

An Bord Pleanála
64 Marlborough Street
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D01 V902

AN BORD PLEANÁLA	
LDG- <u>058606-22</u>	
ABP- _____	
28 OCT 2022	
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Time: <u>12.08</u>	By: <u>hand</u>

27th October, 2022.

Submission to An Bord Pleanála – re Irish Rail Dart and West Electrified Heavy Railway order 2022.

Ref. Landowner reference F4730

18 acres Ballycuraghan, Maynooth, Co. Kildare, Property of Stephen and Gail Collins.

To whom it may concern

In June, 2006, Gail and I purchased 18 acres of prime agricultural land for a small stud farm at Ballycurraghan, Maynooth, County Kildare. Over the next twelve months, Karl Hannan Consultants Limited (Agriculture Contractor) drained and fenced our lands with top quality pressure creosoted stud farm post and rail. We also planted in excess of 3000 trees and whips consisting of Oak, Alder, Rowan, Silver Birch, Beech, Lime, Scots Pine and Hawthorn to protect our boundary and to provide shelter for the young thoroughbred horses which would eventually be raised at our stud farm.

We received a grant of planning permission from Kildare County Council on the 10th July 2008 to construct a two storey house, detached single storey garage, five stables, tackroom and dungstead and effluent treatment holding tank, sand menage, secondary effluent treatment system and all associated site works.

Unfortunately due to the global financial crisis, we were unable at the time to construct the house and stables and the planning permission inevitably lapsed. It has always been our intention that we would re-apply for planning permission closer to my retirement age which is becoming more imminent as we wanted to establish a thoroughbred 'pinhooking' operation i.e. buying thoroughbred foals as weanlings and re-selling them as yearlings the following year at select yearling sales i.e. at both Goffs Ireland and Tattersalls UK yearling sales, Newmarket.

I have been employed as General Manager, at the nearby Derrinstown Stud, Maynooth for the past 38 years. I am also a former Chairman of The Irish Thoroughbred Breeders Association (2016-2018).

On 28th July, 2021, we received a letter enclosing a draft proposal and map from the DART and West Proposal Team (a subsidiary of Ianrod Eireann). It also advised that local landowners adversely affected by the proposed route of this new rail network and depot and owners of surrounding lands would be able to enter a consultation process with the Dart and West Team.

Obviously we were extremely concerned having examined the draft map that our 18 acres at Ballycurraghan **will** be significantly impacted by the size, scale

and scope of the works not just in the construction phase but also the extremely damaging and detrimental effect it could permanently have on our property and that our 18 acre holding would be seriously impacted by this project.

We also have a very serious and grave concern that we will be unable under the circumstances to carry out a successful and safe thoroughbred 'pinhooking' business at Ballycurraghan going forward, given this colossal development and the environmental issues that will arise during and after the construction phase at the introduction of the new Dart and West Railway and Depot located near the Maws in North Kildare and the construction of a new access road network and bridge from the R148 in close proximity at the northern boundary of our property.

Given the very close proximity of the proposed multiple railway lines and depot will be seriously damaging to us. In some areas, we are less than 40 – 50 metres from the new rail lines, service slab, attenuation ponds and we will also be less than 10 metres from the proposed new bridge and roundabout and the main road servicing Kilcock and Maynooth to Clane, Rathcoffey and Donadea. The proposed new traffic bridge we understand will be circa 24 metres high at its highest point located directly behind the mid point of our Stud Farm. This proposed new project development will seriously affect our Family's ability to conduct our stud business safely and we have a very genuine fear for the health and safety of our valuable foals and yearling going forward. There is no question given the very close proximity of these substantial works leading to the final development of a permanent rail depot and all the surrounding infrastructure which will be required that there will be sudden and significant noise levels including loud metallic noises at all hours, light pollution issues and serious light flicker problems particularly emanating from the new bridge and the new road network system adjacent to our property.

