

An Bord Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902

27th October 2022

Re: Application for Railway Order - Dart West Electrified Heavy Railway order 2022
An Bord Pleanála Number: NA29S-314232

Dear Sir or Madam,

We act on behalf of Flynn & O'Flaherty Construction, 21 Pembroke Road, Dublin 4.

We refer to the above and in particular, lands in the ownership of our client as illustrated on the attached extract maps as received from Iarnród Éireann. **See Appendix 1.**

For clarity, the lands referred to as: 10 Railway Order – Sheet 10 (8.0-9.0km) indicates the lands which Iarnród Éireann proposes to acquire for works as stated on the above order, works numbers 10.07 to 10.08 inclusive. **See Appendix 2.**

History:

Flynn & O'Flaherty Construction are the owners and developers of a large, primarily residential, development site to the south of the N3. They are also the owners of lands to the north of the N3. **See map in Appendix 3.**

The development of the lands has been carried out over the last 20 years on foot of planning permissions and an Area Action Plan of 3rd April 2001. **See map in Appendix 4.** Included in the Area Action Plan was the provision of a new railway station which Flynn & O'Flaherty funded together with the construction of a grade separated access to the proposed station from the main site on the south of the N3.

The works were carried out with the clear intention that these lands would be zoned for further development in line with best practice, to provide high density development in close proximity to public transport. The current Fingal Development Plan 2017-2023 identifies the subject lands as "suitable for employment" with a **Zoning Objective HT – "High Technology - Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment"**. **See map Appendix 5.**

The Draft Development Plan 2022 -2029 has a similar HT Zoning Objective.

It is worth noting that these lands have been zoned HT since 2011. It should also be noted that the potential development of these lands has been discussed with Fingal County Council and as being an appropriate location for a landmark building given the proximity to the railway station and as a counterpoint to the 8-storey hotel granted planning permission in 2008, Reg. Ref. No. F08A/1292 (expired).

We attach Site Layout Plan from June 2021 which shows the development of the Former Phoenix Park Racecourse including the indicative development of the subject site for employment uses (subject to planning permission). **See Appendix 3.**

It is clear from the Zoning Objectives of two successive Development Plans and the current Draft Development Plan, that the anticipated and correct use of the site is for significant high-density employment use.

In addition, and in particular, considering the ongoing housing crisis, the subject lands may also be appropriately zoned to permit residential development on this site in the future.

The Iarnród Éireann proposal:

Iarnród Éireann proposes to acquire our client's property by way of a compulsory purchase of the following land parcels:

DW.010.P. 20(A) – 2,774 sq. m.

DW.010.T. 20(C) - 7,252 sq.m.

DW.010.T. 20(B) – 31 sq.m.

DW.010.P. 20(A)

Iarnród Éireann proposes to acquire this land to establish a permanent maintenance compound next to a temporary construction compound following completion of Dart + West works. The proposed building is approximately 44 meters long and 9.8 metres wide.

This significant land take and proposed use of the site will have a dramatic effect on the receiving environment for any future development of adjoining lands and potentially reducing their value to no nil development value.

DW.010.T. 20(C)

Iarnród Éireann proposes to acquire this land to establish a construction compound to be used in conjunction with the proposed permanent compound.

The effect of this is to render these lands undevelopable for the duration of the construction period which can extend well beyond 10 years and together with the proposed permanent compound effectively removes the commercial value of these lands.

Justification of the site selection:

In discussions with representatives of Iarnród Éireann we have requested, but not received, any justification for the selection of the lands. What is clear however, is proximity to the existing station (funded by Flynn & O'Flaherty Construction) is not a requirement for the proposed compounds and the proposed compounds can be accommodated at other, more appropriate locations along the existing railway line. It is a reasonable request to have sight of the process of selection, what sites other than these were considered for review and why our client's sites were selected.

It is also a requirement of the EIA Directive that there is a robust description and assessment of the alternatives relevant to the proposed project and an indication of the main reasons for selecting the chosen option.

Proposed alternative:

Having reviewed all of the above, Flynn & O'Flaherty Construction have instructed us to propose an alternative site within their ownership and adjacent to the existing railway line.

