

The Secretary  
An Bord Pleanála  
64 Marlborough Street,  
Dublin 1

28<sup>th</sup> October 2022

<b>AN BORD PLEANÁLA</b>	
LDG- _____	<a href="http://www.brockmcclure.ie">www.brockmcclure.ie</a>
ABP- _____	
<b>28 OCT 2022</b>	
Fee: € _____	Type: _____
Time: <u>10.02</u>	By: <u>[Signature]</u>

**Landowner Submission  
Dart+ West Electrified Railway Order 2022**

**ABP Reg. Ref. 314232-22**

Dear Sir/Madam,

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin are instructed by our client, **Sherwood Homes Limited (SHL), Unit 7, Building 1, The Courtyard, Carmanhall Road, Sandyford, Dublin 18**, to lodge this submission in relation to the Draft Railway Order application for the Dart+ West Project submitted by Córas Iompair Éireann (CIÉ) to An Bord Pleanála under Reg. Ref. 314232-22.

We note that the relevant submission date is **28<sup>th</sup> October 2022** in this case and this response is lodged within this timeframe.

As a portion of our clients lands are proposed to be acquired under the Draft Railway Order, the statutory fee of €50 is not payable for the making of this observation.

Please find enclosed:

Item	Consultant	No. of Copies
Landowner Submission Report	Brock McClure Planning Consultants	1
Infrastructure Report	DBFL Consulting Engineers	1

The main objective of this submission is to highlight that whilst our client welcomes and supports the Dart+ West Scheme, there are several areas of concern relating to their lands at Newtown, Maynooth and the specific details included in the Draft Railway Order. The full details are set out in the enclosed Planning and Engineering Reports, however the main points are noted as follows:

**Client's Interest**

- Our client controls c.38 ha of the land at Newtown, Maynooth, and CIÉ are proposing to permanently acquire c. 6.6 ha of the entire north and northwestern portion of the lands for it's works.
- The majority of the lands lie within the development boundary of Maynooth and are zoned "I – Agriculture" under the current Maynooth LAP 2013-2019. The current use of the entirety of the lands is for agricultural uses.
- Roads Objective TRO2 as per the current Maynooth LAP 2013-2019, traverses the site. This statutory objective seeks to provide a c. 1km stretch of the south-western section of the Maynooth Outer Orbital Route (MOOR). This planned section of the MOOR is also included in the planned N4/M4 Maynooth to Leixlip (on public display, September 2022).

- Therefore any consideration of the impact of the proposed Railway Order on SHL lands must consider:
  - a. The current use and operation of these lands;
  - b. The impact on the delivery of critical planned road infrastructure (MOOR and N4 Scheme) within these lands;
  - c. The potential future development of these lands having regard to Kildare County Council's population targets for Maynooth and desire to provide a second train station in this area to serve the Western side of Maynooth.

#### **Draft Railway Order Proposal**

The works as currently proposed in the Railway Order would have the following impacts on the subject lands:

- Permanent severance of the only existing agricultural access to these lands with no suitable/fair compensatory access arrangement being provided to allow for the continued undisrupted operation of these lands for agricultural uses and will effectively render the entire remainder of our client's lands unusable.
- Impact on the delivery of the MOOR. We respectfully submit that at no point in the submitted Dart+ West application documentation has any reference been made to the KCC's aspirations for the MOOR as set out in statutory planning policy.
- Impact and undermine the delivery of the Maynooth to Leixlip N4 Scheme.
- Subsequent impact on the future development potential of these strategically located lands on the western side of Maynooth.
- Per the Maynooth LAP Issues Paper, the Dart+ West Scheme will obstruct the delivery of a second train station due to the closure of all public road accesses at this area.

It is respectfully submitted that proposed Draft Railway Order Application materially conflicts with the Kildare County Council LAP objective TRO2 and the County Development Plans objective MO6 and Section 17.2.8 of the Development Management Standards and as a result jeopardises the future developmental potential of Maynooth and the subject lands. We also submit that the Draft Railway Order application is premature as it has had no regard to Kildare County Council's planned development aspirations for Maynooth as set out in the Maynooth and Environs Joint LAP Issues Paper 2024-2030.

#### **Inaccuracies in submitted EIAR**

In addition we wish to raise concerns regarding the EIAR with regards to:

- Assessment of the impact of the proposed railway works on our clients lands under Chapter 17 does not appear to comply with the EIAR's own stated methodology as stated under Section 17.3.2.1 (Refer to Section 4.3 of the accompanying Infrastructure Report by DBFL).
- Failure to adequately consider alternatives especially in respect of compensatory access and also with regards to the proposed realignment of the railway line from Jacksons Bridge through SHL lands.
- Calculation and assessment errors within the Traffic Impact Assessment. Please refer to Section 5.2 of DBFL's Infrastructure Report.

#### **Proposed Mitigative Measures/Alternatives**

CIÉ have said that bridging MOOR at this location is cost prohibitive due to the span and height of the bridge that would be required. Given this fact, we suggest the following mitigative measures (discussed in further detail in DBFL's report in Section 5.1):

- a. Provide fair compensatory access to SHL's lands to allow:
  - i. The existing agricultural operations on these lands to continue and;
  - ii. Facilitate the future development aspirations of these lands (which include KCC's TRO2 Roads Object/MOOR, the N4 Maynooth to Leixlip project, a second railway station for Maynooth within SHL lands and the associated development potential of SHL lands in accordance with the principles of proper planning and development.)

It is considered that one such potential option might be to provide access from the proposed Roundabout on the L5041 (just south of Jackson's Bridge) per the proposed Railway Order.





- b. If this is not feasible then consider alternatives to the proposed realignment works that would allow continued access to SHL's lands (from the L5041) and also ensure that KCC's TRO2 and N4 Schemes to be developed in a coordinated manner with CIE's proposed scheme to create a robust transport network around and through Maynooth.

We trust that An Bord Pleanála will consider these substantive points in their assessment of this application to ensure proper planning and sustainable development of the area. We now ask the Bord to refer to the enclosed reports for further detail and further issues raised from a planning and engineering perspective.

We would welcome the opportunity to address matters with the applicant directly by way of an Oral Hearing.

We confirm that we act for Sherwood Homes Limited and request that all future correspondence in relation to this matter be directed to this office. If you have any queries in relation to this matter, please contact me directly.

Yours sincerely,

Suzanne McClure  
**MRUP MIPI MRTPI**  
086 233 6112

## Landowner Submission

Dart+ West Electrified  
Railway Order 2022



An Bord Pleanála Reg. Ref.  
314232-22

On behalf of

**Sherwood Homes Limited**

October 2022



Planning & Development Consultants  
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## 1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin, have been instructed by our client, **Sherwood Homes Limited (SHL), Unit 7, Building 1, The Courtyard, Carmanhall Road, Sandyford, Dublin 18**, to lodge this observation in relation to the Draft Railway Order application for the Dart+ West Project submitted by Córas Iompair Éireann (CIÉ) to An Bord Pleanála under Reg. Ref. 314232-22.

Our client specifically wishes to comment on the proposal in so far as it relates to their lands at Newtown, Maynooth outlined in Figure 1 in Section 2 below.

Since a portion of our clients lands are proposed to be acquired under the Draft Railway Order, the statutory fee of €50 is not payable for the making of this observation as set out in the public notices.

As set out in the application documentation, it is understood that the following works proposed by the subject scheme will impact and/or are to be carried out within the subject lands of this submission:

- *“Upgrade of the rail line from a single line to a twin-track between Maynooth Railway Station and the new depot.*
- *A new, off-line alignment, south of the existing track, begins at, the western side of the Maynooth urban area and extends past the eastern entrance to the Depot, over 1.5km.*
- *Construct services and utility diversions and connections as shown indicatively on the drawings.*
- *Raising of existing electricity poles north and south of the rail to provide the required clearances between the rail electrification and electricity supply lines.*
- *Off-line alignment, south of the existing rail track and widening to twin track including new bridges over the Lyreen River (UBG22A) and the existing L5041 local road (UBG22B) and over the tributary to the Lyreen River (UBG22C).*
- *The existing L5041 at Jackson’s Bridge to be closed to vehicular access with a cul-de-sac created north and south of realigned railway track for vehicular traffic while continued access to be maintained for pedestrian and cyclists with a new bridge under the realigned rail line east of the existing L5041 (UBG22A).*  
*New roundabout to be constructed online of existing L5041.*  
*L5041 to be realigned south and to the west of Jackson’s Bridge to tie in with the roundabout and new access road to the depot and the new realigned R148.*
- *Provision of flood compensatory storage areas, to manage displaced flood waters and flood risk impacts on the existing drainage regime due to hydraulic constraints.”*

The main objective of this submission is to highlight that whilst our client welcomes and supports the DART+ West project there are several areas of concern relating to their lands and the specific details included in the Draft Railway Order. The main points are noted as follows:

- Permanent severance of the only existing agricultural access to these lands with no suitable/fair compensatory access arrangement being provided to allow for the continued uninterrupted operation of these lands for agricultural uses and will effectively render the entire remainder of our client’s lands unusable.
- Impact on the delivery of the MOOR. We respectfully submit that at no point in the submitted Dart+ West application documentation has any reference been made to the KCC’s aspirations for the MOOR as set out in statutory planning policy.
- Impact and undermine the delivery of the Maynooth to Leixlip N4 Scheme.
- Subsequent impact on the future development potential of these strategically located lands on the western side of Maynooth.
- Per the Maynooth LAP Issues Paper, the Dart+ West Scheme will obstruct the delivery of a second train station due to the closure of all public road accesses at this area.





We request that An Bord Pleanála gives consideration to the issues raised in this submission and we would welcome the opportunity to address matters with the applicant directly by way of an Oral Hearing.

We refer An Bord Pleanála to the Infrastructure Report prepared by DBFL Consulting Engineers accompanying this submission for further details on the impacts of the proposed scheme on our client's lands from an engineering perspective.







## 2 Subject Lands

This submission in respect of the Dart+ West Draft Railway Order is made in so far as it relates to our client's lands at Newtown, Maynooth to the west of the town centre of Maynooth as outlined in Figure 1 below. Sherwood Homes Ltd. (SHL) controls c. 38 ha (93 acres) of the land at Newtown, Maynooth. The current use of these lands is for agricultural uses.



Figure 1 – Subject Site outlined in Red in context of Maynooth Town

The lands are bound by the railway line and canal to the north and the M4 Motorway to the south. To the east, the lands are bounded by established residential neighbourhoods of Parsons Hall, Ashleigh Grove, Newtown Hall and Castledawson.

The subject lands are accessed through one existing agricultural access off the L5041 south of Jackson's Bridge as shown in Figure 2 below. This access point is to be severed by the Draft Railway Order with no alternative access provided for the Dart+ West Team which effectively renders the entire remainder of our client's lands unusable.

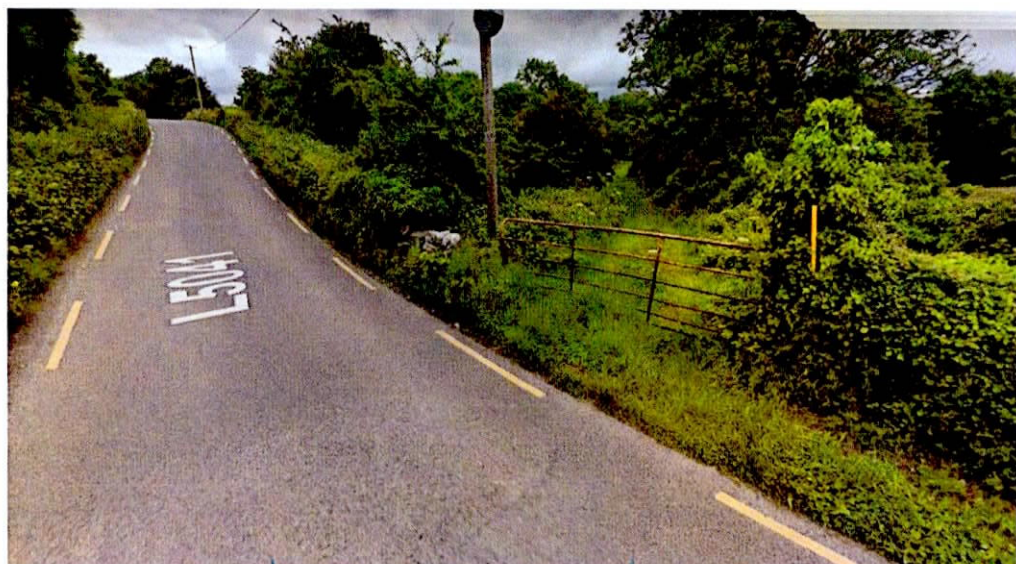


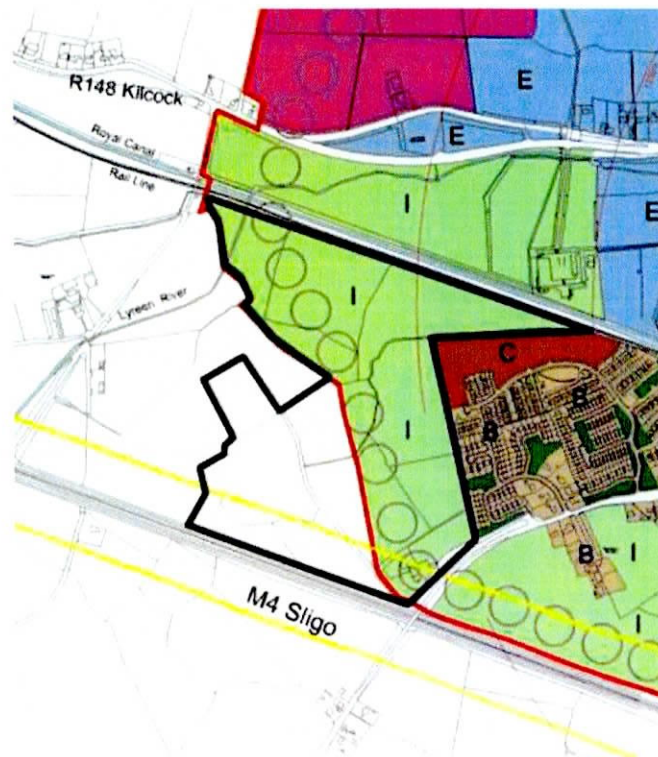
Figure 2 – Existing Agricultural Access Point into subject lands





### Zoning

The majority of the subject lands lie within the development boundary of Maynooth as defined by the current Maynooth Local Area Plan 2013-2019 as outlined in Figure 2 below. These lands are zoned “I – Agriculture” with an objective “to retain and protect agricultural uses.” The lands are opportunely placed in Maynooth immediately adjoining the established settlement boundary and the majority of the lands lie within the development boundary of the existing LAP. It is therefore important to acknowledge that these lands have an inherent development potential support the natural extension of the town of Maynooth. The proposed draft Railway Order scheme coupled with the proposed Maynooth Outer Orbital Route (MOOR) running through the lands would present an opportunity to integrate these proposed works in tandem with the creation of a key development area for a mixed use scheme accommodating new housing, neighbourhood centre and sports and recreation facilities.



**Figure 3 – Extract from Maynooth LAP 2013-2019 (as amended) zoning map with subject lands outlined in Black**

As per the zoning map above, a portion of the subject lands are located within the '91m Setback from the M4 Motorway' area as denoted by the yellow line.

In addition to the draft Railway Order, part of the lands are also designated to be occupied by the MOOR by the grey circles in the figure above. These two significant pieces of infrastructure will fundamentally alter the character of the lands once delivered. It is imperative that consideration of the impact of the draft Railway Order on this site has full regard to this context and does not inhibit future development potential.

In 2017, our client engaged with AECOM Consulting Engineers to prepare a concept road layout for the 1km section of the MOOR. We insert Figure 4 below for the convenience of An Bord Pleanála to illustrate the proposed scheme at the time. This envisioned scheme proposed the road network as follows:



Figure 4 – Proposed concept layout for Maynooth Outer Orbit Road on subject lands by AECOM

- Via a three-arm roundabout junction with Newtown Road of 28m inscribed circle diameter (ICD) and;
- Via a three-arm priority junction with Kilcock Road.

AECOM recommended that this important distributor road should comprise a 6m carriageway, with 50kph design speeds. Footways of approx. 1.8-2m in width should be provided on both sides of the road. Two roundabouts each of 28m ICD, should be provided along the road to enable access to lands adjoining the road and to facilitate future development of adjoining lands in line with best practice, including DMURS principles to encourage a high sustainable mode share.

Our client, SHL, in numerous submissions to Kildare County Council over the years (and also in their discussions with CIÉ as part of the railway order consultations) have reiterated their willingness to work with KCC, CIÉ and all relevant stakeholders to deliver this southwestern section of MOOR (as detailed in the current LAP 2013-2019) and to also accommodate a future railway station and park and ride facility at this location (as per the Draft LAP Issues Paper 2024-2030).