This development is totally unsympathetic for our plans to develop our stud farm and in fact not only will it significantly devalue our financial investment but also more importantly it will endanger the health and safety of the valuable bloodstock that will reside therein.

Horses, and particularly Thoroughbreds, have a fear of sudden noises. They also possess a strong 'startle reflex' and have an acute sense of hearing far greater than human's ability to hear. When horses are 'spooked' or frightened their natural response is to bolt, gallop and run as fast as they can sometimes sustaining serious injury and in some cases even sustaining catastrophic injury leading to death.

Young thoroughbred horses particularly foals, weanlings and yearlings are also highly 'strung' and 'fractious' and can be 'temperamental'. Even light pollution and light flicker emanating from the new train depot, bridge and the new road network will also have a detrimental health effect on the young horses as these negative environmental conditions will make it difficult for horses to distinguish objects particularly at dusk and in darkness. They are

also more prone to being startled and disturbed by bright light causing nervous reactions from the excessive glare. Light flicker can also upset the herd or individually as thoroughbred horses become easily distressed and panicked particularly if light beams or a sudden light flicker startles them or is perceived to be chasing them causing them to gallop particularly when startled or frightened

Flooding is a major issue in this area and our lands are bordered by a clear natural stream, which has small brown trout and fish in it, which runs to the north of the property. This stream eventually links with the Lyreen River and in times of excess rainfall can cause a significant flood plain in the surrounding area particularly at both sides of Jackson Bridge which in essence becomes a large lake. We undertook a huge drainage project at the outset to ensure that our lands at Ballycurraghan would be properly drained but we are naturally concerned for the negative impact which could arise going forward and that our lands could become constantly flooded and water logged due to the surplus water emanating from the rail works and depot.

All household drinking water in the immediate area at Ballycurraghan are drawn from ground water wells. There is the potential for pollutants to enter the underground water supply which again would not only affect our bloodstock but more importantly human health.

In the Irish Rail (Inarod Eireann) Dart and West submission they enclose a photograph indicating flooding south of Baileys Bridge, taken in November 2000. This photograph clearly indicates that the proposed site for the New Dart and West Depot and other infrastructure is in fact located in what appears to be a flood plain. (Reference Page 1 Karl Hannan Consultants Limited Report).

This slide also states that the "minor watercourse (Ballycaghan stream) was not modelled as part of the Cframs and given the history of flooding and lack of information available for the area the proposed depot lands are considered to require a stage 3 detailed flood risk assessment with respect to Fluvial Flooding" why was this flood risk assessment not undertaken?

The Ballycaghan stream must be considered in any flood risk assessment due to its topographical importance, lack of indepth study and the request for a flood risk assessment. There is a serious flaw in the submission and it could have untold consequences for the local landowners going forward due to the potential for increased flooding and water logging to their farmlands.

In point 5.5 of the Hydraulic Modelling summary (see page 4 Karl Hannan Consultants Limited Report). The concluding paragraph states that "although great care on modern widely accepted methods have been used in the preparation and interpretation of the Hydraulic model, there is inevitably a range of inherent uncertainties and assumptions made during the estimation of design flood and the construction of flood models. This inherent uncertainty

necessitates a precautionary approach when interpreting the flood extent and flood depth modelling”

This is a glaring omission and a very significant flaw in the submission as in their depot site appraisal, Irish Rail (Inarod Eireann) state that the “potential site west of Maynooth is set to Agricultural use. There are no significant water courses crossing the potential sites. There are pockets of 100 – year pluvial flood zones adjacent to the railway corridor on the sites adjacent to the railway.

This statement is incorrect as the flooding at Jacksons Bridge is more extensive, more frequent and more prolonged and essentially fluvial in nature as evidenced in the attached recent photograph taken by me on the 20th January, 2021 on the 3rd February, 2021 which I have attached for your attention.

I also understand that the flow of the Ballycaghan stream is not included in any model which must be considered as yet another inconsistency.