See map Appendix 6.

These lands comprise 1.275 Hectares of land at the eastern end of the site, adjacent to the railway line and with vehicular access from the N3, via the Ashtown Business Park.

It will be noted that these lands are also zoned HT. This site was also discussed with Fingal County Council planners as being suitable for development to provide employment (subject to the LAP).

While the alternative proposed lands also have significant development potential, they are not as valuable as the lands selected by Iarnród Éireann. The lands selected by Iarnród Éireann are not only significantly more valuable, but also more appropriate for high-density development in close proximity to public transport, the recently completed secondary school, a significant recreational facility of a 7.28 hectare, public park, St. Brigid's GAA Club and future commercial, retail and creche facilities.

Given the context of the above, it seems clear that a better, more sustainable option is the area to the east as proposed by our client.

This site of up to 1.275 hectares is within the ownership of Flynn & O'Flaherty Construction and can be made available following appropriate valuation procedures to establish current market value.

Conclusion:

We request An Bord Pleanála to reject the Iarnród Éireann proposal to acquire the west end site of combined area of 1.057Ha. The site is zoned for employment, and given its proximity to the existing rail station, it is an important site with potential for high density development.

There is no clarity as to how Iarnród Éireann selected the proposed site adjacent to the railway station and what analysis, if any, was carried out in arriving at their selection

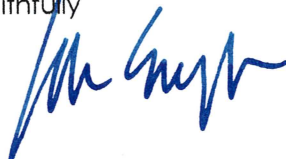
The proposed site for the permanent compound will have a long-term detrimental effect on the adjoining lands, in terms of compatibility of employment uses, and the configuration of residual lands will severely restrict the potential for future development.

The proposed site for the temporary compound for the construction period will prevent any development for a minimum of 5 years or more depending on the duration period for the construction of Dart + West electrification.

The site being offered by Flynn & O'Flaherty Construction of 1.275 hectares is within the ownership of Flynn & O'Flaherty Construction, and more appropriate given its location adjacent to the Ashtown Business Park, resulting in a more pragmatic and sustainable solution for both west end and east end sites.