## 2.1 Proposed Land Take in Railway Order

CIÉ are proposing to permanently acquire c. 6.6 ha of the entire north and northwestern portion of our client's lands for the realignment works of the railway and for proposed flood plains. However, this portion of lands contains the existing and only access to these farmlands (i.e. just south of Jackson's Bridge off the L5041). This access will now only serve the lands which are proposed to be acquired by CIÉ and leave the remainder of SHL's lands landlocked.



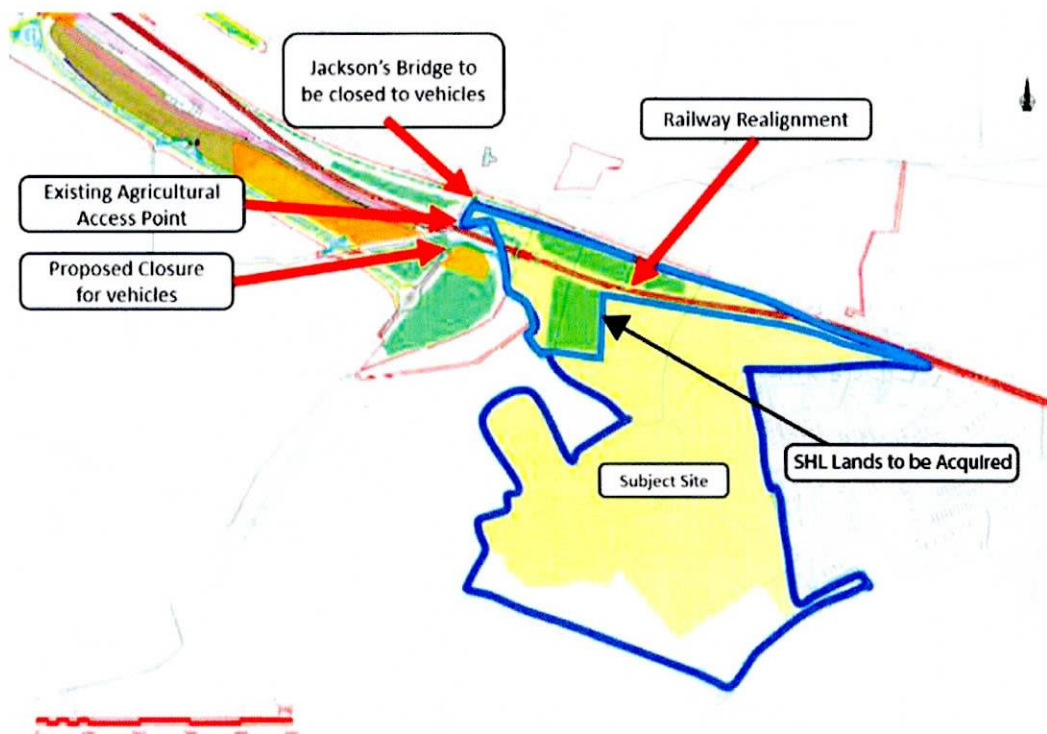


Figure 5 – Site Context of subject lands with CIÉ's proposed works (Source: DBFL)

#### 2.1.1 Lack of Compensatory Access

Our client had multiple consultations with the Dart+ West team and sought a revised compensatory access arrangement to the remainder of their lands. The response from the team was that the project will not provide a compensatory access as the subject site will be accessed from the "existing accesses to the east". It is herewith submitted that there has been no material submitted showing these existing accesses to the east. We refer the Board to Section 3.2 of the accompanying DBFL Infrastructure Report for further detail on the potential accesses from the east mentioned by the Dart+ West team which are not currently in existence. It is further noted that such an access from the east would be from an existing housing estate which may be restrictive in terms of the quantum and nature of traffic that may be allowed to use this access considering both the existing agricultural use and any future potential use.

If no revised access is provided by CIÉ's Dart+ West scheme, the impact of our clients remaining landholding will be profound detrimental to the current agricultural use of these lands and also negatively impact on the future development potential of these lands.



### 3 Request for Consistency with Local Statutory Planning Framework

From the outset, it is necessary to set out the statutory planning framework governing the subject lands and the fact that the Draft Railway Order appears to disregard some key objectives pertaining to the subject lands. There is a disconnect between CIÉ's proposed works for the upgrade of the DART rail infrastructure and Kildare County Council's aspirations for traffic alleviation in Maynooth through the proposed **Maynooth Outer Orbital Route (MOOR)** under objective TRO2 outlined below.

It is imperative that any approved scheme fully aligns with statutory planning policy so that landowners and the wider public have a clear understanding of how future projects will be realised. We now set out objectives for the MOOR that appear in relevant statutory planning policy.

#### 3.1 Draft Kildare County Development Plan 2023-2029

Section 5.5 of the 'Sustainable Mobility & Transport' chapter of the Draft Kildare County Development Plan 2023-2029, mentions that Kildare County Council intends to proceed with a number of specific road projects during the period of this plan.

Table 5.4 in Section 5.5 of the Draft County Development Plan identifies the 'Outer Relief Road, Maynooth', as a priority road project during the lifetime of the Plan as funding becomes available.

At the time of writing this submission, Kildare County Council published the Proposed Material Alterations to the Draft Kildare County Development Plan 2023-2029. The "Outer Relief Road" is proposed to be amended to the "**Maynooth Outer Orbital Road**" and to remain a priority road project to be developed during the lifetime of the Plan as set out in Table 5.4.

The Plan is due to be adopted in January 2023 and will be the overarching policy for Maynooth over the next 6 years. It is clear that the delivery of the MOOR remains a key objective for Kildare County Council.

#### 3.2 Kildare County Council Development Plan 2017-2023

Objective MO6 of the Kildare County Development Plan seeks:

*"to improve safety and capacity at the M4 Maynooth Interchange (Junction 7) and to investigate the provision of a future improved connection to the M4, at this location or elsewhere near Maynooth."*

This objective is now being developed on behalf of Kildare County Council and South Dublin County Council through the Maynooth to Leixlip N4 Scheme which is currently at public consultation stage. This scheme appears to be reliant upon the Maynooth Outer Orbital Route's realisation. However, it is our professional planning opinion that there is a disconnect between the Dart+ West Project and KCC's MOOR and the N4 project so far as they relate to our client's lands. We refer the Board to Figure 6 below. It is considered that the progression of the Dart+ West scheme (as currently proposed) may hamper the ability of Kildare County Council to realise these two important road projects which have both been in the planning pipeline for a considerable time now and are both intended to mitigate against long documented traffic congestion problems within the urban area of Maynooth.

We refer An Bord Pleanála to Section 4 of the Infrastructure Report prepared by DBFL Consulting Engineers for further information in this regard.





Figure 6 – N4 Scheme Junction 7 Maynooth Option 2 Layout with subject lands outlined in Black

### 3.3 Maynooth Local Area Plan 2024-2030 Pre-Draft Issues Paper

The current Maynooth Local Area Plan 2013-2019 (as amended) is under review following the publication of the Pre-Draft Public Consultation Issues Paper on 30<sup>th</sup> September 2022.

The Issues Paper raises the following points of note:

- The MOOR and Dart+ West scheme are identified as critical transportation projects. More specifically, the Issues Paper sets identifies that the “development of key servicing infrastructure such as water and wastewater facilities, along with **critical transportation projects such as the Maynooth Outer Orbital Route (MOOR), Dart+ West and Bus Connects**” is a key challenge facing the future development of Maynooth. **[BMC Emphasis]**
- The MOOR is still envisaged to run through our client’s lands as per Figure 7 below.
- There is a proposed second train station for Maynooth indicatively proposed to be located within our client’s lands which has not been taken into consideration by the draft Railway Order also shown in Figure 7 below.



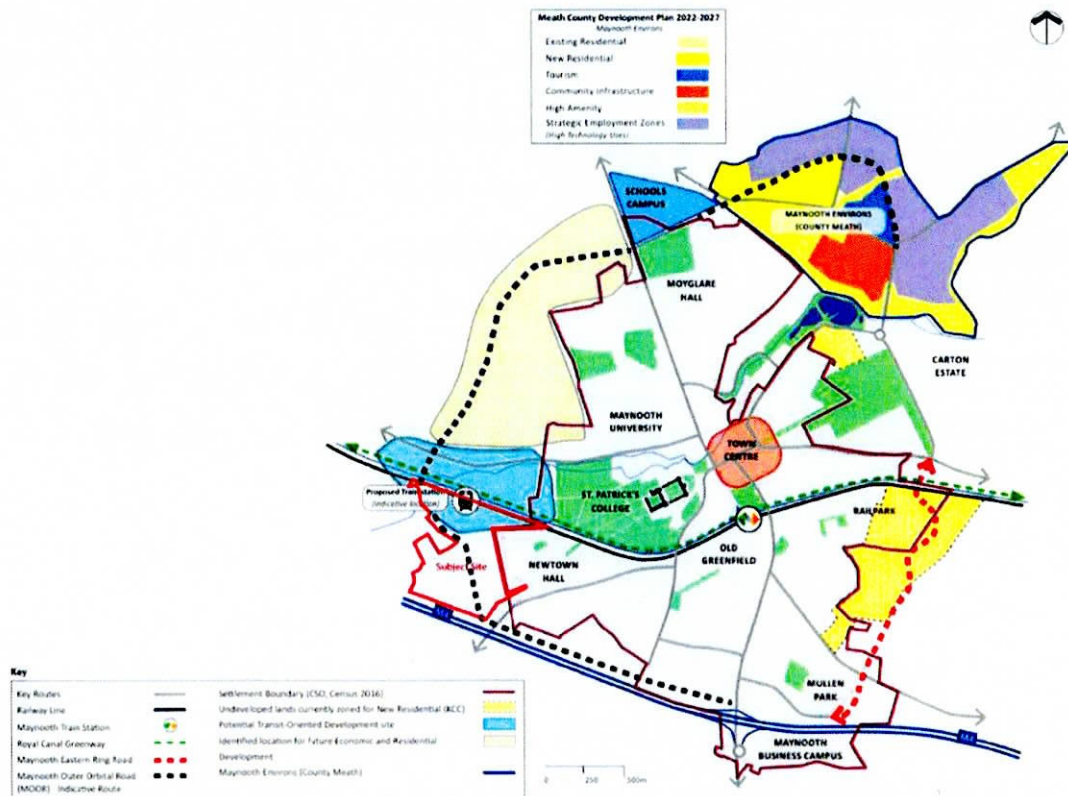


Figure 7 – Map Extract from Pre-Draft Issues Paper with subject site outlined in Red

Given the current planning context, we therefore respectfully submit that the Draft Railway Order application is premature and has had no regard to Kildare County Councils aspirations for the delivery of the MOOR, the N4 Scheme and a second train station (as indicated in the Maynooth and Environs Joint LAP Issues Paper).

Our client, Sherwood Homes Limited, are aware of the strategic importance of providing this important piece of roads infrastructure (MOOR) and the proposed rail improvement works along with the proposed train station and are keen to work with KCC and CIÉ to help to deliver these works in a coordinated manner.

### 3.4 Maynooth Local Area Plan 2013-2019 (as amended)

This LAP remains the statutory Local Area Plan in force until the 2024-2030 Plan is formally adopted.

#### Road Objective TRO 2:

*“It is an objective of the Council to facilitate the future construction of the following roads and in the interim protect these routes from development: ...*

*(e) Between Kilcock Road (F) and the Rathcoffey Road (G)*

*(f) Between Rathcoffey Road (G) and the Straffan Road (A)...”*

The LAP's Section 3.7 states that *“traffic congestion is a major problem in Maynooth and the delivery of the Maynooth Outer Orbital Route ... is vital for the economic development and quality of life of all Maynooth's residents and visitors. The upgrade of access to the M4 Motorway and the provision of an additional access may also be necessary to facilitate ease of access to the national road network.”*





Section 4 of the LAP sets out nine key challenges facing Maynooth which includes item (v): *“delivering strategic transport improvements particularly the upgrading of the railway line and the completion of the Maynooth Outer Orbital Route.”*

Additionally, section 7.5 of the LAP sets out that *“traffic congestion is a major problem in Maynooth. This will be addressed when the Maynooth Outer Orbital Route is completed.”*

It is clear that the delivery of the MOOR remains a key objective for Kildare County Council. C. 1 km stretch of this planned orbital route which will connect the Kilcock Road and Rathcoffey Road bisects our client's lands. As this is an objective of a statutory LAP, any future development proposals for the lands have factored in the delivery of this 1km stretch of the MOOR.

We note that this approach is being taken on active Planning Applications, specifically An Bord Pleanála Reg. Ref. 314548-22 which proposes to provide c.1.7 km of the Maynooth Outer Orbital Route including 4 no. bridge structures to the north of Maynooth as part of its overall SHD proposal.

Despite the evident priority given to delivery of the MOOR in all statutory planning policy, at no point in the submitted Dart+ West application documentation has any reference been made to the Maynooth Outer Orbital Route. We respectfully submit that this is an unacceptable disconnect in terms of two key pieces of infrastructure relating to Maynooth. It is respectfully submitted that the progression of the project as proposed will limit Kildare County Council's ability to realise their crucial traffic alleviation measures for Maynooth through the MOOR and subsequently undermine the Maynooth to Leixlip N4 Scheme.

We urge An Bord Pleanála to request the applicant to reconsider their approach on this issue and provide clarity on the interaction between the MOOR, the N4 Scheme and DART + West in a transparent manner.

### 3.5 Planning Context Summary

It is respectfully submitted that the proposed Draft Railway Order Application materially conflicts with Kildare County Council's LAP objective TRO2 and the County Development Plans objective MO6 and jeopardises the future developmental potential of Maynooth and the subject lands.

We submit that the Applicant has failed to account for the Kildare County Council LAP and Development Plan aspirations for an orbital road through the subject lands and there appears to be a significant disconnect between CIÉ and Kildare County Council with regards to the delivery of both parties' aspirations i.e. upgrading the DART rail infrastructure for CIÉ and for Kildare County Council's outer orbital route and traffic alleviation in Maynooth Town Centre, the N4 Scheme and proposed second train station.

Ultimately, the aspirations of connection to the motorway through the outer orbital route can become part of future strategic planning by Kildare County Council and the National Road Authority, which is essential to alleviate traffic congestion in Maynooth Town Centre and is aiming to be realised through the N4 Scheme proposed.

It is noted that the Environmental Impact Assessment submitted with the application documentation has had no regard to the objectives and delivery of the Maynooth Outer Orbital Route as identified by DBFL in Section 4.3 of their Infrastructure Report. In this regard, we invite An Bord Pleanála to consider the merits of the Dart+ West proposal and whether a greater linkage to integrate more fully with the proposed Maynooth Outer Orbital Route is feasible.

Ultimately, we seek An Bord Pleanála to consider those alternatives presented by our client with respect to the lands at Newtown, Maynooth to facilitate both CIÉ's objectives and Kildare County Council's objectives in a joined up and integrated manner, in accordance with the principles of proper planning and sustainable development.







## **4 Unresolved Site Specific Issues following Consultations**

As a landowner party to this project, our client appreciates the engagement to date with CIÉ representatives. However, it is extremely disappointing that the issues identified have not been addressed in the material submitted to An Bord Pleanála. Our client has engaged in multiple meetings with CIÉ at every opportunity available and it would be reasonable to expect that some regard would have been had to their site specific issues. We therefore wish to set out the detail of engagement to date and ask the Board to have regard to the key remaining outstanding issues:

1. Permanent severance of established access point with no alternative provided.
2. Disregard for MOOR as set out in Statutory Planning Policy

We note the following meeting notes of relevance:

### **4.1 Meeting No. 1 – 15<sup>th</sup> September 2020**

Our client shared its future development intentions for the subject lands and expressed a desire to work co-operatively with CIÉ to facilitate the delivery of:

- a new depot and rail realignment;
- the delivery of the KCC TRO2 Orbital Route which would facilitate access to CIÉ to its new depot;
- delivery of a park and ride to serve CIÉ.

#### **CIÉ's Response:**

Seemed to be open to all of the ideas raised. Meeting was considered to be positive.

#### **Outstanding Issues:**

None of the ideas presented by client were incorporated into the future railway order.

### **4.2 Meeting No.2 – 9<sup>th</sup> June 2021**

Our client again shared its future development intentions for the subject lands and expressed its desire to work co-operatively with CIÉ to facilitate the delivery of:

- a new depot and rail realignment;
- the delivery of the KCC TRO2 Orbital Route which would facilitate access to CIÉ to its new depot;
- delivery of a park and ride to serve CIÉ.

#### **CIÉ's Response:**

Seemed to be open to all of the ideas raised. Meeting was considered to be positive.

#### **Outstanding Issues:**

None of the ideas presented by client were incorporated into the future railway order.