To declare ‘that there are no significant watercourses crossing the potential site’ could be considered as misleading if not at least inaccurate. As a landowner in the area, I am very aware of the stream and tributaries including the Lyreen River and its flood plain. There are significant water courses and ditches in the area and during times of heavy precipitation and prolonged rainfall, these streams and water courses can overflow and flood large tracts of farmland. However, the floodwaters abate relatively quickly but my fear is with the proposed size and scale of the depot and the construction of other large infrastructural programs such as new bridges, embankments etc, the volume and speed of the water cascading into these streams and ditches will be well beyond their present capacity and will significantly increase the potential for far greater flooding, extensive waterlogging, also I would have grave concerns that the embankments that protect our northern boundary which have been planted with 1,500 trees could drastically erode and collapse causing devastation to our plantation of mature forestry. It is my opinion that Irish Rail have failed to carry out an appropriate flow risk identification process which would have identified the flooding on surface water management issues related to the proposed development. This is essential to avoid inappropriate development in flood plain areas and therefore avoiding unnecessary flood risk to our properties in the future.

The consequences for the landowners is not just limited to the potential for increased flooding, waterlogging and the possibility of contamination to also stream and ground water but one would also have to factor in the potential for serious financial loss to all affected landowners in the area if this project goes ahead in this location.

Finally I would like to say that in principle we are in support of the Dart and West project because we believe that it is of great importance to the local community, however it is imperative it should not be to the detriment to

some of its citizens without a full open and vigorous investigation and examination by An Bord Pleanala.

We have engaged leading experts, Dr. Desmond Leadon (a leading European and RCVS registered Consultant/Specialist in Equine Medicine)

Robert Bryan (Agricultural Consultant) and Karl Hannan Agricultural Consultants Limited and attached are their report submissions confirming and supporting our serious concerns.

Also as previously mentioned I am attaching 10 photographs which I hope will show you the impact of flooding leading up to Jacksons bridge and then flowing under the bridge to join the Lyreen River flood plain which faces in a easternly direction towards Maynooth.

With many thanks,

A handwritten signature in black ink, appearing to be 'Stephen Collins', with a long horizontal stroke extending to the right.

Stephen Collins.

Derrinstown Stud, Maynooth, Co. Kildare. W23 DP93

Dr. D.P. Leadon MA, MVB, MSc, FRCVS, DipECEIM
European & RCVS registered Consultant/ Specialist in Equine Medicine.
Consultant Clinician and Head Clinical Pathology.

Tuesday 21st September 2021

I certify that I have today carried out a site inspection of Mr Stephen Collins studfarm, at Ballycurraghan, near Maynooth Co Kildare.

This inspection was to assist him in his response to the proposed DART railway and road developments that will border onto his property, by providing him with an Expert Report on the consequences of these developments on his property.

My qualifications for providing him with this report are as outlined in the attached brief outline CV.

Mr Collins has provided me with copies the CIE letter of the 12th of August inviting him to respond on the DART+West project, his letter which was prepared following his meeting with DART representatives on the 18th of August, with a copy of Folio 51493F from the Land Registry, an overhead map of the property and sketches of the DART development.

Mr Collins purchased this property some fifteen years ago to provide him with the ability to use his highly regarded skills, post retirement from one of the most prestigious positions in the bloodstock industry i.e. General Manager and CEO of Derrinstown Stud.

His intention was to develop the property and establish it as an elite "Pin Hooking" facility for the bloodstock industry. The Kildare County Plan specifically states that support for the bloodstock industry is one of its most important priorities. Pin Hooking is the careful selection of Thoroughbred foals for resale as yearlings. It plays an essential role in Irelands Thoroughbred industry by providing a very valuable outlet for the foal crop and a subsequent showcase for their onward sale. The activity is therefore one which deals exclusively with young and completely inexperienced Thoroughbreds. It demands a totally devoted "Hands on approach" by both staff and management. Thoroughbreds at this stage of their lives have to be introduced to the handling and management regimes that will transform them from essentially "feral" animals into animals that are tractable and cooperative. This necessitates extensive handling and managed exercise and equally importantly, periods of undisturbed rest.