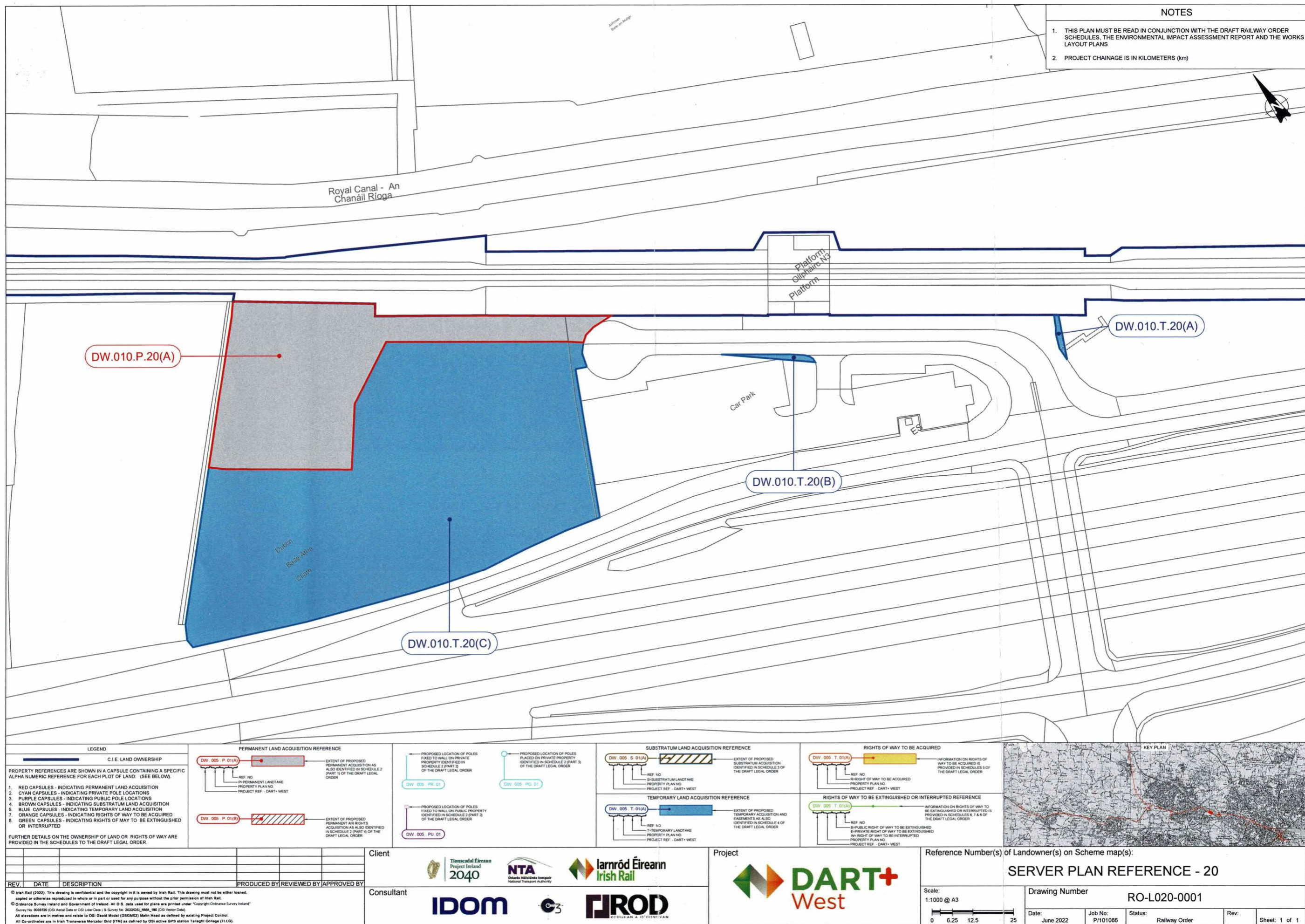
We request An Bord Pleanála to reject the application by Iarnród Éireann in respect of this site and instruct Iarnród Éireann to engage with Flynn and O'Flaherty on the site as offered in this submission.