### **4.3 Meeting No.3 – 14<sup>th</sup> July 2021**

Our client met with CIÉ's land consultant on site and again shared its future development intentions as per previous 2 meetings for a co-ordinated development approach of the CIÉ depot, Maynooth Outer Orbital Route and potential park and ride facility on the subject lands.





**CIÉ's Response:**

Meeting was considered to be positive.

**Outstanding Issues:**

None of the ideas presented by client were incorporated into the future railway order.

**4.4 Meeting No. 4 – 18<sup>th</sup> August 2022**

Our client raised their concerns having been presented with drawings by CIÉ with regards to:

- Extinguishment of existing Agricultural Access south of Jacksons Bridge with no alternative access provided to serve the subject lands to the south or east.
- Failure to incorporate KCC's Road Objective TRO2 for the Maynooth Outer Orbital Route and the implications that this would have on the future development of Maynooth and the releasing of their future development potential for the lands.

**CIÉ's Response:**

- Dart+ West Team acknowledged the oversight of not providing an alternative access and would review the situation and issue revised drawings showing an alternative access arrangement.
- Dart+ West Team explained that the height required to bridge the railway at this location was cost prohibitive and combined with the flood risk issues, it would not be feasible to include a road crossing as part of the current scheme.

**Outstanding Issues:**

Dart+ West Team subsequently informed the client that no alternative access would be provided to compensate for the extinguishments of the existing access south of Jacksons Bridge.

**4.5 Unresolved Issues by CIÉ – Compensatory Access**

It is respectfully submitted to An Bord Pleanála that CIÉ's proposed Dart+ West Scheme has not taken into consideration our clients concerns and contravenes Kildare County Council's Development Plan Development Management Standards where Section 17.2.8 states that:

*"Development should be designed in such a fashion that it will not prejudice the provision of vehicular or pedestrian access, or key infrastructural services in adjoining lands. Development should also be designed so as to ensure 'ransom strips' will not inhibit future development."*  
**[BMC Emphasis]**

From the above, it is evident that CIÉ has had no regard to our client's concerns and the proposal at present severs all existing agricultural accesses to the lands without any provision of any equivalent compensatory access point and the material presented by the Dart+ West Team contradicts the County Development Plan and will inhibit the future development potential on the remainder of SHL's lands. For further details on this matter, we refer the Board to Section 3 of the Infrastructure Report prepared by DBFL Consulting Engineers accompanying this submission.

**4.5.1 Compensatory Access from Proposed Roundabout**

There are many potential opportunities with respect to the provision of a new compensatory access point to our client's lands and we refer to Section 3.3 of the Infrastructure Report prepared by DBFL Engineers illustrating the potential access point from the roundabout as proposed by the draft Railway Order. It is considered that there is significant opportunity to provide a dedicated route from the L5041 into the Dart+ West acquired portion of lands with an opportunity for a compensatory access to the remainder of our client's lands as illustrated in Figure 8 below. We respectfully submit that this route could also form part of the MOOR. Our client would be willing to



work with the Dart+ West team on the details of the arrangement of a new compensatory access point to the remainder of their lands from the west.

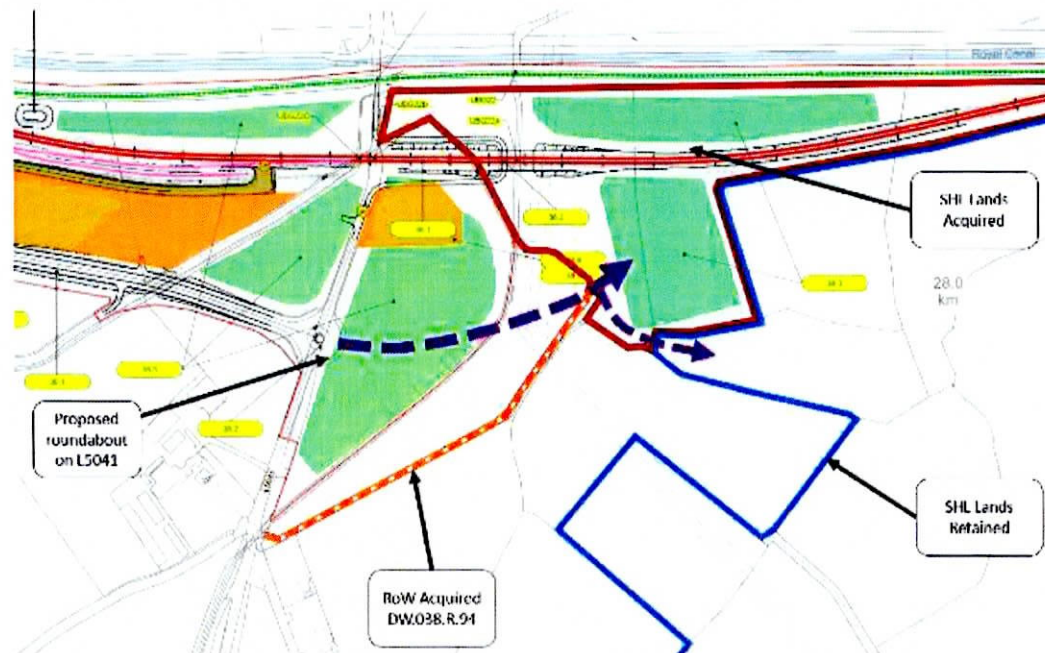


Figure 8 – Proposed Roundabout and Indicative Route to Clients acquired lands and remaining lands (Source: Dart+ West Plan with DBFL mark-up)

#### 4.5.2 Right of Way

It is noted however that from the documentation submitted by CIÉ, it is unclear whether this roundabout will be publicly accessible or will it sit within CIÉ's ownership, hence there is also potential for an alternative access point to be provided from the west. We would like to refer An Bord Pleanála to Section 8.2 of the accompanying Infrastructure Report prepared by DBFL which refers to the acquisition of a right of way which cuts through third party lands adjacent to our client's lands. This right of way is proposed for maintenance of the flood compensation areas and "for the construction, operation, inspection and maintenance of the railway" as referred to in the Book of Reference - Schedule 5. Therefore, we would like to query whether an access route to the remainder of our client's lands, through this right of way could be incorporated into the Railway Order proposal if a road is to be constructed.

#### 4.5.3 Compensatory Access from the East

Alternatively, if the previous two suggestions are not feasible, section 3.2 of the accompanying report prepared by DBFL, queries whether an access point could be provided to the subject lands from the East. There are potential opportunities to provide access to the retained subject lands through the creation of openings at the existing cul-de-sacs identified at the Castledawson, Newtown Hall or Parson Hall Roads for which further discussions are welcomed between the Dart+West team and our client. Although these access points would be restrictive going through an existing residential estate described as "a large residential area with narrow meandering roads" in Section 3.6.7.1 of Chapter 3 of the draft Railway Order EIAR. Nevertheless, a compensatory agricultural access as a minimum is vital for the continued use of the subject lands.

As previously stated, due to the nature of these access points through an existing residential development would have restrictive and limited capacity and may create traffic and safety concerns, it is submitted that there is opportunity to provide an access from the west - either from the new right of way which adjoins the subject lands or from the proposed roundabout south of Jackson's Bridge.





In previous consultations with Kildare County Council and discussions with CIÉ it was submitted that our client is prepared to cede the required lands for the provision of a portion of the Maynooth Outer Orbital Route and a motorway on-ramp at Newtown. It has already been established that CIÉ has had no regard to Kildare County Council's aspirations for the Outer Orbital Road or any regard to the new proposed N4 Scheme or to any of our client's concerns relating to their lands.

Hence, we ask An Bord Pleanála to undertake their own analysis regarding the potential for the subject proposal and the potential for the Maynooth Outer Orbital Route and N4 Scheme to be facilitated on the subject lands without compromising one or the other. We would also ask An Bord Pleanála to consider conditioning CIÉ for the provision of an appropriate compensatory access point to our client's lands at Newtown, Maynooth.





## 5 Conclusion

It is considered that the current Dart+ West Draft Railway Order proposal does not accord with all key objectives of statutory planning policy and would not be in the best interests of proper planning and sustainable development of the area. It is therefore requested that An Bord Pleanála carefully consider whether the proposed draft Railway Order through the subject lands of this submission could represent a missed opportunity in the realisation of the N4 Scheme and Kildare County Council's objective of the Maynooth Outer Orbital Route. It is considered that the aforementioned schemes could be developed in a coordinated manner to create a robust transport network around and through Maynooth, but that is not currently evident from the proposal at the subject lands.

In conclusion, we ask the Board to have regard to the following:

- The subject proposal will undermine the ability to provide a co-ordinated and robust transport network in Maynooth without any consideration for the N4 Scheme and materially conflicts Kildare County Council's objective's TRO2 in the current LAP and MO6 in the current Development Plan for the delivery of MOOR. Given the current planning context, we therefore respectfully submit that the Draft Railway Order application is premature and has had no regard to Kildare County Council's aspirations for the delivery of the MOOR, the N4 Scheme and the proposed second train station.
- The items raised by our client during public consultation meetings with the Dart+ West team and their complete disregard and failure to address any of the issues raised or alternative options proposed. Our client is extremely disappointed and frustrated by the meaningless consultations with the Dart+ West team providing no resolution or mitigation to the key remaining outstanding issues:
  1. Permanent severance of established access point with no alternative provided.
  2. Disregard for MOOR as set out in Statutory Planning Policy
- The permanent severance of the existing agricultural access point with no alternative provided causing a detrimental impact for the remainder of the subject lands. It is imperative that a compensatory access point is provided to the remainder of our client's lands to allow the existing agricultural use continue to operate with no disruptions. As stated above, there are several opportunities to provide a compensatory access which the Dart+ West team have disregarded and as a result are contravening the County Development Plan under Section 17.2.8. The following mitigative measures are suggested:
  - a. Provide fair compensatory access to SHL's lands to allow:
    - i. The existing agricultural operations on these lands to continue and;
    - ii. Facilitate the future development aspirations of these lands (which include KCC's TRO2 Roads Object/MOOR, the N4 Maynooth to Leixlip project, a second railway station for Maynooth within SHL lands and the associated development potential of SHL lands in accordance with the principles of proper planning and development).
    - iii. It is considered that one such potential option might be to provide access from the proposed Roundabout on the L5041 (just south of Jackson's Bridge) per the proposed Railway Order.
  - b. If this is not feasible then consider alternatives to the proposed realignment works that would allow continued access to SHL's lands (from the L5041) and also ensure that KCC's TRO2 and N4 Schemes to be developed in a coordinated manner with CIE's proposed scheme to create a robust transport network around and through Maynooth.

It must be reiterated that the extinguishment of the only existing access point to the subject lands without any equivalent compensatory access will have a detrimental impact and will effectively render the entire remainder of our client's lands unusable.





We now ask the Board to refer to the Infrastructure Report prepared by DBFL Consulting Engineers accompanying this submission for further information and further issues raised from an engineering perspective particularly relating to access, future uses and impacts assessment.

We wish to confirm that we will be monitoring this Draft Railway Order throughout the planning process, and we would welcome the opportunity to address matters with the applicant directly by way of an Oral Hearing. We trust that An Bord Pleanála will consider these points in preparation of a decision in respect of this application to ensure proper planning and sustainable development of the area.

We confirm we act for **Sherwood Homes Limited**, and request that all future correspondence in relation to this matter be directed to this office.





# Submission on DART+ West Draft Railway Order

Impacts on Sherwood Homes Lands

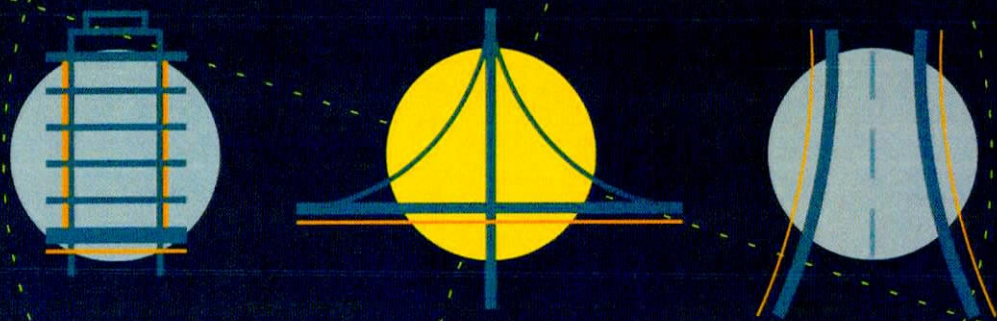
220139-X-Z-X-XXX-RP-DBFL-CE-0001

INFRASTRUCTURE

Oct 2022



DBFL CONSULTING ENGINEERS







Project Title:	Submission on DART+ West Draft Railway Order		
Document Title:	Impacts on Sherwood Homes Lands		
File Ref:	220139-X-Z-X-XXX-RP-DBFL-CE-0001		
Status:	P1 - Information	Rev:	1
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Rev.	Date	Description	Prepared	Reviewed	Approved
1	24/10/22	First Issue	Declan Haugh	Dan Reilly	Dan Reilly

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## 1 Introduction

The purpose of this report is to support a submission on the draft Railway Order Application (which is further described in the accompanying planning submission) served by CIÉ on Sherwood Homes Limited (SHL) [the landowner] in connection with the DART+ West Electrified Heavy Railway Order [2022].

It is understood that the DART+ West Electrified Heavy Railway scheme is to increase the carrying capacity on the route between City Centre and Maynooth/M3 Parkway and support the rapid transition required to deliver on a low carbon climate resilient transport system. In particular, it is proposed to realign the track at Jacksons Bridge to avoid impacts on the existing bridge as it is a protected structure. This realignment has led to the impact on Sherwood Homes lands and associated draft Railway Order describing SHL as an affected landowner.

This report sets out an engineering assessment of the impacts of this on the subject site both in the current context and uses, and in the future development potential of the site.

The majority of these issues are a result of the proposed realignment at Jackson's Bridge, causing the encroachment into SHL's lands, and the consideration of alternatives in this regards is questioned. These items are expanded upon in this submission, along with other issues the DART+ West scheme may potentially lead to.

The main concerns covered can be summarised as follows:

- **Access to the Subject Site** - Extinguishment of the agricultural access to the lands with no alternative being provided within the draft Railway Order. This impact is extremely significant and has not been appropriately assessed in the EIAR. To mitigate against this impact, an alternative has been proposed herein which could satisfy the needs of DART+ West, KCC Roads Objectives, and Sherwood Homes collectively.
- **Maynooth Outer Orbital Road Objective** – Specifically the barrier the DART+ West proposals appear to be introducing in the realisation of KCC Roads Objective TRO2 / the MOOR.
- **Realignment at Jackson's Bridge** – It is considered that insufficient information is provided in the EIAR regarding Consideration of Alternatives regarding Jackson's Bridge and the resultant realignment into the SHL lands, which has ultimately created the majority of the concerns set out herein. Particular discrepancies and inconsistencies





have been noted in this submission regarding treatment of protected bridge structures and assessment of traffic impacts.

- **Significance of Impact on the Subject Site** – Assessment of the impact of the proposed railway works on our client's lands under Chapter 17 of the EIAR does not appear to comply with the EIAR's own stated methodology as stated under Section 17.3.2.1. The DART+ West Team claimed the significance of impact to be medium when in fact it is considered by the landowner to be a profound impact, using the methodology as set out in the EIAR.
- **Unresolved Issues Following Consultations** - Overall frustration with the DART+ West Team consultations to date which appear to have been meaningless and did not lead to resolutions / mitigations against any of the significant impacts that were raised.
- **General Queries on the Information** provided within the draft Railway Order.



## 2 Background

### 2.1 DART+ West Scheme

As of August 2022, a draft Railway Order, Environmental Impact Assessment Report (EIAR) and associated planning documentation have been issued for the DART+ West Scheme – available [here](#).

In terms of publicly available information, the best representation of the potential impact to the subject site comes from drawings WORKS LAYOUT PLAN NO. WP037 to WP039. The full drawings are included in Appendix A herein.

### 2.2 Description of Proposed Works Within and Impact Subject Site

In order to provide context for this submission, Table 2-1 gives extracted information on the works items proposed within the Railway Order Schedule (and as per the annotations on the Works Layout Plan drawings) which are within and/or impact the subject site, with annotations as shown on Figure 2-1 Extracts from Railway Works Plan.