Mr Collins studfarm was selected for purchase and subsequently planted with more than 3000 trees to ensure that a restful environment could be provide for the purpose

for which the farm was purchased.

The premises is ideally situated for his stated purpose, having close proximity to both major outlets for his trade i.e Goffs sales complex and the Tattersalls sales complex. Mr Collins stature within the national and international Thoroughbred industry is such that his success in this venture would have been virtually guaranteed.

Both the DART and the proposed road developments will render this property totally unsuitable for the purpose for which it was purchased and subsequently painstakingly developed.

The premises would have to be left totally empty during every phase of the development from the moment of inception through to its conclusion, to ensure the safety of the very vulnerable foals and yearlings and equally importantly, their attendants. The heavy vehicle traffic, excavators and the resultant noise levels and dusts will make it impossible to provide the required peace and tranquility and the inevitable unpredictable and highly variable noises, with shadows in the immediate vicinity will be perceived as threats by these volatile animals – which will thus become dangerous for their handlers.

Once completed the scheme would result in constant noise from the trains 24/7 and bright lights from headlamps and street lights would totally disrupt the essential rest regimes.

Mr Collins business and clientele will literally evaporate because there are so many other premises that are in competition with him, that will not suffer the compromise that will result. The impact of the development will therefore be literally, personally and professionally, devastating.

Dr D.P. Leadon

A handwritten signature in blue ink, appearing to read 'Dr D.P. Leadon', with a long horizontal flourish extending to the right.

Abridged Curriculum Vitae

Dr Desmond Leadon MA, MVB, MSc, FRCVS, DipECEIM, European College & RCVS registered Consultant / Specialist in Equine Medicine

Qualifications

- Fellow of the Royal College of Veterinary Surgeons with more than 40 years of clinical veterinary experience. Diplomate of the European College of Equine Internal Medicine.
- Registered Consultant in Equine Medicine from both the RCVS and the European College of Equine Internal Medicine.

Positions Held

- Head of Equine Clinical Pathology at the Irish Equine Centre for 30 years. Current position there is that of Clinical Consultant.
- President British Equine Veterinary Association (1993-1994)
- President World Equine Veterinary Association (2001-2006)
- Founding Diplomate and former Vice-President of the European College of Equine Internal Medicine (2002 to 2008).
- International Director of the American Association of Equine Practitioners (2009 to 2012)
- Past Presidents Advisory Committee of the World Equine Veterinary Association (2006 to date).
- Chairman – Veterinary Advisory Committee - European Federation of Thoroughbred Breeders Associations.
- Chairman – Veterinary Advisory Committee - International Thoroughbred Breeders Federation

Presentations and Publications

- More than 200 presentations to national and international meetings and 80 contributions to the scientific literature.

Expert Advice

- Member of the International Movement of Horses Committee of the International Federation of Horseracing Authorities.
- Pre-movement inspector for the International Racing Bureau, the Hong Kong Jockey Club and the Saudi Cup.
- Commissioned to travel with horses to the 2020 Tokyo Olympics.
- Expert Advisor to the FVO of the EU on the transport of Horses.
- Member of the EFTBA delegation to EU Commissioner Phil Hogan and his officials at the EU Commission on the movement of horses
- Pre-Auditor (with Professor W Bayly) for South Africa's bid for the resumption of direct horse exports to the EU (2019).
- Expert Veterinary Advisor to the Lloyds Livestock Committee.
- Member of International Horse Sport Council Task Force on the Transport of Horses post Brexit and on the 2021 EU Animal Health Laws (2020 to present).