Yours faithfully

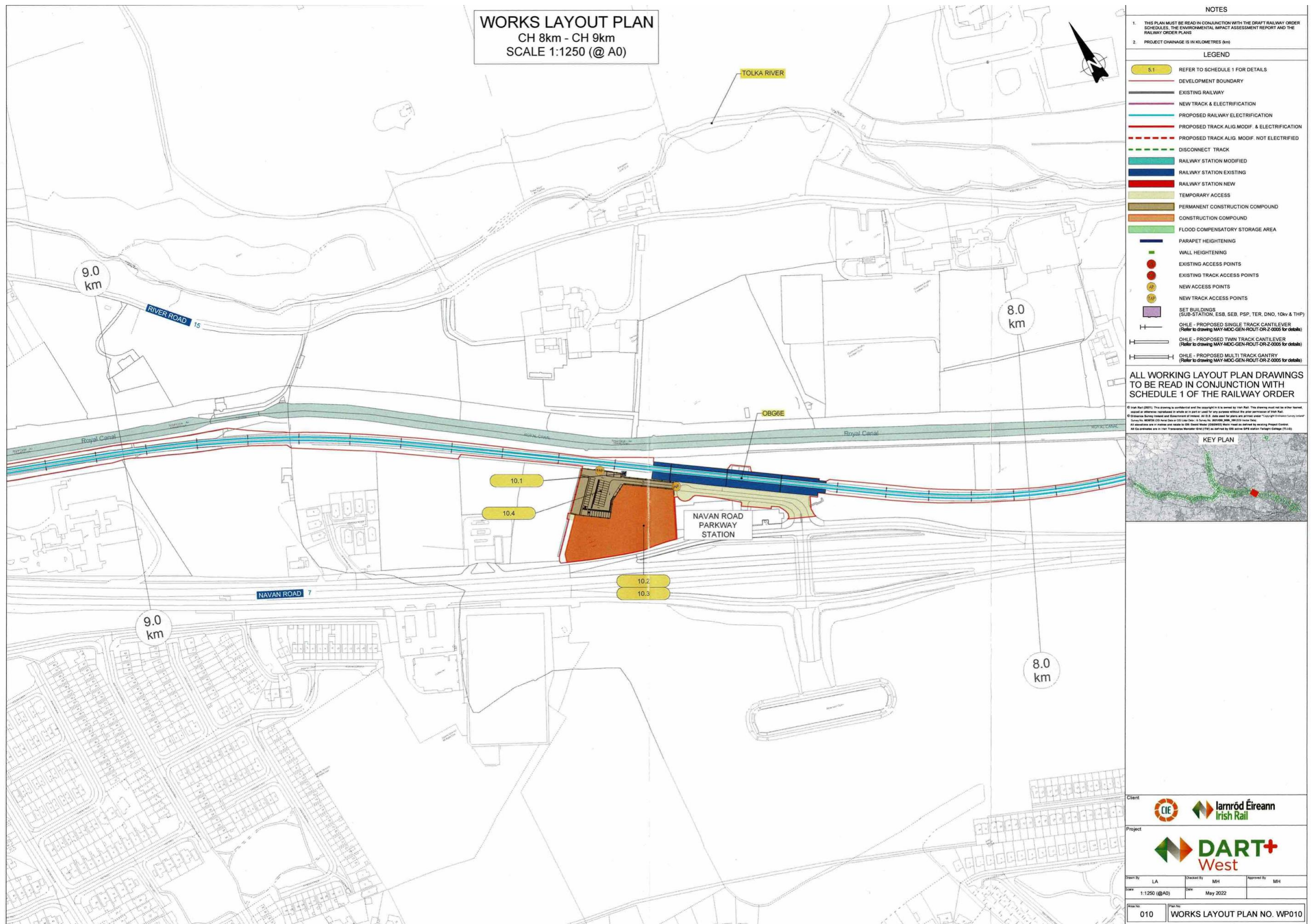


John Smyth
For OMS Architects

APPENDIX 1



Appendix 1: Iarnród Éireann Map



APPENDIX 2

10. Railway Order - Sheet 10 (8.0 - 9.0km) *

Works No.	Description	Drawing No.
10.1	Construction of a telecommunications equipment building south of the rail line and west of the existing Navan Road Parkway Station.	• WP010
10.2	Prepare the sites and compounds initially by constructing safety fencing or hoarding as required, undertaking site clearance/demolition or diversion/protection works and excavating to formation level for all works.	• WP010
10.3	Establish construction sites and compound at one location including temporary fencing/hoarding, site offices, welfare facilities, storage facilities, workshops, construction plant and equipment required to carry out the works.	• WP010
10.4	Establish permanent maintenance compound next to construction compound following completion of the DART+ west works. The proposed building is approximately 44 m long and 9.80m wide.	• WP010
10.5	Construct services and utility diversions and connections as shown indicatively on the drawings.	• WP010
10.6	Provide traffic management measures in the vicinity of the construction sites, including temporary road closures, removal of parking spaces, redirection of traffic in the area and making good any damage to the roadway.	• WP010
10.7	Electrification of the existing rail line along with signalling and telecommunications infrastructure including installation of overhead electrification equipment.	• WP010
10.8	Installation of new fencing along rail boundary and temporary works areas for these works.	• WP010

DART + West Project - BOOK OF REFERENCE - SCHEDULE 2 (PART 1)

Land which may be acquired

Property Plan

DW.010

Property Number

P.20(A)

QUANTITY, DESCRIPTION AND SITUATION OF LAND	OWNERS OR REPUTED OWNERS	LESSEES OR REPUTED LESSEES	OCCUPIERS
Quantity (sq.m.) 2774 Description Scrub Land Situation Navan Road, Ashtown Townland Ashtown	Flynn & O'Flaherty Construction 21 Pembroke Road Ballsbridge Dublin 4		

Observations

Referenced By: C.I.E.