Works No.	Description	Drawing No.
37.1	Upgrade of the rail line from a single line to a twin-track between Maynooth Railway Station and the new depot.  A new, off-line alignment, south of the existing track, begins at the western side of the Maynooth urban area and extends past the eastern entrance to the Depot, over 1.5km.	WP037
37.2	Construct services and utility diversions and connections as shown indicatively on the drawings.	WP037
37.3	Raising of exiting electricity poles north and south of the rail to provide the required clearances between the rail electrification and electricity supply lines	WP037
38.1	Off-line alignment, south of the existing rail track and widening to twin track including new bridges over the Lyreen River (UBG22A) and the existing L5041 local road (UBG22B) and over the tributary	WP038





Works No.	Description	Drawing No.
	to the Lyreen River (UBG22C).	
38.2	<p>The existing L5041 at Jackson's Bridge to be closed to vehicular access with a cul-de-sac created north and south of realigned railway track for vehicular traffic while continued access to be maintained for pedestrians and cyclists with a new bridge under the realigned rail line east the existing L5041(UBG22A).</p> <p>New roundabout to be constructed online of existing L5041.</p> <p>L5041 to be realigned south and to the west of Jackson's Bridge to tie in with the roundabout and new access road to the depot and the new realigned R148.</p>	WP038
38.3	Provision of flood compensatory storage areas, to manage displaced flood waters and flood risk impacts on the existing drainage regime due to hydraulic constraints.	WP038

*Table 2-1 Extract from DART+ West Schedule*

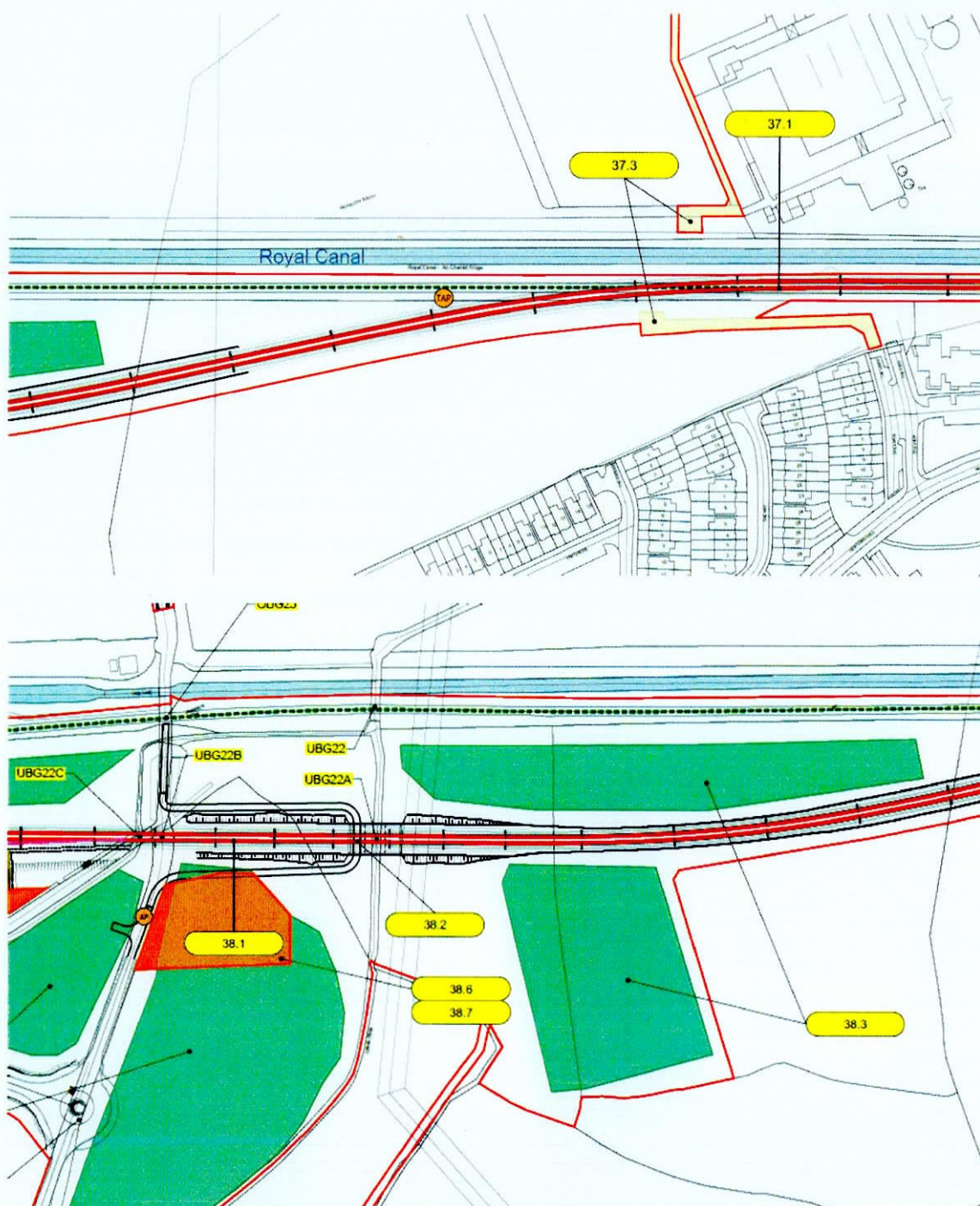
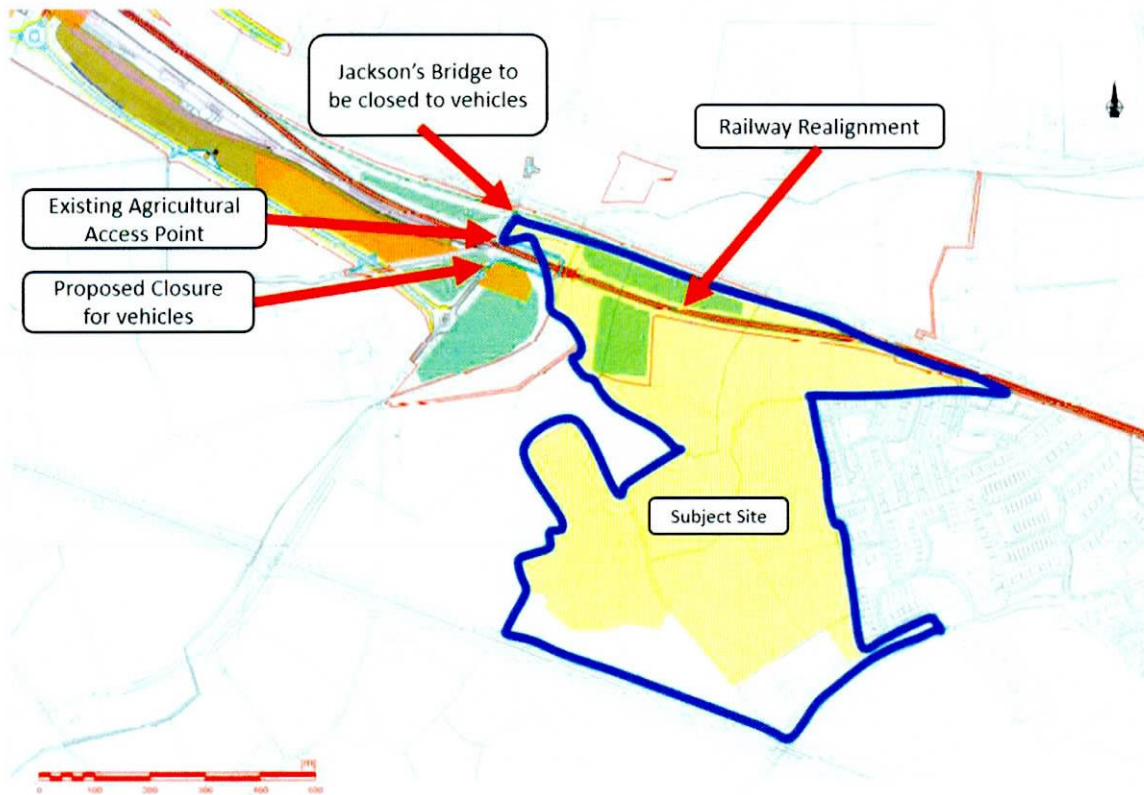


Figure 2-1 Extracts from Railway Works Plan

In addition to the core railway alignment works, it is understood from the DART+ West railway plans 2 that the scheme includes large area for flood storage within the subject site, with associated permanent land acquisition (indicated by annotation 38.3 within Figure 2-1).



For further context, Figure 2-2 shows an extract of the Railway Works drawing with the approximate Sherwood Homes subject site extents in blue, the proposed land take line within the draft Railway Order in red, along with additional contextual annotations.



*Figure 2-2 Site Context of Subject site with Proposed Railway Route*

## 3 Access to the Subject Site

### 3.1 Closure of Existing Access

According to the Railway Order Property Plans (PROPERTY PLAN NO: DW.037 to DW.039), CIÉ are proposing to acquire all the land in grey within Figure 3-1 as permanent land take (full drawings included within Appendix B herein). Within the subject site this largely comprises the railway realignment as well as proposed flood plains – and covers the entire north and north-western portions of the subject site currently within Sherwood Homes ownership.

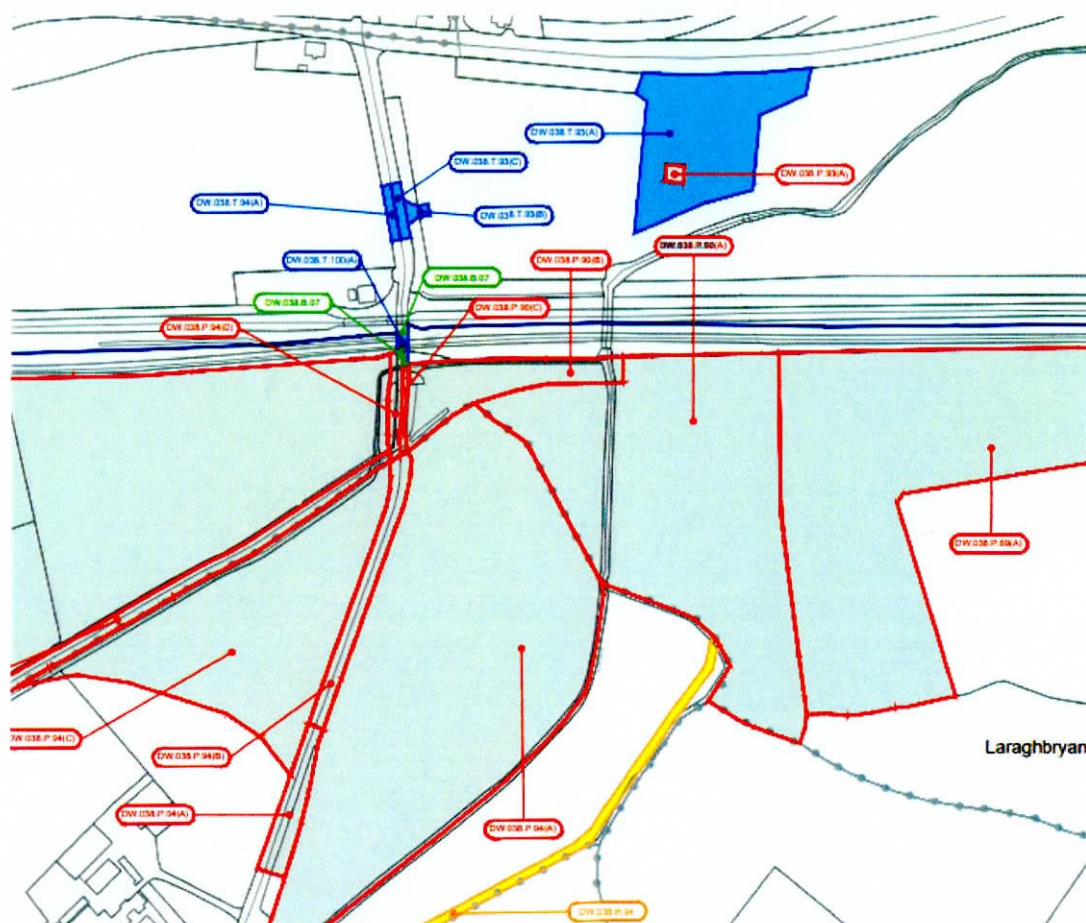


Figure 3-1 Extract from Property Plan No. DW.038

There is an existing agricultural access provided off the L5041 (south of Jackson's Bridge), directly serving the lands which are proposed to be acquired by CIÉ. However, this is also the only existing access serving the agricultural lands beyond those which are proposed to be acquired by CIÉ and therefore will leave the remaining agricultural lands (controlled by SHL) landlocked. Sherwood Homes raised this with the DART+ West team at a consultation meeting and sought a



revised access arrangement for this location or an alternative location such as from the proposed roundabout on the L5041.

The subsequent response received from the DART+ West team was that the project does not propose to provide a compensatory access to the subject site from the L5041 at Jackson's Bridge and that access to the subject site will be from the *"existing accesses to the east as provided for in the draft Railway Order"*.

### 3.2 Lack of Compensatory Access

It is unclear from the material provided by CIÉ in the draft Railway Order what these *"existing accesses to the east"* relate to as they are at no point shown or clearly described.

As a new access is not provided for in the draft Railway Order, it would seem the onus is assumed to be on Sherwood Homes to provide this at their own cost, which would require planning permission and relevant landowner consents given the extent of works which would be involved. Figure 3-2 (indicative extents of proposed permanent land acquisition in red and subject site in blue), shows what we believe might be the potential opportunities to create new openings "to the east" from adjacent residential estates. Again, we wish to reiterate that these openings are not clearly described or provided for in the draft Railway Order.

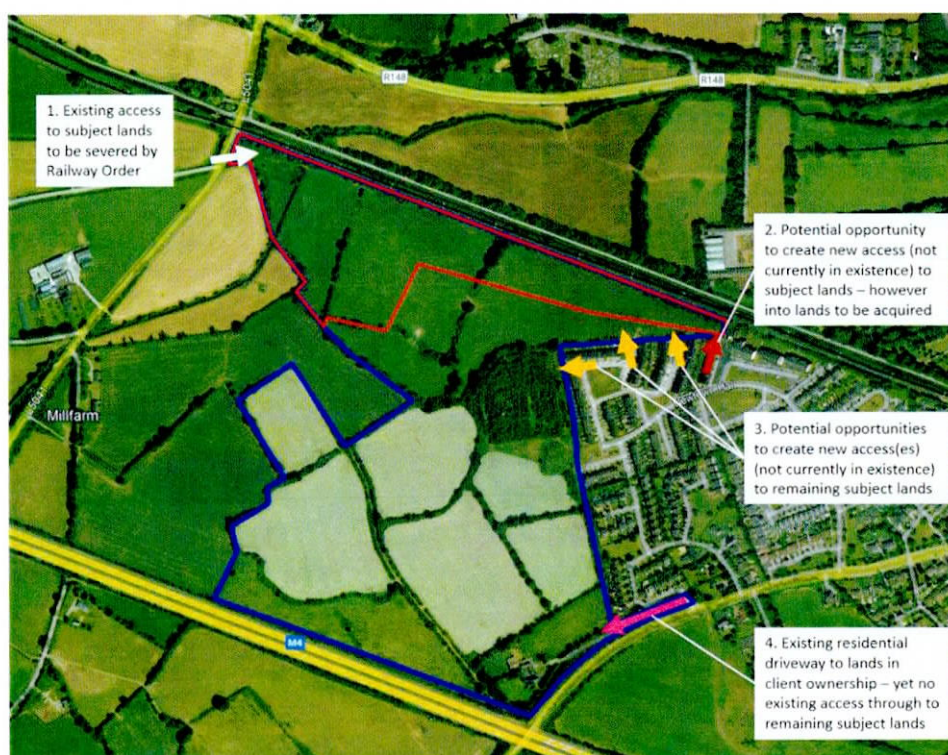


Figure 3-2 Existing and Post-Development Potential Access Arrangements (@ Google)





While these potential opportunities exist, there are no guarantees that planning permission would be granted for such access points (i.e., there may be a conflict between agricultural traffic and residential traffic within these existing housing estates) or that landowner consents would be provided in this instance.

In addition, even if permission could be obtained for these access points, such an access would be from an existing residential estate which could limit the quantum and nature of traffic using them (considering both the existing agricultural use and any potential future residential development within SHL lands). The route is in fact assessed as a potential access option for the proposed DART+ West depot – Option 3 assessed in Section 3.6.7.1 of Chapter 3 of the draft Railway Order EIAR. It is described therein as “a large residential area with narrow meandering roads,” reflecting our client’s concerns regarding it as an access route.

Further assessments would likely be required on the impact of such interventions from a traffic perspective, including the main access to this estate at the Castledawson / Newtown Road junction. **As such these opportunities are not guaranteed.** Nevertheless, the landowner and their representatives would be willing to work with the DART+ West team on the details of such an arrangement, as a compensatory agricultural access as a minimum is vital for the continued use of the subject site and overall lands.