Awards

- Presented with the « Outstanding Contribution to the Thoroughbred Industry Award » by the Irish Thoroughbred Breeders Association (2014)

ROBERT BRYAN M. AGR. SC.
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Stephen & Gail Collins
Derrinstown Stud
Maynooth
Co Kildare

September 21st, 2021

**Re: The effect of the DART & West Proposal on the lands at Ballycurraghan,
the property of Stephen & Gail Collins**

The property was purchased for the purpose of setting up an equine stud farm. The land was selected due to the quiet location, the proximity to Stephen's place of work (Derrinstown Stud) and the quality of the land. The paddocks were fenced with keepsafe stud fencing and 3,500 trees were planted to provide additional shelter for the horses. The plan for the farm is to purchase foals and sell them as yearlings. Young horses require a tranquil setting for their upbringing. They need a noise free environment and also an area where sudden beams of light are not present during the night. These beams of light can cause panic in the herd. The foals/yearlings can run blind and this often results in serious injuries. The proposal for the DART & West compound, which adjoins the property on two sides, takes no account of the fact that a stud will be directly affected by the proposal.

It will not be possible to run the stud operation in the middle of a tram yard. Noise and lights will impinge on the welfare of the horses. Also, the new road intersecting the compound will impinge on the lands due to vehicle headlights. The lands will be substantially below the height of the new bridge and road.

The other point of concern is that the river, adjoining the boundary of the lands will not have the capacity to carry the excess water generated on the compound. This could influence the water levels and consequently flood the lands.

The DART & West has no benefits for the lands at Ballycurraghan. It will make it impossible to rear horses in this environment and it will also devalue the property.


Robert Bryan M. Agr. Sc.

KARL HANNAN

CONSULTANTS
LIMITED

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Report for Stephen Collins on the proposed development by CIE adjacent to his lands at Ballycurraghan.

Mr Collins has asked us to review the proposal submitted by CIE for the depot and ancillary infrastructure adjacent to his property as he is quite rightly anxious about the potential damage to his land from the flooding that will arise from this development.

Our observations are that they propose to build this depot and roadways on an existing floodplain easily seen on this ariel photo in figure 1 below.

Figure 1.

10:00 Fri 14 Oct

dartplus.ie - Private



minor watercourse (Ballycaghan stream) that was not modelled as part of the CFRAMS. Given the history of flooding and lack of information available for the area, the proposed depot lands are considered to require a stage 3 detailed flood risk assessment with respect to fluvial flooding.



Figure 4-1 Flooding south of Bailey's bridge November 2000

They propose to raise the entire area of their development so that their site will not be affected by the inevitable floods that this will cause but will in turn flood all the surrounding lands. see figures 2 and 3 below

