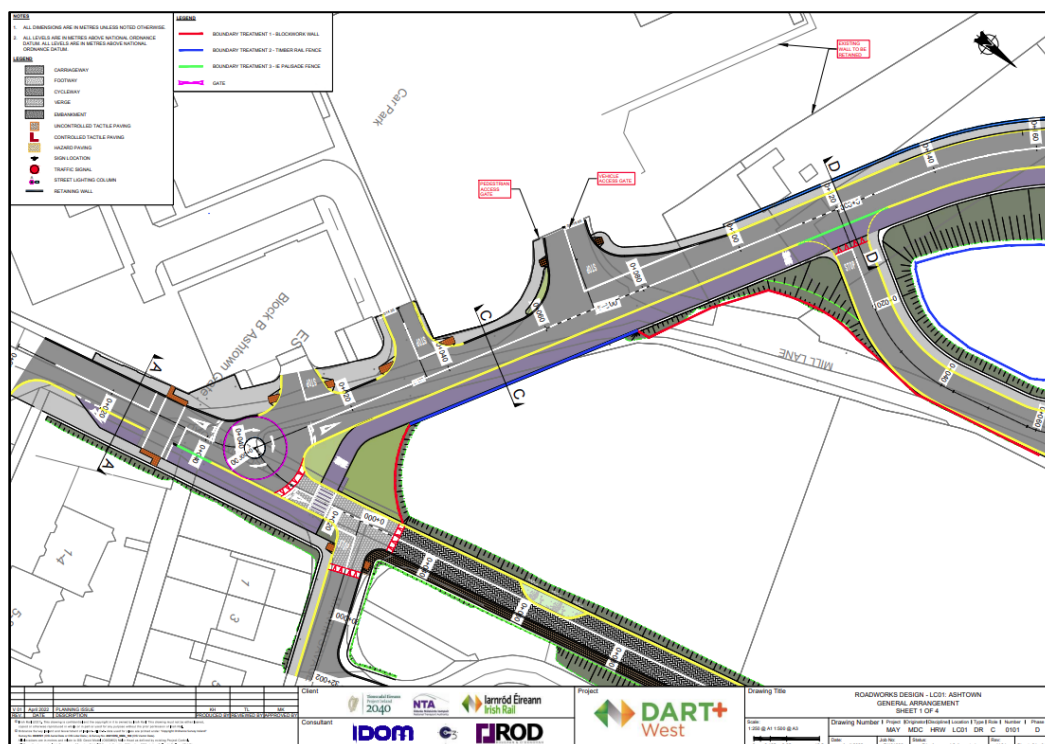


Figure 6: Draft Railway Order Drawing No. MAY MDC HRW LC01 DR C 0101 D for example (many other drawings have no dimensions).

According to J. Humphreys, such a grant of permission on foot of the submission of those drawings would be “devoid of meaning”.

2. A Lack of Clarity

The Dart+ West Ashtown revised preferred Option Report identifies Option 10 as the preferred route selection. The preferred route is illustrated using aerial photography and computer-generated imagery to display its proposal. The proposal would see the provision of an undercarriage at the expense of enterprise, warehouse bays and associated work yard space and the wider receiving environment.

Within the Dart+ West document it states that:

“The revised preferred option results in profound impact on . . . commercial enterprise west of the mill. The proposed option will result in the demolition of several bays of warehousing, will occupy a significant portion of the yard space and will require access to the lands to be accommodated over a new bridge crossing of the proposed roadway.” (Dart+ West Ashtown Revised Preferred Option Report, pg. 7.)

There is a severe lack of clarity in relation to this proposal. The document fails to outline how much provision of space will be used in the creation of such of a proposal that will conflict with the lands as set out in Figure 6.