Date: 20/06/2022

Ref. No.

DW.010.P.20(A)

DART + West Project - BOOK OF REFERENCE - SCHEDULE 4
Land of which temporary possession may be acquired

Property Plan	DW.010
Property Number	T.20(C)

QUANTITY, DESCRIPTION AND SITUATION OF LAND	OWNERS OR REPUTED OWNERS	LESSEES OR REPUTED LESSEES	OCCUPIERS
Quantity (sq.m.) 7252 Description Undeveloped Lands Situation Navan Road, Ashtown, Dublin 15 Townland Ashtown	Flynn & O'Flaherty Construction 21 Pembroke Road Ballsbridge Dublin 4		

Observations

Referenced By: C.I.E.

Date: 20/06/2022 Ref. No. DW.010.T.20(C)

DART + West Project - BOOK OF REFERENCE - SCHEDULE 4
Land of which temporary possession may be acquired

Property Plan

DW.010

Property Number

T.20(A)

QUANTITY, DESCRIPTION AND SITUATION OF LAND	OWNERS OR REPUTED OWNERS	LESSEES OR REPUTED LESSEES	OCCUPIERS
<p>Quantity (sq.m.) 20</p> <p>Description Scrub</p> <p>Situation Navan Road, Ashtown, Dublin 15</p> <p>Townland Ashtown</p>	<p>Flynn & O'Flaherty Construction 21 Pembroke Road Ballsbridge Dublin 4</p>		

Observations

Referenced By: C.I.E.

Date: 20/06/2022

Ref. No.

DW.010.T.20(A)

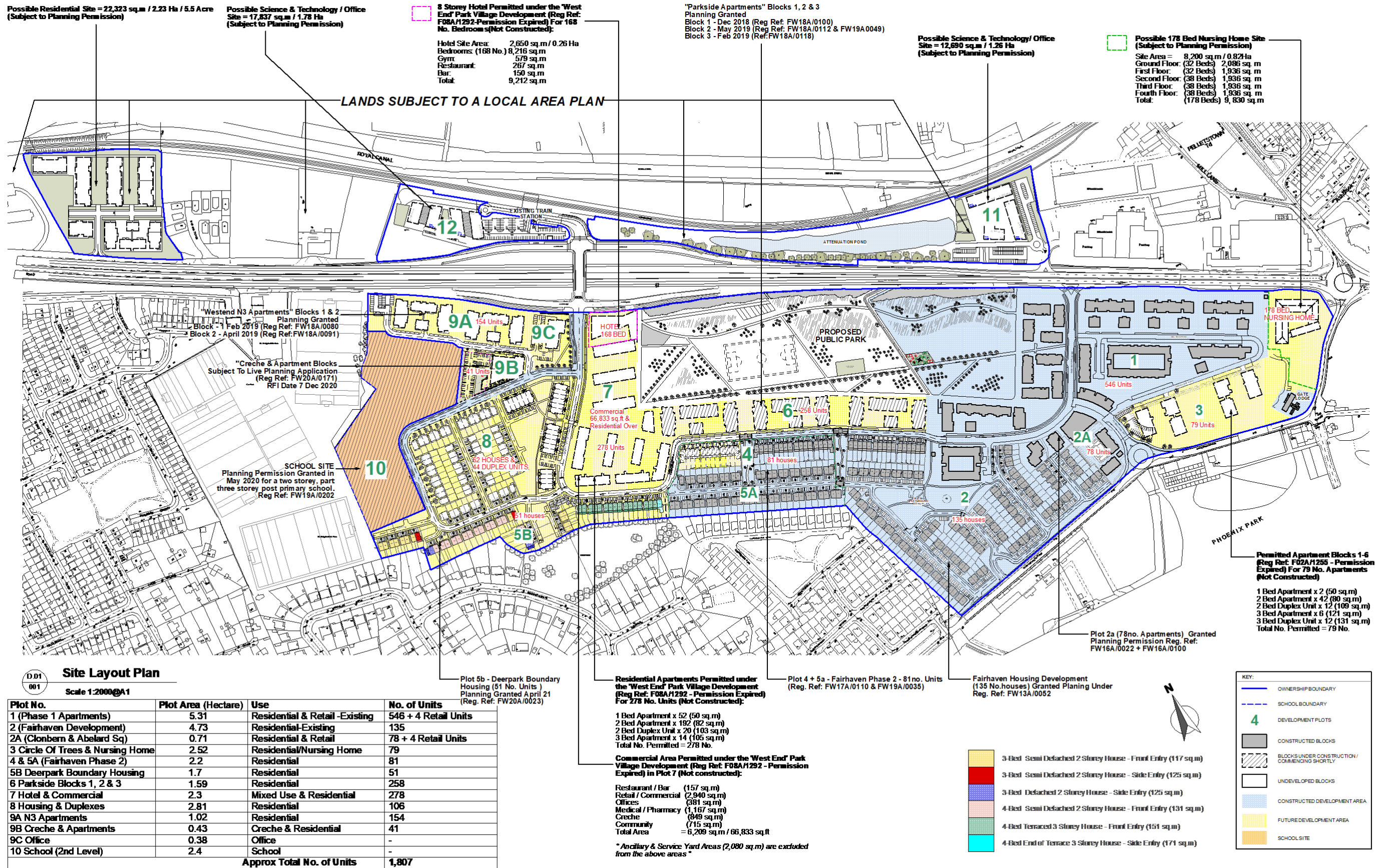
DART + West Project - BOOK OF REFERENCE - SCHEDULE 4
Land of which temporary possession may be acquired