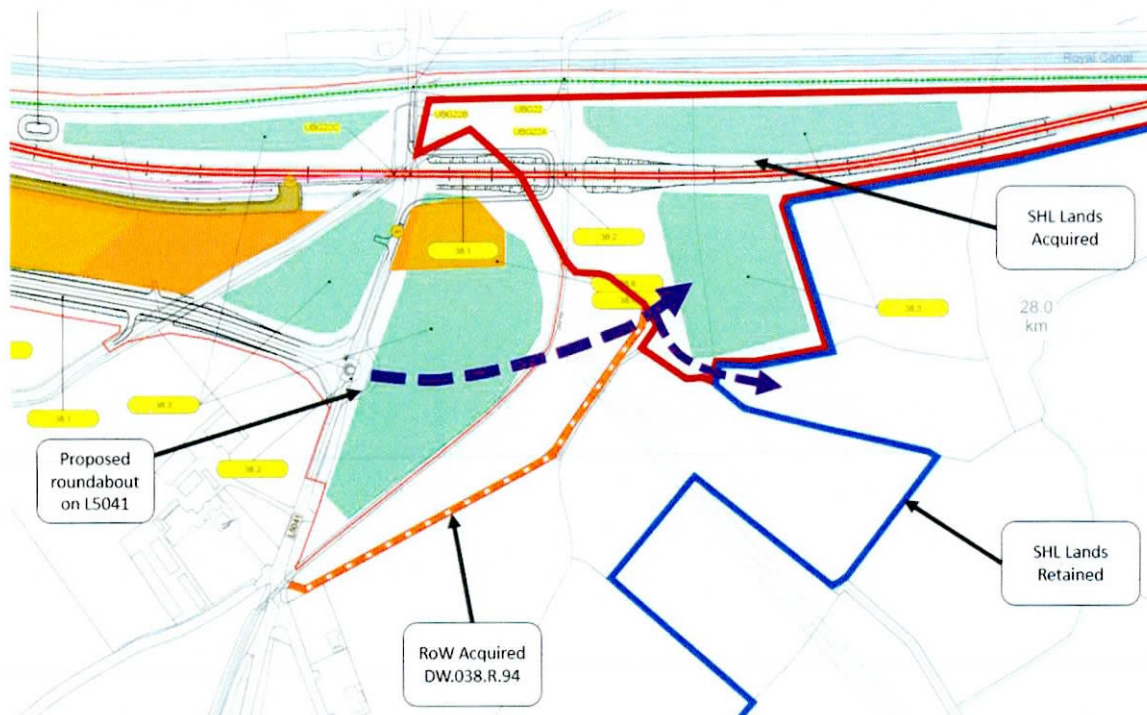
### 3.3 Potential Access from Proposed Roundabout South of Jacksons Bridge

Given the lack of a compensatory access being provided, an alternative to the potential eastern accesses has been considered herein. It is noted that there is a roundabout proposed by CIE in the DART+ West plans on L5041 South of Jacksons Bridge. This is described under works element 38.2 of the draft Railway Order – “*New roundabout to be constructed online of existing L5041*”.

It is considered that this new infrastructure presents an opportunity to create a dedicated route from the L5041 into the DART+ West acquired lands for access and maintenance, as well as also providing an opportunity for compensatory access to the SHL retained lands.

**This proposed arrangement through SHL lands linking to the new roundabout proposed within the draft Railway Order form, along with the L5041 diversion, could form the southwest portion of the MOOR set out in KCC Roads Objective TRO 2. This would remove the need to bridge over the proposed railway line – avoiding the alignment issues set out in Section 4.2 herein. This potential arrangement is outlined in Figure 3-3.**





*Figure 3-3: Proposed Roundabout South of Jacksons Bridge (DART+ West Plans)*

While it is acknowledged that this route passes through the flood compensatory storage areas indicated, it is considered that an engineering solution could be developed to include a road crossing. This new route could replace the adjacent private right of way being acquired (DW.038.R094), which is proposing maintenance and construction access to the works areas via the existing farm entrance shown in Figure 3-4 (refer to Section 8.1 herein). Instead, this alternative route could offer a dedicated and safe access for maintenance along a new full width carriageway constructed from the proposed roundabout.



*Figure 3-4: Existing farm entrance on L5041 subject to private right of way acquisition*

As was stated in the consultation meetings carried out (refer to Section 6) Sherwood Homes and their representatives would be willing to work with the DART+ West team (and other impacted landowners) on the details of such an arrangement. Such a compensatory agricultural access as a minimum is vital for the continued use of the subject site and overall lands.

### 3.4 Overall

We therefore contend that while CIE have presented 'existing access points to the east' as an apparently acceptable alternative, the fact is:

- a) such existing access points do not currently exist here;
- b) even if they did, they would provide an extremely restrictive solution (in terms of the existing use of these agricultural lands and also the future development potential of these lands); and
- c) ultimately, no provision has been made within the draft Railway Order to even provide such access points so in reality there are no guarantees that SHL will be sufficiently compensated for the extinguishment of its existing access off the L5041.





It is considered therefore that the draft Railway Order proposals sever all existing agricultural accesses to the subject site without any equivalent compensatory accesses, effectively rendering the lands unusable in their entirety – over and above the areas to be permanently acquired.

## 4 Maynooth Outer Orbital Road Objective

An important aspect of the subject site is that it forms part of the proposed route of the Maynooth Outer Orbital Route (MOOR) – specifically the south-western portion. SHL recognise the importance of the MOOR and there are serious concerns regarding the impact that the DART+ West scheme will have on its development.

### 4.1 Planning Status

#### 4.1.1 Maynooth Local Area Plan 2013 - 2019

Within the Maynooth Local Area Plan (LAP) 2013 - 2019 Incorporating Amendment No.1 (Adopted 9<sup>th</sup> October 2018), the following Road Objective is set out:

TRO 2: To facilitate the future construction of the following roads and in the interim protect these routes from development: .....

..... (e) Between the Kilcock Road (F) and the Rathcoffey Road (G)

(f) Between the Rathcoffey Road (G) and the Straffan Road (A).....

The above is with reference to the extract below from Map 1 Roads Objective:

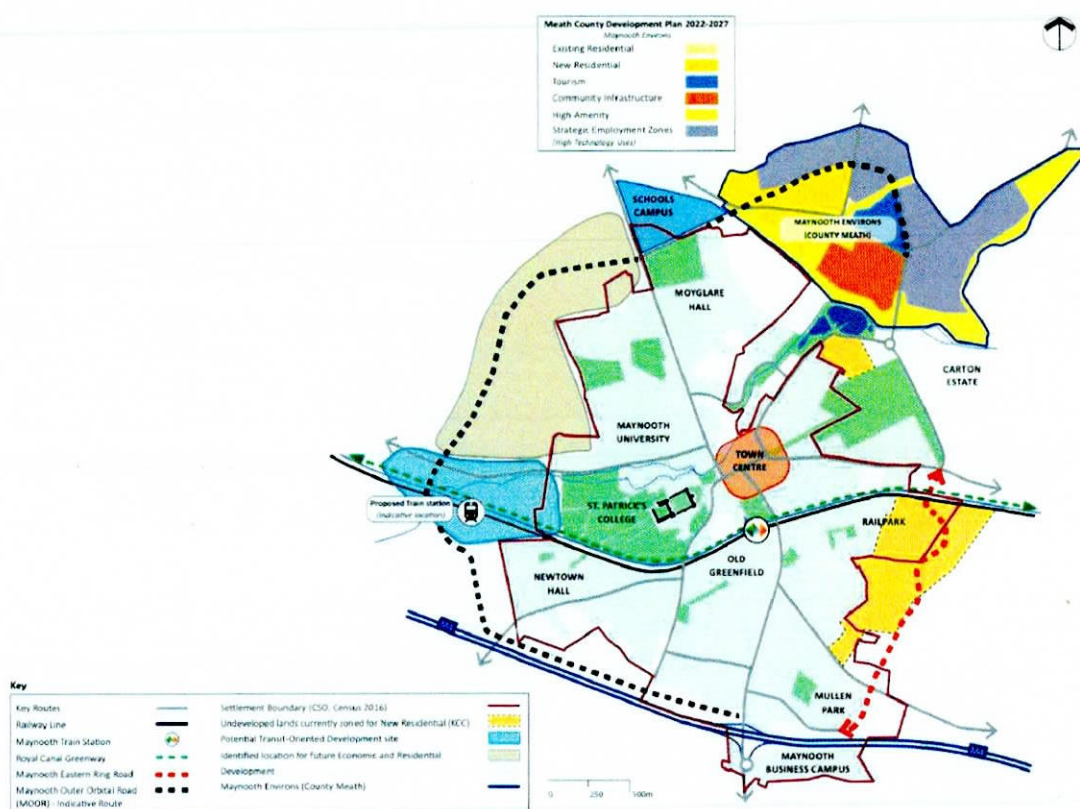




The benefits of this route, are as set out in LAP itself - *"Traffic congestion is a major problem in Maynooth and the delivery of the Maynooth Outer Orbital route illustrated on Map 1 is vital for the economic development and quality of life of all Maynooth's residents and visitors."*

#### 4.1.2 Maynooth and Environs Joint Pre-Draft Local Area Plan 2024 - 2030

More recently, the Maynooth and Environs Joint Local Area Plan 2024-2030 "Pre-draft Public Consultation Issues Paper" ("Pre-Draft LAP") has been published ([here](#)) as part of a public consultation period. Within the overall mapping published, the Maynooth Outer Orbital Road (MOOR) is specifically referenced. The consultation period is open at the time of writing.



As well as it being outlined as a Key Challenge to be faced – in addition to the DART+ West scheme:

*"Development of key servicing infrastructure such as water and wastewater facilities, along with critical transportation projects such as the **Maynooth Outer Orbital Route (MOOR)**, DART+ West and Bus Connects."*

It is particularly noted that the MOOR indicative route appears to now cross the Royal Canal at Jackson's Bridge, however the DART+ West Scheme proposes to remove vehicular traffic from



this bridge. The solution presented above whereby the MOOR could route via the new roundabout within the proposed L5041 Diversion is again reiterated as a way in which both schemes could be progressed.

Refer to Section 8.1 herein where additional queries are posed.

#### 4.1.3 Draft Kildare County Development Plan 2023 - 2029

Kildare County Council (KCC), in accordance with Section 12 (7) of the Planning & Development Act 2000 (as amended), has also prepared Proposed Material Alterations to the Draft Kildare County Development Plan 2023-2029 – [here](#). The consultation period is open at the time of writing.

Within these proposed material alterations there are multiple references to the MOOR, including the specific reference within the amendments to Table 5.4 – Priority Road and Bridge Projects. As shown in the extract below, this not only references the MOOR but specifically identifies the MOOR (West/Southwest), routed from “*the Kilcock Road south to Rathcoffey/Straffan Road*”. This is understood to reinforce KCC’s designation of the previous LAP Roads Objective TRO2 [*Between the Kilcock Road... the Rathcoffey Road... and the Straffan Road*] as a strategic route to be developed.

#### Proposed Material Alteration No. 5.49

Amend Table 5.4 as follows and include updates to the numbering of all Priority Road and Bridge Projects as listed in Table 5.4 of the Draft Kildare County Development Plan 2023-2029:

**Table 5.4 - Priority Road and Bridge Projects<sup>1</sup>**

Nr.	Name	Route
A	Maynooth Eastern Ring Road (MERR)	R148 to R405 – Leixlip Road to Celbridge Road.
B	Maynooth Outer Relief Road, Maynooth Orbital Route (Northwest)	L1012 Moyglare Road and Dunboyne Road (County Meath) to be delivered by Meath County Council under Section 85 agreement.
C	Maynooth Outer Orbital Route (West/Southwest)	R148 to L1012 c. 3km – Kilcock Road to Moyglare Road; and from the Kilcock Road south to Rathcoffey/Straffan Road.

#### 4.1.4 Maynooth to Leixlip N4 Scheme

The [Maynooth to Leixlip N4 scheme](#) is an ongoing project being developed on behalf of Kildare County Council and South Dublin County Council. This scheme has published a Virtual Public



Consultation Room as of 8th September 2022 (linked [here](#)), with information available regarding the current scheme status and options assessments and studies carried out to date.

It is our understanding that the Maynooth to Leixlip N4 scheme directly interacts with the route of the TRO 2 roads objective, as indicated within the junction options drawings (where it is annotated as "*Maynooth Local Area Plan – New Roads Objective*") and on the Interactive Map of the Study Area – refer to extracts below of option layout and of overall study area both including the subject road objective:

#### Junction 7 Maynooth Option 2



Given that the Maynooth to Leixlip N4 scheme options appear to be linked to (and reliant upon) the TRO 2 road objective being realised and that its full extent sits within the project study area, it is therefore assumed that it is still Kildare County Council's intention to progress with the planning, design, and construction of the TRO 2 section of the Maynooth Outer Orbital route.



## 4.2 Draft DART+ Alignment Issues

Figure 4-1 shows an extract from the DART+ Alignment and Profiles drawing for the railway works, in the vicinity of the roads objective route. It is inferred from this that the rail line is proposed to be raised above existing ground levels at this location and as such the Maynooth Outer Orbital Route would also need to be raised significantly to bridge over the realigned railway. The installation of overhead electrical lines mean that the road will have to be raised even higher again, as stated in the DART+ West EIAR Chapter 3.6.2.1.

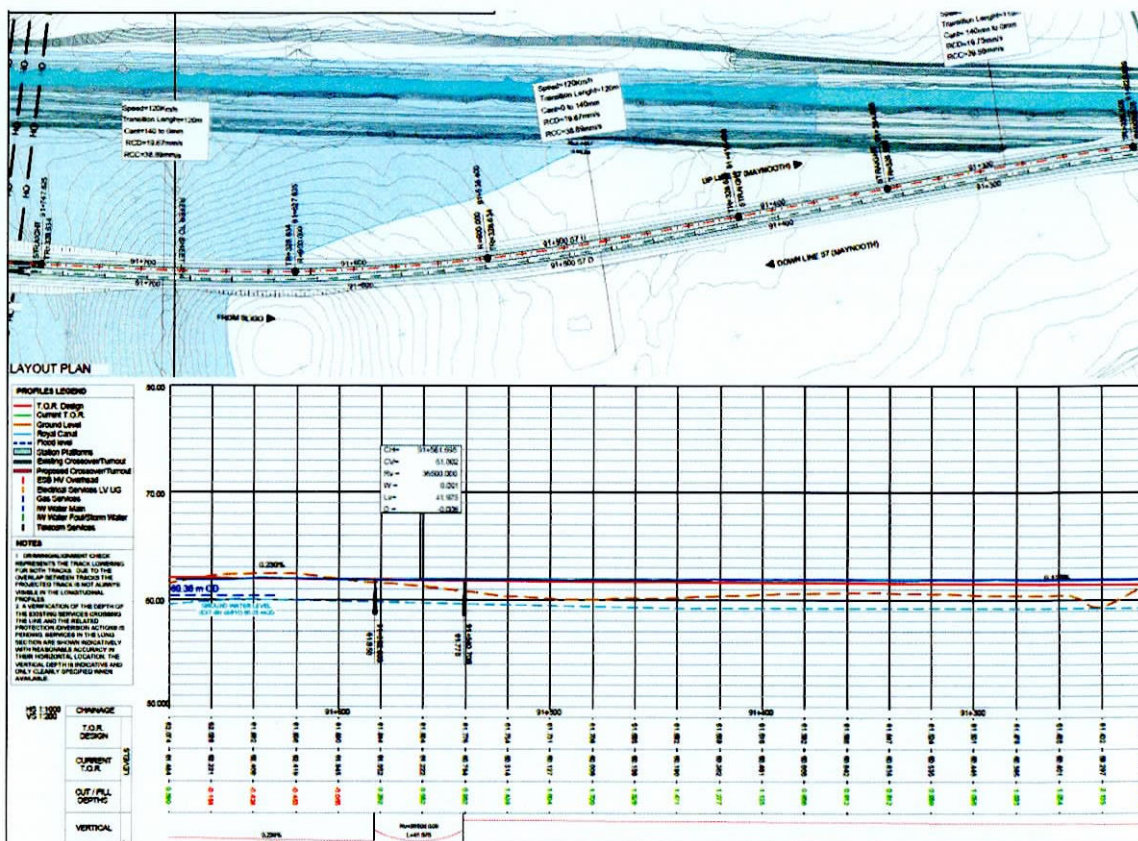


Figure 4-1 Extract from Alignment and Profiles drawing

It is assumed that bridging over the railway and canal at this location was deemed by the DART+ West Team to be cost prohibitive as a result of such issues (refer to Section 7 regarding statements during consultation), and perhaps the reason why the MOOR route as set out in TRO2 was not accommodated within the draft Railway Works proposals.





### 4.3 DART+ West Cumulative Assessment

In order to understand how the potential interactions between the DART+ West scheme and the MOOR Objective were considered in the EIAR (given the MOOR is a statutory objective), Chapter 26 Cumulative Effects (linked [here](#)) was reviewed. As stated therein, Chapter 26:

*"...documents the cumulative effects assessment (CEA) arising from the proposed development with other existing and/or approved plans and projects during the construction and operational phases of DART+ West project."*

The assessment includes the Maynooth Local Area Plan 2013-2019 as a local policy document, making specific reference to the traffic congestion challenges identified therein and the challenge for *"Delivering strategic transport improvements particularly the upgrading of the railway line and the completion of the Maynooth Outer Orbital Road"*.