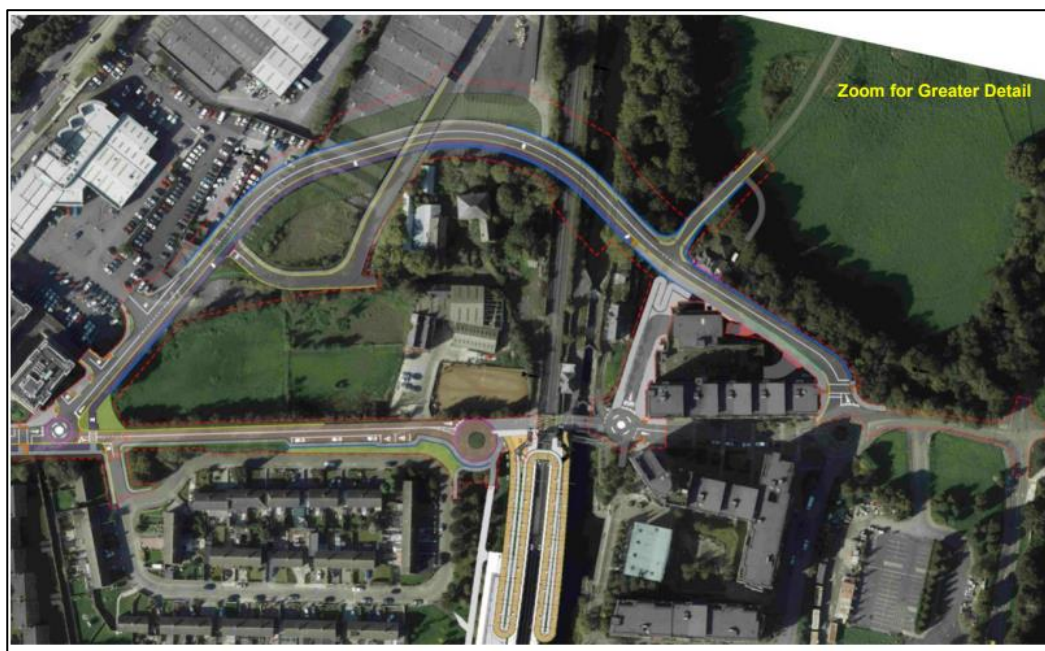


Figure 7. The Dart+ West Ashtown Revised Preferred Option Report – Option 10 (Source: Ashtown Revised Preferred Option Report annotated by TPA.)

3. Business Operations

Within the Dart+ West document it identifies outcomes of the preferred Option 10 if it were to come to fruition. Within this identification it makes these comments in relation to the enterprise in the area:

“The revised preferred option results in profound impact on Burke Brothers commercial enterprise” and that “Options 10 and 13 would require this business to operate at a reduced scale on the existing site or to move to a new location to ensure the continuity of the business.”

It is evident that the proposal would see the acquisition of land for the provision of a roadway and as a result of this, the demolition of several warehouse bays and work yard space.

Additionally, there is concern expressed into the removal of space currently in use as an active work yard. The work yard space must be maintained to allow for the flow of vehicular traffic and goods, allowing for vehicular operators to conduct complete turning circles to enter and exit the respected site.

Iarnród Éireann acknowledges the “profound” impact on the Burke Brothers enterprise, which will devastate employment and business in Ashtown. We ask why an Option that will have a “profound” impact on employment in the area can chosen over Options that have negligible if not positive impacts on employment such as Option 4?

In our professional town planning, the impacts on employment and business in Ashtown were not appropriate assessed/considered for Option 10.

In our opinion, more weight should have been given to employment impacts in the multi criteria assessment because of how devastating the impacts are on the Burke Brothers.

The economic/employment impacts were considered the same for Option 10 as they were for Option 2, 5 and others, even though those options did not consist of the devastation of a business.

Criteria	Do-Nothing	Do Min	Options													
			1	2	3	4+4a	4+4b	5	6	7	8	9	10	11	12	13
Economy																
Integration																
Environment																
Social Inclusion																
Safety																
Physical Activity																
Shortlisted for Stage 2 MCA	No	No	No	No	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes

4. Traffic and Parking concerns

The Dart+ West Ashtown station is largely pedestrian orientated with limited parking provision that caters to pedestrian use. As per the development proposal set out, it is evident that this will continue to be respected as the document states:

“Parking at the station in Ashtown will be discouraged. Provision will be made for set down and disabled only. The adjacent Navan Parkway station provides parking facilities and, one can presume, those needing to park up are likely to use that station, rather than risk not being able to park in Ashtown.”

We wish to express concern regarding the management and enforcement of the dedicated set down area and proposed undercarriage area. How will this be policed as it is in the interest of local residents that overspill of parked cars does not cluster around surrounding local streets within close proximity to the Ashtown station.

Additionally, there is concern in relation to closure of business due to the construction period associated with widening of Mill Lane and the construction of an undercarriage and related overpass impact this will have on the business operation hours. What mitigations are being made to allow for the continued operation of business procedures?

5. Alternative proposal routes

In our professional town planning opinion, other options previously identified within the Dart+ West Ashtown revised preferred option report and hybrids should be revisited and considered as an alternative to mitigate the propound impact Option 10 would have on the area.

The previously identified Option 4 & 4a should be reconsidered as the preferable choice

for commencement works. The proposal of 4a would see that works follow the existing meander of Mill Lane, while allowing for the objective of river crossing to be completed by the provision of a new pedestrian and cycle bridge under the railway and canal.

Additionally, the conjoined proposal of Option 4 would link the existing Navan Road Parkway with River Road leading towards Ashtown Road and village to cater for car parking provision respecting the pedestrian use of Ashtown railway station.