Figure 2

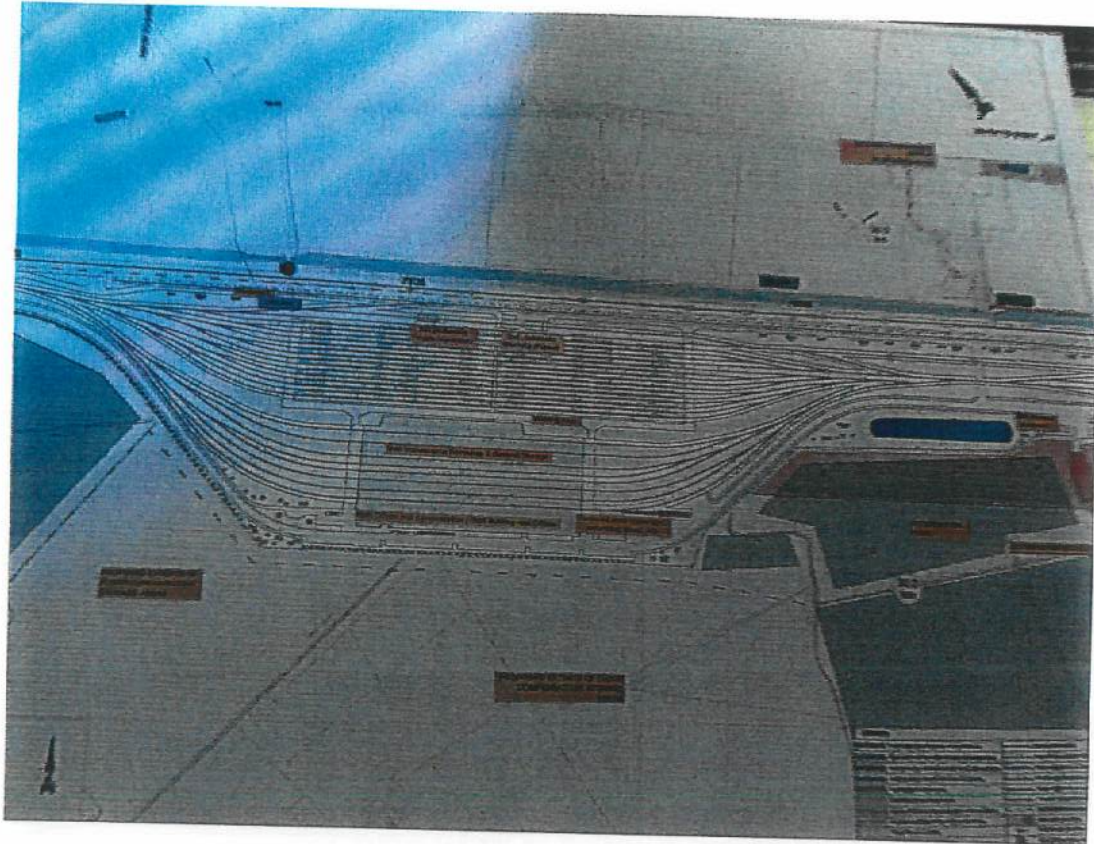
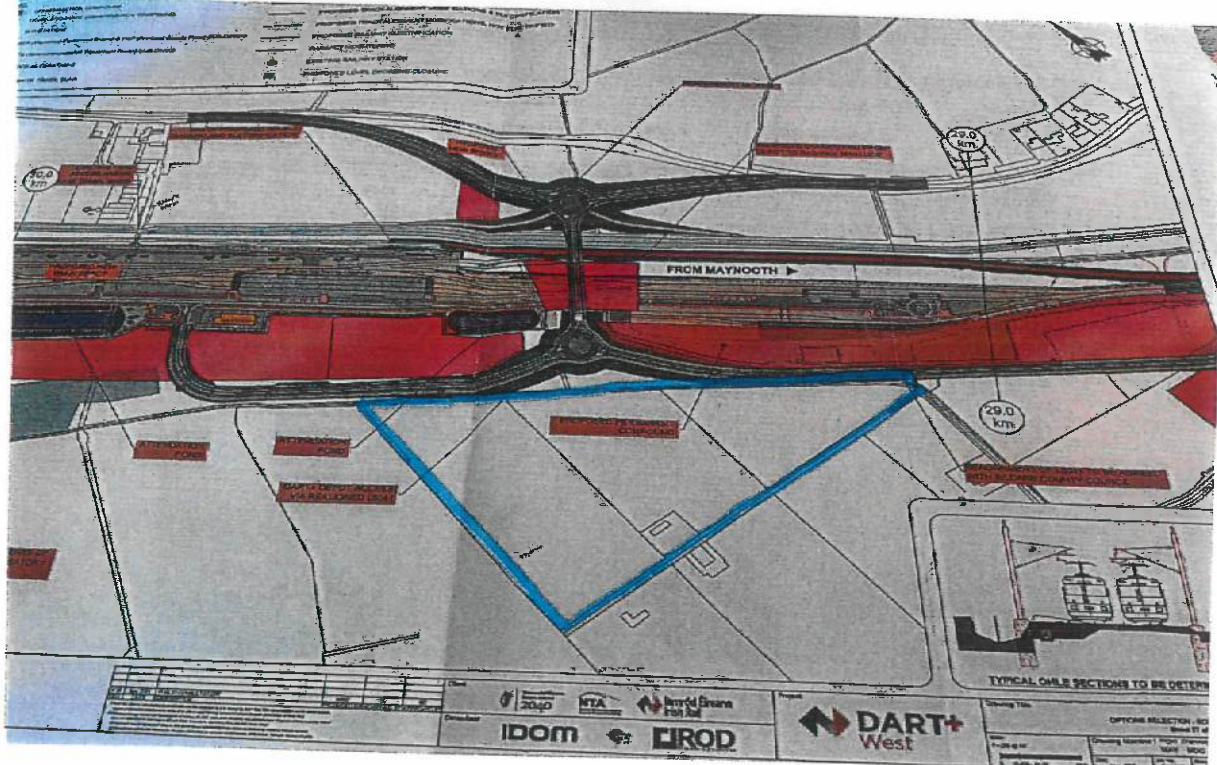