An extract of the reference and the cumulative impact assessment is presented below.

Name	Description	Cumulative Impact with proposed development
Maynooth Local Area Plan 2013-2019	The Maynooth Local Area Plan sets out the overall strategy for the proper planning and sustainable development of Maynooth in the context of the Kildare County Development Plan 2011-2017. The Maynooth Local Area Plan has identified traffic congestion as a major problem in the area and identifies key challenges to be addressed, such as: <i>"Delivering strategic transport improvements particularly the upgrading of the railway line and the completion of the Maynooth Outer Orbital Road"</i>	As the proposed development will address one of the key issues set out in the Maynooth Local Area Plan 2013-2019 by upgrading the railway line, it is considered that there will be positive cumulative impacts as a result of the proposed development. The DART+ West project supports the Maynooth Local Area Plan by increasing the capacity and frequency of rail services at Maynooth, thus promoting sustainable modes of travel. The improved access to sustainable modes of transport will aid in addressing the key challenge of traffic congestion in Maynooth, outlined in the plan. <i>Positive, direct and indirect, significant and long-term</i> cumulative effects are predicted to arise from the combination of this plan and the proposed development.

It is evident that the cumulative impact description has ignored the mention of the MOOR and has instead only referred to the upgrading of the railway line. This results in a conclusion being reached that the impact is *"Positive, direct and indirect, significant and long-term"*, despite (as posed herein) severely limiting the ability for the other half of the LAPs statement being realised.

The reference made to the traffic congestion problem identified is taken from Section 3.7 of the LAP, which is in fact in direct reference to the need for the MOOR, with the need for the railway line upgrade being referenced later in the section. This specific section has been extracted here as shown. The assessment also ignores the specific Objective TRO 2 relating to the provision of the MOOR which the

#### 3.7 Transportation

Traffic congestion is a major problem in Maynooth and the delivery of the Maynooth Outer Orbital route illustrated on Map 1 is vital for the economic development and quality of life of all Maynooth's residents and visitors. The upgrade of access to the M4 Motorway and the provision of an additional access may also be necessary to facilitate ease of access to the national road network. Pedestrian and cycling facilities will be developed throughout the town particularly from new development areas back to the town centre and NUI Maynooth. The upgrading and intensification of use of the railway will take place over the next few years and the development of ancillary facilities such as car parking will be required.



proposed alignment directly traverses.

The cumulative impact assessment on this issue is strongly questioned, seemingly taking selective wording in favour of the DART+ West scheme and it does not appear that the draft Railway Order proposals have given any consideration to the KCC Roads Objective TRO 2. The inability for KCC to realise the road objective would likely compound the traffic congestion issues and as such would be considered a negative, direct, significant and long-term impact.

#### **4.4 Overall**

On the basis that the assumptions above are correct and that the Maynooth to Leixlip Project proposals are based on the subject road objective being in place, it is unclear what interaction has been carried out if any by the DART+ West Project Team with regards this road corridor and the proposed rail realignment. Within the documentation published for the draft Railway Order there does not appear to be any provision made for the KCC Road Objective TRO 2 (e) and (f) [as described above], despite the route traversing the proposed railway realignment at Jackson's Bridge within the DART+ scheme.

Given the current planning context it is therefore contested that the draft Railway Order has not adequately considered the Local Authority objectives, as set out in greater detail in the Brock McClure submission on the subject site. It is therefore considered that the progression of the DART+ West project may limit KCC's ability to realise their objectives, and subsequently whether it may undermine the Maynooth to Leixlip Project proposals.

Additionally, it is considered that the integrated provision of the MOOR and the DART+ West scheme may require significant amendments to the Railway Works as currently proposed and assessed within the EIAR attached to the draft Railway Order – rendering the current assessment obsolete. This item was also raised within the consultations between the landowner and the DART+ West team, with the landowner being informed by the team that the bridge required as part of the Orbital Route is not feasible within their current designs due to the levels of the railway line at this location and also flooding issues, and that overall the cost of the bridge would be too expensive to be included in the Railway Works.

It is considered that both schemes could be developed in a coordinated manner (for example through the alternative route proposed in Section 3.3 herein) to create a robust transport network around and through Maynooth, but that is not currently evident from the available information.



## 5 Realignment at Jackson's Bridge

### 5.1 Consideration of Alternatives

It is noted that the draft Railway Order proposals include the closure of Jackson's Bridge (OBG23) to vehicular traffic with a new compensatory pedestrian and cyclist underpass (UBG22A) proposed. The associated vehicular diversion is described in section 4.11.11.2 of their EIAR Chapter 4 Description of the Proposed Development (linked [here](#)) and is understood to be the route shown in blue on Figure 5-1, via a new bridge to be constructed in the railway works (OBG23A).



*Figure 5-1 Indicative L5041 Diversion as described in EIAR Chapter 4*

The closure of the bridge to vehicular traffic appears to be a direct result of the realignment of the rail line away from the bridge (and through SHL Lands). It is contested that this realignment has not been assessed sufficiently in the EIAR, particularly in Chapter 3 – Consideration of Alternatives (linked [here](#)) to demonstrate the need for the extensive acquisition of SHL lands.

Within Section 3.6.2 therein, sets out the methodology used for assessing impacts to and resulting measures for each bridge along the scheme. The measures examined, from lowest to highest degree of intervention, are as follows:

- Accept reduced wire height under an existing bridge.
- Lower the railway under an existing bridge and underpin bridge as necessary.



- Raise the deck of an existing bridge to provide more height under the bridge.
- Deconstruct the deck of an existing bridge and reconstruct at a higher level.
- Realign the railway to avoid the constraint associated with the existing bridge.

The subsequent sections (from lowest to highest degree of intervention) then list the bridges where track lowering and structural interventions are proposed, with further details relating to bridges where proposed alterations are proposed. However, the realignment at Jackson's Bridge is referenced along with the instances of track lowering – i.e., the one instance where the highest degree of intervention is proposed is referenced along with the second lowest. There are no further details provided on whether accepting lower wire height, track lowering, raising of the deck, nor reconstruction of the existing bridge were considered and ruled out prior to the highest degree of intervention being determined. Instead, it simply states that *"In addition, it is proposed to realign the track at Jacksons Bridge OBG23 to avoid impacts on the existing bridge"*.

It is acknowledged that Jackson's Bridge is a structure of architectural significance (RPS B05-36 KCC; NIAH 19005050) as set out in Chapter 21 Architectural Heritage (linked [here](#)) of the EIAR, however the scheme impacts upon multiple such bridges and proposes significance alterations. For example (from Section 21.5.1.5 of Chapter 24), *"at Cope Bridge (PPS KCC 20) the masonry arch of the railway bridge is to be removed and replaced with a precast concrete arch with higher clearance; this will necessitate raising the road deck over the canal arch and it is proposed to use a lightweight flexible fill to raise the deck to minimize the additional dead load"*.

It is unclear why such an assessment was not carried out regarding Jackson's Bridge with consideration for the significant Land Use and Access related impacts resulting from the alternative realignment proposed.

## 5.2 Traffic Impact Assessment

Notwithstanding the access issues resulting from the closure of Jackson's Bridge (and the resultant closure of SHL's existing access to their lands), it is considered that there are major flaws in the assessment of the wider traffic impact of this intervention within the EIAR.

Chapter 6 Traffic & Transportation (linked [here](#)) of the EIAR describes and assesses diversions as a result of the scheme within Section 6.5.2.5. As set out in Table 6-13 therein (extracted below), the diversion route due to the Jackson's Bridge closure is defined as 2.5km.





**Table 6-13 Operational Impact – Vehicular Diversion Route Length**

Zone	Location	Diversion route length [km]
C	Ashtown	0.8km
C	Coolmine	3.4 – 5km
C	Porterstown	1.7km
C	Clonsilla	4.1 - 5.9km
E	Barberstown	1.3km
E	Blakestown	3.4km
E	Jackson's Bridge	2.5km

This c. 2.5km diversion is reflected in Figure 5-1 above.

The diversion route is later defined in the assessment regarding Journey Times as route F1. In the first instance it states that *"In all cases the total diversion route exceeds 500m, the likely effect on vehicular traffic is negative moderate"* which inherently defines the impact as negative moderate with respect to Jackson's Bridge. However, when the Journey Times are assessed, it is clear that the diversion has not be included in the calculations and associated results in Table 6-15 "Operational Impact - Change in Journey Time 2043" – extracted below – showing zero change in AM peak and only a 2 second increase in PM peak. This is an impossible result where a 2.5km diversion is being assessed.

**Table 6-15 Operational Impact - Change in Journey Time 2043**

Route	Direction	AM Peak			PM Peak		
		Do Minimum	Do Something	% Change	Do Minimum	Do Something	% Change
	NB	06:37	07:11	9%	14:48	15:06	2%
Route F1	EB	03:18	03:21	2%	02:47	02:48	1%
	WB	02:25	02:25	0%	02:53	02:55	1%

This therefore results in the Jackson's Bridge diversion not being considered further or being defined as a negative impact in the assessment.

It is noted that later in the report in Section 6.5.2.8 Table 6-22, the EIAR incorrectly refers to the 2.5km diversion being applied to cyclists, despite cyclists still being able to use Jackson's Bridge in the plans via new underpass UBG22A:

*"Due to the railway diversion south of Jackson's Bridge, the existing L5041 will be severed at this location. Therefore, in order to provide continuity for both pedestrians and cyclists and to maintain the use of Jackson's Bridge (protected*



structure), a route will be provided below UBG22A to allow pedestrians and cyclists to pass through" [from Chapter 4 Section 4.11.11.2]

**Table 6-22 Operational Impact of Diversion Routes on Cyclists**

Zone	Location	Current Distance [m]	Proposed Distance [m]	Current Journey Time [mm:ss]	Journey Time with Proposed Changes [mm:ss]	% Change in Journey Time
C	Ashtown	378	442	02:11	01:14	-44%
C	Coolmine	67	341	01:19	00:57	-28%
C	Porterstown	72	353	01:20	00:59	-26%
C	Clonsilla	77	303	01:21	00:51	-38%
E	Barberstown	471	719.5	01:19	02:00	53%
E	Deey Bridge Blakestown	520	3400	01:27	09:27	554%
E	Jackson's Bridge	400	2500	01:07	06:57	525%

The impact on cyclists at Ashtown, Coolmine, Porterstown and Clonsilla, is *positive*, as the proposed cycle crossing facilities are to be provided. At Barberstown, Blakestown and Jackson's Bridge the diversion routes are longer, however very small number of cyclists are currently using those bridges/crossings therefore the likely effects are considered to be *negative slight*. Overall, the likely effects on cyclists are *positive* due to improved facilities and reduced conflict with motorised vehicles improving safety.

It therefore appears that through potential calculations and/or assessment errors, the impact of closing Jackson's Bridge with respect to traffic impact has not been appropriately assessed in the consideration of alternatives regarding the realignment into SHL's lands.





## 6 Significance of Impact on the Subject Site

The assessment within EIAR Chapter 17 Material Assets: Non-Agricultural Properties has been reviewed in determining the impact to the subject site and associated significance assessment developed by the DART+ West team.

In the first instance we would note that the subject site has been assessed as a Non-Agricultural Property within Chapter 17, as opposed to an Agricultural Property within Chapter 16. This is despite the lands being zoned for agriculture under the Kildare Development Plan 2017- 2023 and the Maynooth LAP 2013-2019. It is questioned why the lands were assessed as non-agricultural with the current zoning, given that this land is currently being used for agricultural use as stated in Chapter 16. This land will continue to be used for agricultural use for the foreseeable future, hence why the severance of all agricultural access deems this land unusable as a result of CIE not providing alternative agricultural access.

It should also be noted that a significant portion of SHL land holding also lies within the Development Boundary of the Maynooth LAP and Road Objective TRO2 also traverses this site (refer to Section 4 herein). In light of this, consideration must also be given to the future potential uses of this landbank in terms of public roads infrastructure, a possible rail station – per the LAP issues paper – and possible future development of surrounding SHL lands (i.e. maximising the investment in public transport infrastructure by providing high density development on immediately adjoining lands).

Nevertheless, the impacts to the subject site as set out in Chapter 17 are as shown in the extract below from Table 17-6 therein:

Zone & Chainage	ID No.	Property Type	Baseline Rating	Perm. Land (ha)	Perm. Public Road (ha)	Temp. Land (ha)	Temp. Public Road (ha)	Right of Way (ha)	Impact Details	Magnitude of Impact	Significance of Effects (Pre-mitigation)	Specific Mitigation Measures (see Section 17-6)	Significance of Residual Effects
E 82+650	116	Community	High	0.0000	0.0000	0.0000	0.0859	0.0000	Temporary reduction in area involving lands (Zoned for Mixed Use and Residential development) due to ESB pole modification. Impact on existing access.	Low	Slight	Reinstate temporarily acquired lands	Not Significant
F 91+200	89	Development	Medium	3.8771	0.0000	0.0859	0.0000	0.0000	Permanent reduction in lands (Zoned Agriculture) for off line double track rail line. Temporary reduction in lands (Zoned Agriculture) impact on property boundary.	Medium	Moderate	Reinstate property boundary on a like-for-like basis.	Moderate
F 91+800	90	Development	Medium	2.7488	0.0191	0.0000	0.0000	0.0000	Permanent reduction in lands (Zoned Agriculture) for off line double track rail line. Temporary reduction in lands (Zoned Agriculture) impact on property boundary.	Medium	Moderate	Reinstate property boundary on a like-for-like basis.	Moderate



This infers the following evaluation was determined in relation to the subject site:

- Baseline Rating = Medium
- Magnitude of Impact = Medium
- Significance of Effects (Pre-Mitigation) = Moderate
- Significance of Residual Effects = Moderate

All of the above is disputed, with reference to the Methodology prepared and set out within section 17.3.2.1 of Chapter 17.

### ***Baseline Rating***

As per Table 17-2 therein, the criteria for a High baseline rating includes, in addition to Residential and Commercial properties, "Land / site that is zoned", which applies to the subject site, whereas a baseline rating of Medium refers to lands not zoned or lands vacant / derelict / ruin.

**Table 17-2 Baseline rating criteria**

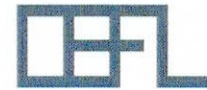
Baseline	Criteria
High	Residential property. Commercial property. Community property used for public and private education, recreation and / or amenity. Land / site that is zoned and / or planning permission exists for development.
Medium	Land / site that is not zoned and / or planning permission does not exist for development. Residential property (vacant / derelict / ruin). Commercial property (vacant / derelict / ruin).
Low	Property consisting of public road / private road and small plots of land.

As such it is considered that a Baseline rating of **High** is appropriate for the subject site.

### ***Magnitude of Impact***

As per Table 17-3 therein, the criteria for a High Magnitude of Impact refers to "An impact on the property where the use of the property cannot continue".





**Table 17-3 Magnitude of impact criteria**

Baseline	Criteria
High	An impact on the property where the use of the property cannot continue.
Medium	An impact on the property where the use of the property can continue. An impact of temporary or permanent duration resulting in a change to the character of the property.
Low	An impact on the property where the use of the property can continue. An impact of temporary or permanent duration with a minimal effect on the character of the property.
Very low	An impact on the property that does not affect the use of the property (i.e. acquisition of public road / private road only).

As set out in Section 3, the severing of existing accesses and the Railway works proposed has resulted in a scenario where the current use of the property (i.e., Agricultural use) cannot continue, within further interventions not currently allowed for in the proposals.

As such it is considered a Magnitude of Impact of **High** is appropriate for the subject site.

#### ***Significance of Impact***

As per Table 17-4 therein, where both the Baseline Rating and Magnitude of Impact are High, the resultant Significance of Impact should be determined as **Profound** – rather than Moderate as currently set out in Chapter 17.

**Table 17-4 Significance of impact**

Baseline	Magnitude of impact			
	High	Medium	Low	Very low
High	Profound	Significant	Slight	Not significant
Medium	Very significant	Moderate	Slight	Not significant
Low	Moderate	Slight	Not significant	Imperceptible

#### ***Significance of Residual Effects***

It is noted that the mitigation measures proposed within Table 17-6 of Chapter 17 are to “Reinstate property boundary on a like-for-like basis”, with the resultant significance of residual effect being Moderate (i.e., no reduction in rating as a result of mitigations). It can therefore be inferred that the alternative Profound impact proposed herein, would also apply to the mitigated scenario.

Furthermore, the mitigation proposed does not address the access issues set out in Section 3 and therefore does not mitigate the core impacts of the works. As part of the general mitigations set out in section 17.6.2 of Chapter 17 it states that “***Access will be maintained to all affected property as much as possible and if interrupted will be restored without unreasonable delay***”,



yet it is apparent from the proposals associated with the draft Railway Order that this has not been applied to the subject site – despite the issue being raised by the landowner in direct consultations with the DART+ West team.