Property Plan	DW.010
Property Number	T.20(B)

QUANTITY, DESCRIPTION AND SITUATION OF LAND	OWNERS OR REPUTED OWNERS	LESSEES OR REPUTED LESSEES	OCCUPIERS
Quantity (sq.m.) 31 Description Carpark Situation Navan Road, Ashtown, Dublin 15 Townland Ashtown	Flynn & O'Flaherty Construction 21 Pembroke Road Ballsbridge Dublin 4		

Observations	Referenced By: C.I.E. Date: 20/06/2022 Ref. No. DW.010.T.20(B)
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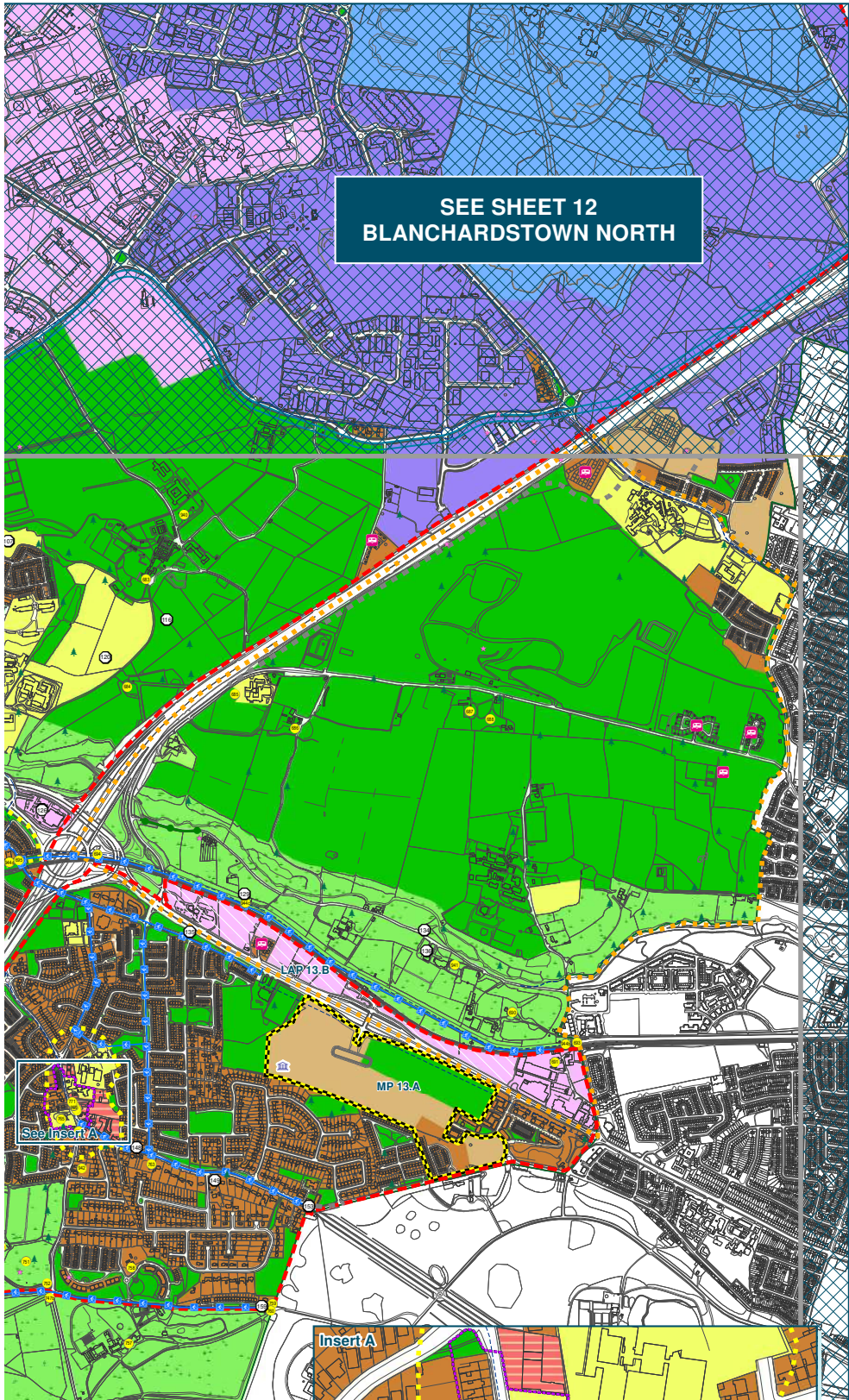
APPENDIX 3