Figure 3 Mr collins's lands marked in blue outline



They intend to divert existing watercourses on the footprint of the depot into the watercourse that runs through my clients lands, and also construct a cut off ditch the effects of which will be to send any rainfall that currently comes down at a reasonable pace through to his property about 10 times faster. which in turn will exacerbate the current already under capacity drainage system and will threaten to flood the existing houses in this area. See figure 4 below.

Figure 4

09:37 Fri 14 Oct

dartplus.ie - Private

40%

Site-Specific Flood Risk Assessment

P.4 35



The proposed attenuation areas and mitigation areas that they have outlined on their proposal are already in use when there are exceptional weather events (which are becoming all the more frequent due to climate change). As can be seen from their own ariel photograph that was taken in 2000 in figure 1 above.

The total area of there proposed development will take away an already substantial attenuation and absorption area for rainfall after these events and they have outlined nowhere to send the water to except down onto my clients lands.

The very nature of this proposed development would dictate that there would also be oil and other contaminants in the run off from this entire area, which should they get into the streams or ground water would render it useless for drinking for both stock and humans.

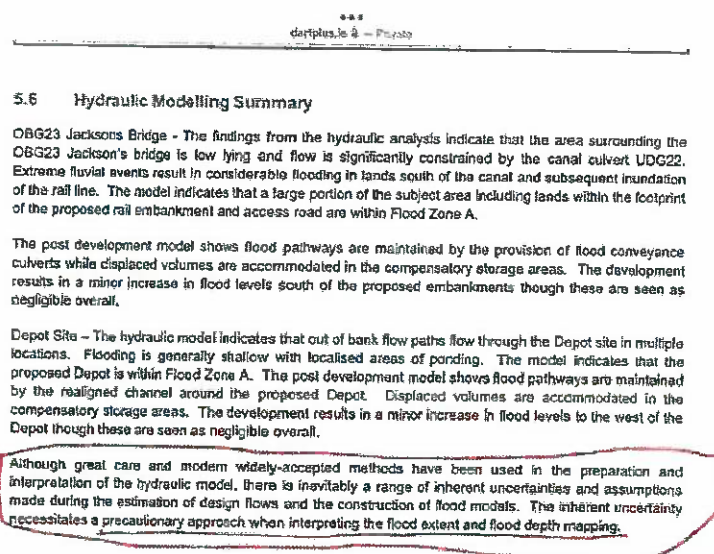
Mr Collins's stock currently drink from the stream running through his farm and along the boundary with this proposed development and should it become contaminated they would be unable to do so.

We notice that a small number of holding ponds are indicated on the drawings of the development but these would be totally inadequate to deal with any significant amount of rainfall and they would fill and overflow very easily. See figure 3 above.

We also note that they cast doubt on their own computer generated flood model that they have used. See figure 5 below and I would agree with them, as there has not been anywhere near the proper monitoring of this drainage system that would be required to be able to give enough information to form a proper opinion on the outcome from any computer generated model.

Figure 5

09:16 Fri 14 Oct



In conclusion having reviewed the overall proposal we would disagree that there will be no risk to the surrounding landowners in particular my client as concluded in the justification test.