## 7 Unresolved Issues Following Consultations

As has been alluded to, despite a number of discussions which have been held between the CIÉ / DART+ West Project and SHL regarding the impact of the proposed railway works regarding access to their lands, there are still a number of issues which do not appear to have been resolved according to the latest design information – as set out in the table below. A number of these items are expanded upon in the subsequent sections.



No.	Date	Items Raised	Response	Outstanding Issues
1	15/9/20	Kick off meeting with CIÉ. SHL shared its future development intentions for its landholding at Newtown and expressed its desire to work co-operatively with CIÉ to facilitate the delivery of CIÉ's new depot and rail realignment; to facilitate the delivery of the KCC TR02 Orbital road objective (so far as it relates to SHL lands); to facilitate access to CIÉ from the planned to new Orbital Road (within SHL lands) to its new depot; to facilitate the delivery of a park & ride facility to serve CIÉ (within SHL lands).	DART+ West Team seemed to be open to all of the ideas raised. Meeting was considered to be positive.	None of the ideas presented by SHL were incorporated into the draft railway order.





No.	Date	Items Raised	Response	Outstanding Issues
2	9/06/21	SHL again shared its future development intentions for its landholding at Newtown and expressed its desire to work co-operatively with CIÉ to facilitate the delivery of CIÉ's new depot and rail realignment; to facilitate the delivery of the KCC TR02 Orbital road objective (so far as it relates to SHL lands); to facilitate access to CIÉ from the planned to new Orbital Road (within SHL lands) to its new depot; to facilitate the delivery of a park & ride facility to serve CIÉ (within SHL lands).	DART+ West Team seemed to be open to all of the ideas raised. The meeting was considered to be positive.	None of the ideas presented by SHL were incorporated into the draft railway order.
3	14/7/21	SHL met with CIÉ's land consultant on site and again relayed its ideas for the future coordinated development of the CIÉ depot, Maynooth Orbital Route, and potential Park & Ride facility within SHL lands at Newtown.	The meeting was considered to be positive.	None of the ideas presented by SHL were incorporated into the draft railway order.



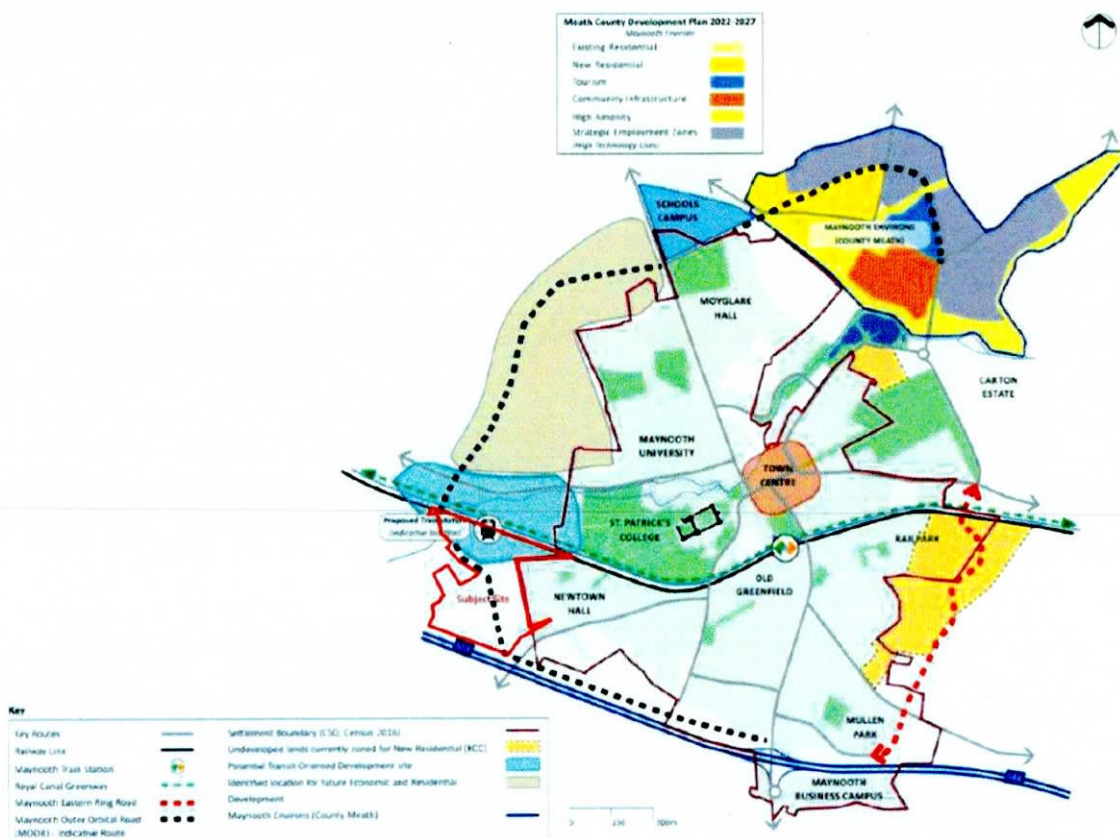
No.	Date	Items Raised	Response	Outstanding Issues
4	18/8/22	<p>Having been presented with drawings by ClÉ - SHL raised concerns with regards to: -</p> <ul style="list-style-type: none"> <li>- The extinguishment of the existing Agricultural Access south of Jacksons Bridge with no alternative access provided to serve our lands south and east of the SHL Permanent Land Take Lands.</li> <li>- The failure to incorporate Road Objective TR02 for the Orbital Road and the implications that this would have on the future development of Maynooth and the releasing of the lands for development.</li> </ul>	<p>DART+ West Team acknowledged the oversight of not providing an alternative access arrangement and said it would review the situation and issue revised drawings showing an alternative access arrangement.</p> <p>DART+ West Team explained that the height required to bridge the TR02 Road over the railway at this location was cost prohibitive and that this combined with flooding issues meant that it would not be able to include this road crossing as part of the current scheme.</p>	<p>DART+ West Team subsequently informed SHL that no alternative access would be provided to compensate for the extinguishment of our existing access south of Jacksons Bridge.</p>



## 8 General Queries on the Information

### 8.1 Second DART Station Within SHL Lands

As noted in Section 4.1.2 herein, the current Maynooth Local Area Plan 2013-2019 (as amended) is under review following the publication of the Pre-Draft LAP Public Consultation Issues Paper on 30th September 2022. There appears to be a proposed second train station for Maynooth indicatively proposed to be located within SHL lands which has not been taken into consideration by the draft Railway Order also shown in below.



*Figure 8-1 Map Extract from Pre-Draft Issues Paper with subject site outlined in Red*

Within Chapter 3 Consideration of Alternatives, Section 3.6.6.1 sets out the options assessment carried out by DART+ West on potential depot locations, with the Maynooth West location set out as the preferred option. The indicative location now published in the Pre-Draft LAP sits within SHL lands approximately 1km east of the DART+ West proposed depot.

A significant portion of the SHL lands as indicated in Figure 8-1 were designated as a Potential Transit-Oriented Development site as a result of the Pre-Draft LAP station location, particularly with the connection opportunities the completion of the MOOR alongside this would offer.



Given the DART+ West proposals to provide a new station/depot to the west and to sever all existing vehicular access to the lands on which the Pre-Draft LAP station is indicatively sited, it is considered that this location may no longer be feasible for a new station as a result. As such the DART+ West proposals directly detract from SHL's opportunity to develop their lands as a transit-oriented development site. This further emphasises the significance of the impact on the existing and future uses of the lands which has not be sufficiently assessed within the EIAR.

As raised a number of times within the consultation (refer to Section 7 herein), SHL have expressed their willingness to work with CIÉ in potentially providing a Park & Ride facility for the new station to be provided within DART+ West scheme.

Query: Will there be coordination between the DART+ West team and the Local Authorities on station location in developing the final Maynooth and Environs Joint Local Area Plan 2024 - 2030?

Query: Will the SHL lands be reassessed within the final EIAR taking full account of the significant impacts regarding existing and future uses?

Query: Will the DART+ West Team consider working together in the delivery of a park & ride facility within SHL lands?





8.2 Acquisition of Right of Way

It is noted that the draft Railway Order proposes the acquisition of a right of way (DW.038.R.94) which essentially routes through the land adjacent to our clients, connecting to our clients lands, as seen in Figure 8-2 below.

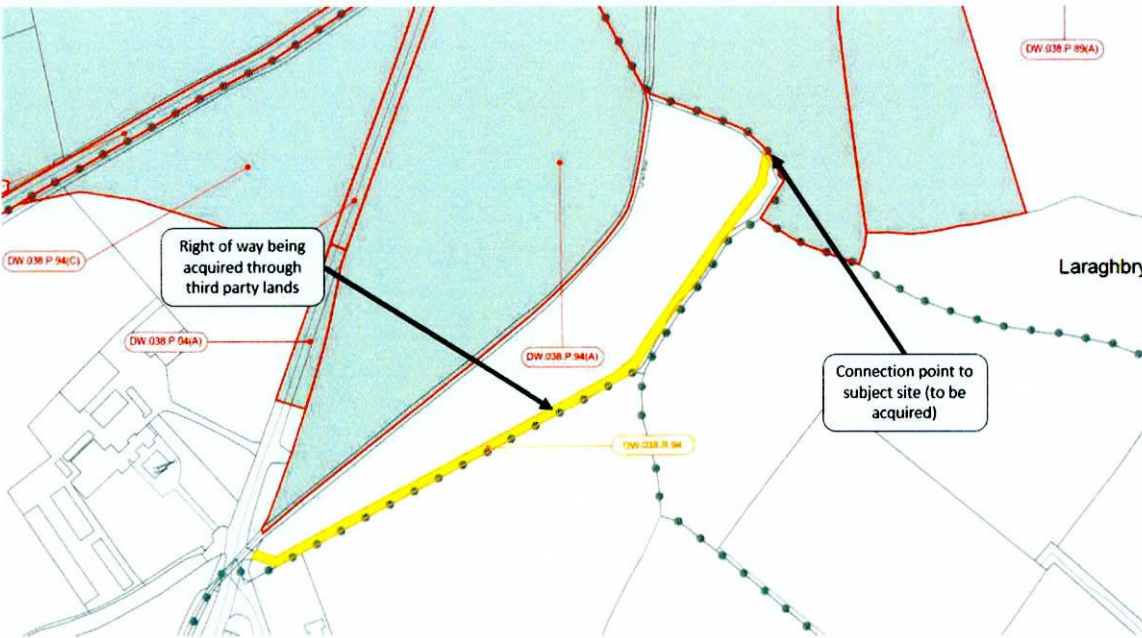


Figure 8-2 Right of Way in Question

It is stated in the schedule that CIÉ plan to use the right of way for maintenance of the flood compensation areas on the land they will acquire south of the rail realignment as seen in the extracted Table 8-1 below.

Table 8-1 Description of Right of Way in Schedule

Works. No.	Description	Drawing No.
38.12	New right of way to be established south of the canal and Rail off the L5041 to the east to provide access to the flood compensation areas for maintenance	WP038



DART + West Project - BOOK OF REFERENCE - SCHEDULE 5 Land over which Rights of Way or other Easements may be acquired		Property Plan	DW.038
		Property Number	R.94
SITUATION, DESCRIPTION OF RIGHTS AND QUANTITY	PERSON(S) ENTITLED TO RIGHT, OWNERS OR REPUTED OWNERS AND OCCUPIERS OR REPUTED OCCUPIERS		
<b>Situation</b> Trendstown, County Kildare  <b>Description</b> The right for CIE its successors, assigns, servants, agents, licensees, invitees, tenants and undertenants and others to utilise the right of way for the construction, operation, inspection and maintenance of the railway.	Coras Iompair Eireann Heuston Station Dublin 8  Bryan McCann Trendstown Manor Maynooth County Kildare		

In order to facilitate vehicles for maintenance (and possibly construction) it poses the question of how this right of way will be treated. More specifically, it would be of benefit to know whether a road will be constructed through this right of way. Based on the total area being acquired and the estimated length of the route, it appears the right of way comprises an approximately 5m wide corridor, which would likely only allow one-way / tidal traffic.

Query: Will there be a road constructed in this right of way?

Query: As a result of a road being constructed through this right of way, could an access route to Sherwood Homes land be incorporated into this plan? Although it is noted that the alternative route presented herein from the proposed roundabout would be seen as a superior solution.

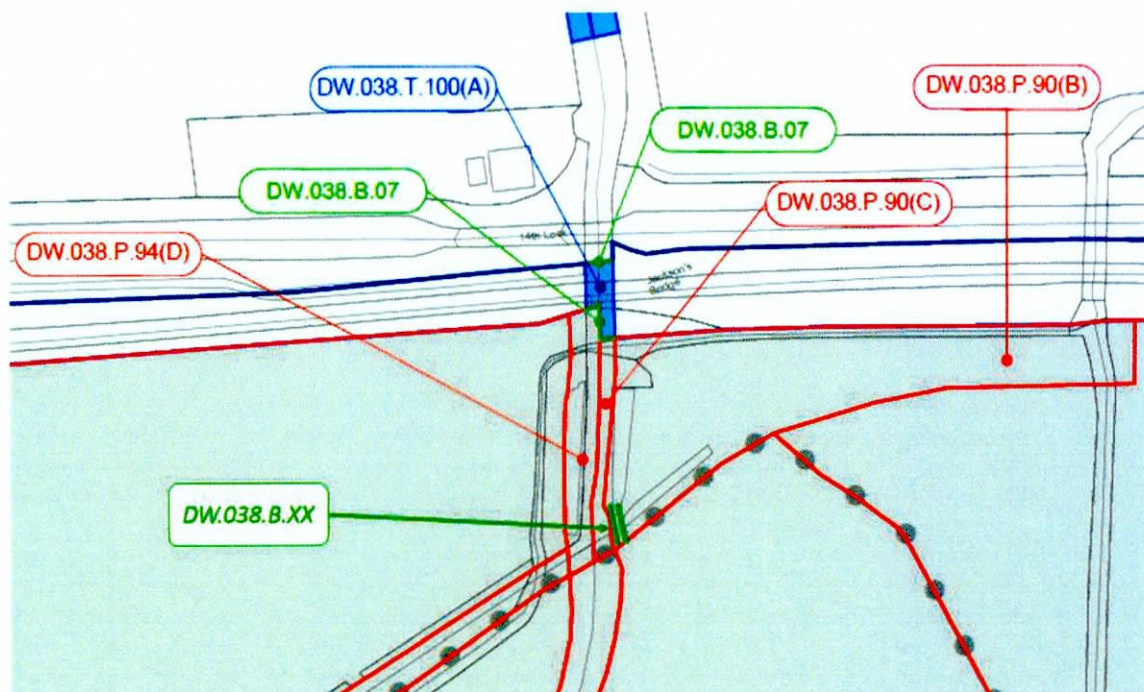
Query: What affect will the orbital route have on the plans for this right of way and what is the solution to this?

Query: What was the rationale behind severing Sherwood Homes access at Jacksons Bridge which could have also acted as a maintenance/access route for DART+ West, only to acquire a new right of way through the adjacent land?

### 8.3 Extinguishing of Rights of Way

Although it is acknowledged that a portion of the subject site is being permanently acquired, it is noted that the draft Railway Order does not acknowledge the associated extinguishing of the right of way associated with the existing access from the L5041 to Sherwood Homes lands. It would be expected to be shown as an extinguishing of a private right of way in the property plans provided by DART+ West. An indication of how this right of way could be represented is in Figure 8-3 below.





*Figure 8-3 Potential Extinguishing of Sherwood Homes Right of Way*

In addition, it is noted that the entire extents of the L5041 diversion, including new roundabouts and bridges (Works 38.1, 38.2, and 39.1, falls within the lands to be permanently acquired. This also includes a portion of the L5041 south of the proposed new roundabout (plot DW.038.P.04(A)). There are no associated annotations regarding acquisition, extinguishing, or interruption of public rights of way along these sections. It is therefore implied by the information that these new and amended public roadways will sit within CIÉ ownership, and unclear whether they will allow public access.

Query: Could clarity be provided on the rationale behind what was and was not considered to be an acquisition, extinguishing, or interruption of a right of way within the Property Plans and Schedules, specifically regarding the closure of the existing access to the subject site, and regarding the L5041 diversion?

Query: Will the L5041 diversion including all associated roundabouts and roadways be public roads following completion of the works?