Appendix 3: Site Layout Plan from June 2021

APPENDIX 4

APPENDIX 5



Fingal Development Plan 2017 - 2023	
BLANCHARDSTOWN SOUTH	
Sheet No.13	
Zoning Objectives	
CI - Community Infrastructure	Provide for and protect civic, religious, community, education, health care and social infrastructure
GB - Greenbelt	Protect and provide for a Greenbelt
GE - General Employment	Provide opportunities for general enterprise and employment
HA - High Amenity	Protect and enhance high amenity areas
HT - High Technology	Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment
LC - Local Centre	Protect, provide for and/or improve local centre facilities
MC - Major Town Centre	Protect, provide for and/or improve major town centre facilities
OS - Open Space	Preserve and provide for open space and recreational amenities
RA - Residential Area	Provide for new residential communities subject to the provision of the necessary social and physical infrastructure
RS - Residential	Provide for residential development and protect and improve residential amenity
TC - Town and District Centre	Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities
Specific Objectives	
	County Boundary
	Architectural Conservation Area
	Development Boundary
	Subject to Local Area Plan
	Masterplan Area
	Study Area
	Liffey Valley SAAO (Special Amenity Area Order)
	Strategic Development Zone - SDZ
	Site Specific Objective Boundary
	Urban Framework Plan
	Indicative Cycle/Pedestrian Route
	Light Rail Corridor
	Quality Bus Corridor
	Road Proposal
	Preserve Views
	Greater Dublin Area (GDA) Cycle Network
	Local Objective Points
	Protected Structures
	Recorded Monuments
	Provide for residential development at a density per hectare as shown
	Light Rail Stop
	Proposed School
	Traveller Accommodation
	Protect & Preserve Trees, Woodlands and Hedgerows

Appendix 5: Extract of Sheet 12 Zoning Map from Fingal Development Pan 2017-2023

APPENDIX 6

PROPOSED ACQUISITION LAND



D.01
001 Proposed Acquisition Land
Scale 1:2500@A3

KEY:

LANDS UNDER OWNERSHIP OF APPLICANT