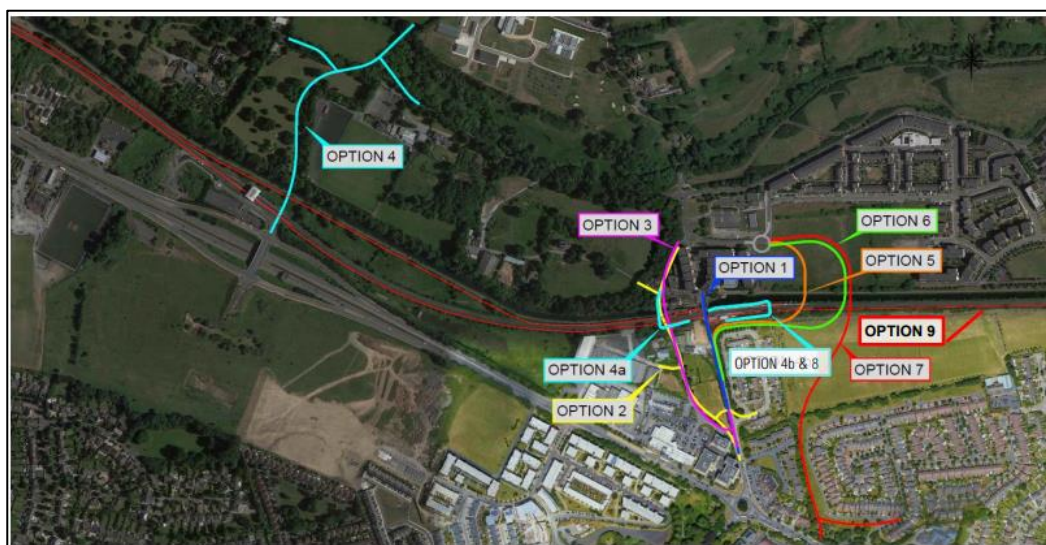


Figure 8. Ashtown Review options. (Source: *Ashtown Revised Preferred Option Report* annotated by TPA.)

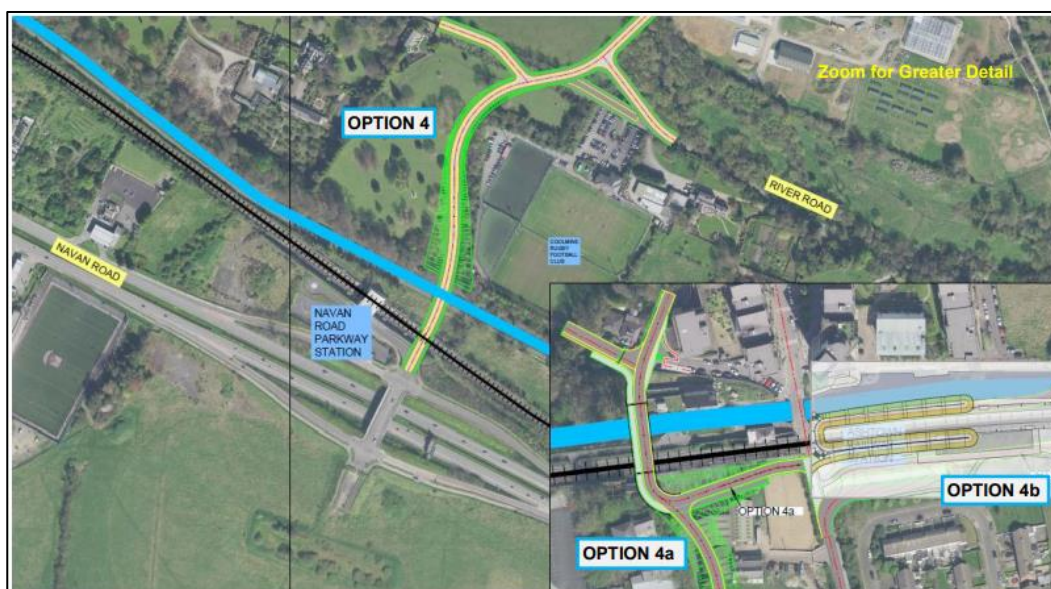


Figure 9. Ashtown Review options – Option 4 & 4a (Source: *Ashtown Revised Preferred Option Report* annotated by TPA.)



2.0 CONCLUSION

In conclusion, the proposed Option 10 would have a profound impact on its receiving environment, devastating businesses/employment in Ashtown:

1. There should have been greater consideration given to other Options and variations thereof, and as such the EIAR is flawed.
2. Options 4a/b and 9 are worthy of further examination.
3. There are no dimensions on many of the drawings meaning a grant of permission would be “devoid of meaning”.
4. The Multi criteria factors were too generic. What about the following issues among others:
 1. Proximity to water.
 2. Ecology.
 3. Flood risk.
 4. Biodiversity.
 5. Ground conditions.
 6. Connectivity and movement.
 7. Structural stability of retained structures.
 8. Protected structures.
 9. Utilities and services’ connections

Yours faithfully

Tom Phillips
Managing Director
Tom Phillips + Associates