## 9 Conclusion

As stated in the introduction, the receipt of the draft Railway Order Schedule and maps, and associated planning documentation, has raised a number of serious concerns for Sherwood Homes as an affected landowner. These can be summarised as follows:

- Extinguishment of the agricultural access to the lands with no alternative being provided within the draft Railway Order. This impact is extremely significant and has not been appropriately assessed in the EIAR. To mitigate against this impact, an alternative has been proposed herein which could satisfy the needs of DART+ West, KCC Roads Objectives, and Sherwood Homes collectively.
- The barrier the DART+ West proposals appear to be introducing in the realisation of KCC Roads Objective TRO2 / the MOOR.
- Discrepancies and insufficiencies noted in the EIAR particularly with regards to Chapter 3 Consideration of Alternatives, Chapter 6 Traffic and Transportation, Chapter 17 Material Assets Non-Agricultural Properties, and Chapter 26 Cumulative Effects (relating to the interventions Jackson's Bridge, impact on existing and future uses of the subject site, assessment of traffic impact and consideration of interactions with the MOOR – all as a result of the proposed rail realignment through SHL lands).
- Overall frustration with the DART+ West Team consultations to date which appear to have been meaningless and did not lead to resolutions / mitigations against any of the significant impacts that were raised.

It is considered that many of these, as well as the general queries posed, can be addressed through open consultation, as set out in the submission within this document. We trust that the information set out in this submission is considered in the necessary statutory processes along with the associated planning submission provided.





## **Appendix A : Works Layout Plan NO. WP037 to WP039**

**WORKS LAYOUT PLAN**  
CH 27km - CH 28km  
SCALE 1:1250 (@ A0)

## NOTES

1. TWO PLANS MUST BE READ IN CONJUNCTION WITH THE DRAFT RAILWAY ORDER SCHEDULES: THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE RAILWAY ORDER PLAN
2. PROJECT CHAINAGE IS IN KILOMETRES AND

LEGEND

- |  |  |
|--|--|
|  | REFER TO SCHEDULE 2 FOR DETAILS                                  |
|  | DEVELOPMENT BOUNDARY   |
|  | EXISTING RAILWAY   |
|  | NEW TRACK & ELECTRIFICATION                                      |
|  | PROPOSED RAILWAY ELECTRIFICATION                                 |
|  | PROPOSED TRACK ALLOC. MUDRY & ELECTRIFICATION                    |
|  | PROPOSED TRACK ALLOC. MUDRY, NOT ELECTRIFIED                     |
|  | DISCONTINUED TRACK   |
|  | RAILWAY STATION EXISTING   |
|  | RAILWAY STATION EXISTING   |
|  | RAILWAY STATION NEW  |
|  | TEMPORARY ACCESS   |
|  | PERMANENT CONSTRUCTION COMPOUND                                  |
|  | CONSTRUCTION COMPOUND  |
|  | FLOOD COMPENSATORY STORAGE AREA                                  |
|  | PUMPSET HEIGHTENING  |
|  | WALL HEIGHTENING   |
|  | EXISTING ACCESS POINTS   |
|  | EXISTING TRACK ACCESS POINTS                                     |
|  | NEW ACCESS POINTS  |
|  | NEW TRACK ACCESS POINTS  |
|  | SET BUILDINGS (CONSTRUCTION FIRM, BSE, PSE, TSE, DNO, W&P, etc.) |
|  | PROPOSED TRACK TRACK CANTILEVER                                  |
|  | Refer to drawing M&C GEN 0041-0047, C/N 2, 2015 for details      |
|  | Q&S - PROPOSED TWIN TRACK CANTILEVER                             |
|  | Refer to drawing M&C GEN 0041-0047, C/N 2, 2015 for details      |
|  | Q&S - PROPOSED TWIN TRACK CANTILEVER                             |
|  | Refer to drawing M&C GEN 0041-0047, C/N 2, 2015 for details      |

ALL WORKING LAYOUT PLAN DRAWINGS  
TO BE READ IN CONJUNCTION WITH  
SCHEDULE 1 OF THE RAILWAY ORDER

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### KEY PLAN





# WORKS LAYOUT PLAN

CH 28km - CH 29km  
SCALE 1:1250 (@ A0)

## NOTES

- THIS PLAN MUST BE READ IN CONJUNCTION WITH THE DRAFT RAILWAY ORDER SCHEDULE 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE RAILWAY ORDER PLANS
- INDICATE CHANGING IN KILOMETRES ONLY

## LEGEND

- REFER TO SCHEDULE 1 FOR DETAILS
- DEVELOPMENT BOUNDARY
- EXISTING RAILWAY
- NEW TRACK & ELECTRIFICATION
- PROPOSED RAILWAY ELECTRIFICATION
- PROPOSED TRACK ALSO MODIFIED & ELECTRIFICATION
- PROPOSED TRACK ALSO MODIFIED NOT ELECTRIFIED
- DISCONNECT TRACK
- RAILWAY STATION MODIFIED
- RAILWAY STATION EXISTING
- RAILWAY STATION NEW
- TEMPORARY ACCESS
- PERMANENT QUARTERS/STORAGE COMPOUND
- QUARTERS/STORAGE COMPOUND
- FLOOD COMPENSATORY STORAGE AREA
- PERMANENT HEIGHTENING
- WALL HEIGHTENING
- EXISTING ACCESS POINTS
- EXISTING TRACK ACCESS POINTS
- NEW ACCESS POINTS
- NEW TRACK ACCESS POINTS
- SET BUILDINGS
- CONSTRUCTION SITE FOR THE NEW RAILWAY
- ONE - PROPOSED SINGLE TRACK CANTILEVER
- TWO - PROPOSED TWO TRACK CANTILEVER
- THREE - PROPOSED THREE TRACK CANTILEVER
- FOUR - PROPOSED FOUR TRACK CANTILEVER
- FIVE - PROPOSED FIVE TRACK CANTILEVER
- SIX - PROPOSED SIX TRACK CANTILEVER
- SEVEN - PROPOSED SEVEN TRACK CANTILEVER
- EIGHT - PROPOSED EIGHT TRACK CANTILEVER
- NINE - PROPOSED NINE TRACK CANTILEVER
- TEN - PROPOSED TEN TRACK CANTILEVER
- ELEVEN - PROPOSED ELEVEN TRACK CANTILEVER
- TWELVE - PROPOSED TWELVE TRACK CANTILEVER
- THIRTEEN - PROPOSED THIRTEEN TRACK CANTILEVER
- FOURTEEN - PROPOSED FOURTEEN TRACK CANTILEVER
- FIFTEEN - PROPOSED FIFTEEN TRACK CANTILEVER
- SIXTEEN - PROPOSED SIXTEEN TRACK CANTILEVER
- SEVENTEEN - PROPOSED SEVENTEEN TRACK CANTILEVER
- EIGHTEEN - PROPOSED EIGHTEEN TRACK CANTILEVER
- NINETEEN - PROPOSED NINETEEN TRACK CANTILEVER
- TWENTY - PROPOSED TWENTY TRACK CANTILEVER
- ONE - PROPOSED SINGLE TRACK CANTILEVER
- TWO - PROPOSED TWO TRACK CANTILEVER
- THREE - PROPOSED THREE TRACK CANTILEVER
- FOUR - PROPOSED FOUR TRACK CANTILEVER
- FIVE - PROPOSED FIVE TRACK CANTILEVER
- SIX - PROPOSED SIX TRACK CANTILEVER
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- EIGHT - PROPOSED EIGHT TRACK CANTILEVER
- NINE - PROPOSED NINE TRACK CANTILEVER
- TEN - PROPOSED TEN TRACK CANTILEVER
- ELEVEN - PROPOSED ELEVEN TRACK CANTILEVER
- TWELVE - PROPOSED TWELVE TRACK CANTILEVER
- THIRTEEN - PROPOSED THIRTEEN TRACK CANTILEVER
- FOURTEEN - PROPOSED FOURTEEN TRACK CANTILEVER
- FIFTEEN - PROPOSED FIFTEEN TRACK CANTILEVER
- SIXTEEN - PROPOSED SIXTEEN TRACK CANTILEVER
- SEVENTEEN - PROPOSED SEVENTEEN TRACK CANTILEVER
- EIGHTEEN - PROPOSED EIGHTEEN TRACK CANTILEVER
- NINETEEN - PROPOSED NINETEEN TRACK CANTILEVER
- TWENTY - PROPOSED TWENTY TRACK CANTILEVER

ALL WORKING LAYOUT PLAN DRAWINGS TO BE READ IN CONJUNCTION WITH SCHEDULE 1 OF THE RAILWAY ORDER

## KEY PLAN





**WORKS LAYOUT PLAN**  
CH 29km - CH 30km  
SCALE 1:1250 (@ A0)

30.0 km

Royal Canal

PROPOSED NEW TRAIN DEPOT

29.0 km

30.0 km

29.0 km

1. THIS PLAN MUST BE READ IN CONJUNCTION WITH THE DRAFT RAILWAY ORDER SCHEDULED, THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE RAILWAY ORDER PLANS

2. PROJECT CHANGADE IS 16 KILOMETRES LONG

1. WISPER TO SCHEDULE 1 FOR DETAILS  
 2. DEVELOPMENT BOUNDARY  
 3. EXISTING RAILWAY  
 4. NEW TRACK & ELECTRIFICATION  
 5. PROPOSED RAILWAY ELECTRIFICATION  
 6. PROPOSED TRACK ALLOC MOODY & ELECTRIFICATION  
 7. PROPOSED TRACK ALLOC MOODY - NOT ELECTRIFIED  
 8. DISCONNECT TRACK  
 9. RAILWAY STATION MODIFIED  
 10. RAILWAY STATION EXISTING  
 11. RAILWAY STATION NEW  
 12. TEMPORARY ACCESS  
 13. PERMANENT CONSTRUCTION COMPUND  
 14. CONSTRUCTION COMPOUND  
 15. FLOOD COMPENSATORY STORAGE AREA  
 16. PARAPET HEIGHTENING  
 17. WALL HEIGHTENING  
 18. EXISTING ACCESS POINTS  
 19. EXISTING TRACK ACCESS POINTS  
 20. NEW ACCESS POINTS  
 21. NEW TRACK ACCESS POINTS  
 22. SET BUILDINGS  
 23. UNDESIGNATED MULTI TRACK CONTROLLER  
 24. DESIGNED MULTI TRACK CONTROLLER

ALL WORKING LAYOUT PLAN DRAWINGS  
TO BE READ IN CONJUNCTION WITH  
SCHEDULE 1 OF THE RAILWAY ORDER

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## Appendix B : Property Plan NO: DW.037 to DW.039

# PROPERTY PLAN CH 27km - CH 28km SCALE 1:1250 (@ A0)

Maynooth

Laraghbryan East

Maynooth South

Collegeland

Newtown



## NOTES

1. THIS PLAN MUST BE READ IN CONJUNCTION WITH THE DRAFT RAILWAY ORDER SCHEDULED BY THE ENVIRONMENTAL REPORT, AND THE DRAFT RAILWAY ORDER AND THE PROJECT CHARTER OF RIGHTS AND OBLIGATIONS.
2. PROPERTY REFERENCES ARE SHOWN IN A CAPTION CONTAINING A SPECIFIC ALPHABETIC REFERENCE TO THE PROPERTY OF LAND.

## LEGEND

- C.I.E. LAND BOUNDARY
- TOWN AND ESTATE BOUNDARY

1. RED CAPSULES - INDICATE PROPERTY AND ACQUISITION
2. GREEN CAPSULES - INDICATE PROPERTY AND ACQUISITION
3. BLUE CAPSULES - INDICATE PROPERTY AND ACQUISITION
4. ORANGE CAPSULES - INDICATE PROPERTY AND ACQUISITION
5. GREEN CAPSULES - INDICATE PROPERTY AND ACQUISITION

FURTHER DETAILS ON THE CONSTRUCTION OF LAND OR RIGHTS OF WAY ARE PROVIDED IN THE SCHEDULES TO THE DRAFT RAILWAY ORDER.

## PROPERTY AND ACQUISITION REFERENCE

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1:1250 (A0)

May 2023

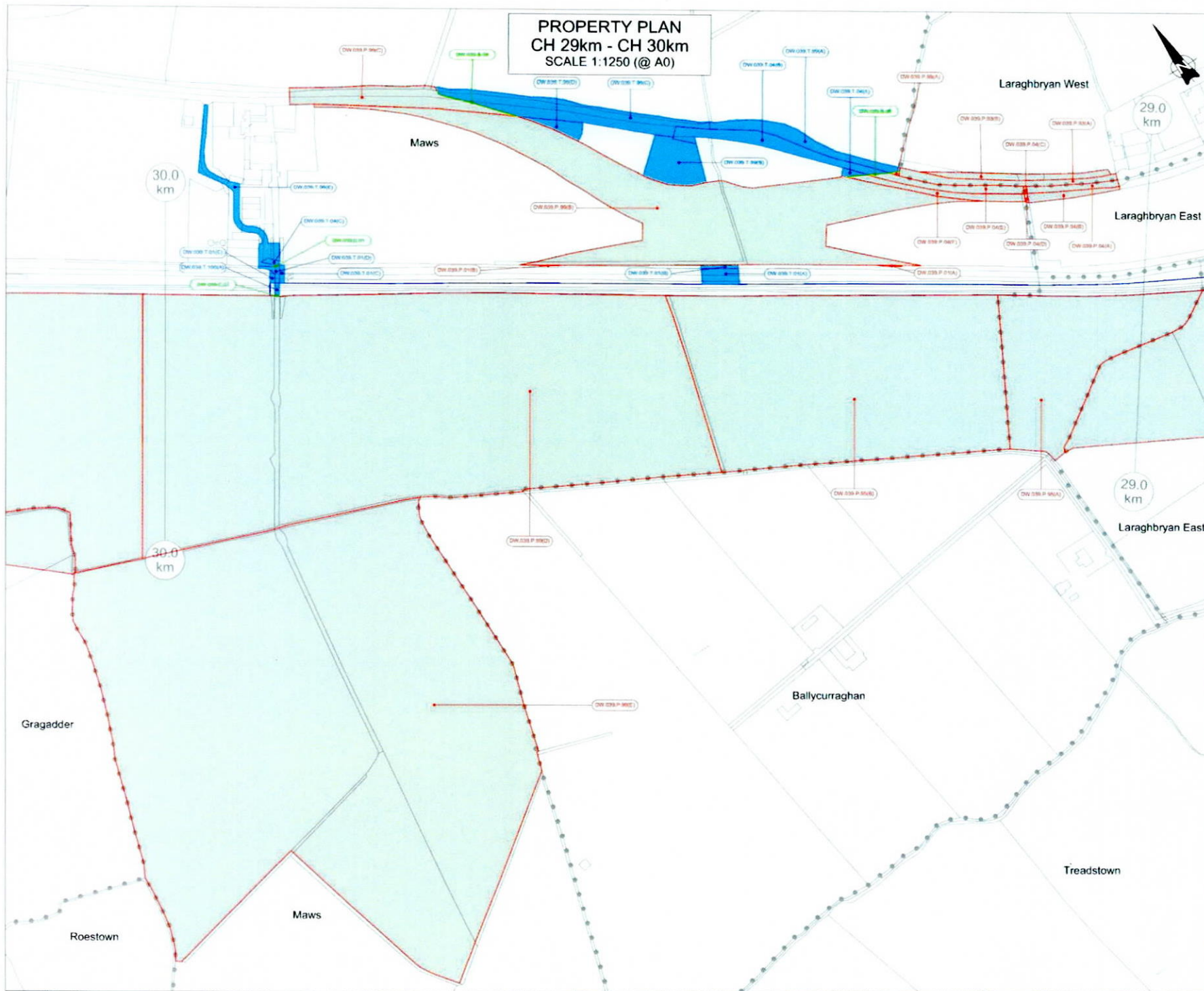
037

PROPERTY PLAN NO: DW 037





**PROPERTY PLAN**  
CH 29km - CH 30km  
SCALE 1:1250 (@ A0)



**NOTES**

- THIS PLAN MUST BE READ IN CONJUNCTION WITH THE DRAFT RAILWAY ORDER SUBMITTED TO THE RAIL INFRASTRUCTURE AUTHORITY AND THE DRAFT LAYOUT PLAN.
- PROJECT CHAIRMAN: R. HENNINGER

**LEGEND**

- C.I.E. LAND OWNERSHIP
  - TOWN AND BOUNDARY
- PROPERTY REFERENCES ARE GIVEN IN A CAPSULE CONTAINING A SPECIFIC ALPHABETIC REFERENCE TO THE DRAFT RAILWAY ORDER AND THE DRAFT LAYOUT PLAN.
- RED CAPSULES: INDICATE PRIVATE LAND ACQUISITION
  - ORANGE CAPSULES: INDICATE PUBLIC ROAD ACQUISITION
  - BLUE CAPSULES: INDICATE TEMPORARY LAND ACQUISITION
  - GREEN CAPSULES: INDICATE RIGHTS OF WAY TO BE ACQUIRED
  - ORANGE CAPSULES: INDICATE RIGHTS OF WAY TO BE TEMPORARILY ACQUIRED

FURTHER DETAILS ON THE COMPOSITION OF LAND RIGHTS OF WAY ARE PROVIDED IN THE SCHEDULES TO THE DRAFT RAILWAY ORDER.