Common sense would dictate that when you place such a large development that displaces the vast amounts of rainfall that this proposes to do then that rainfall has to go somewhere, and in our opinion if this development proceeds as put forward in this location it is a disaster waiting to happen and will have dire consequences for the surrounding land owners in particular my client, but also for the residents and land owners on the down stream side of him.

Finally There was a significant amount of work done to this land in 2008 at great personal expense to Mr Collins and his family, which leaves it currently dry and able to handle the occasional weather event reasonably well, but we fear that the increased volume and flow that would emanate from this development would both erode and destroy all of the good works undertaken previously and leave Mr Collins's lands unusable for any type of farming let alone stud farming.

Yours sincerely,

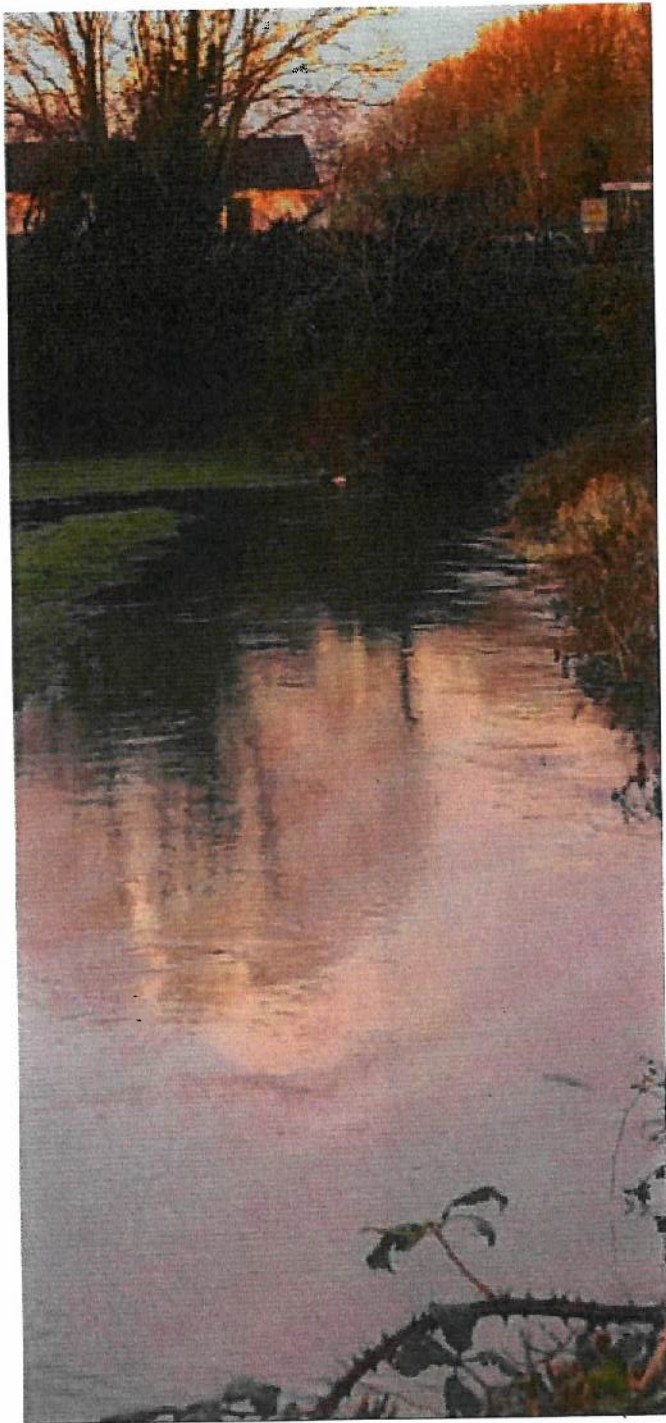
Karl Hannan.

Karl Hannan Consultants Ltd.



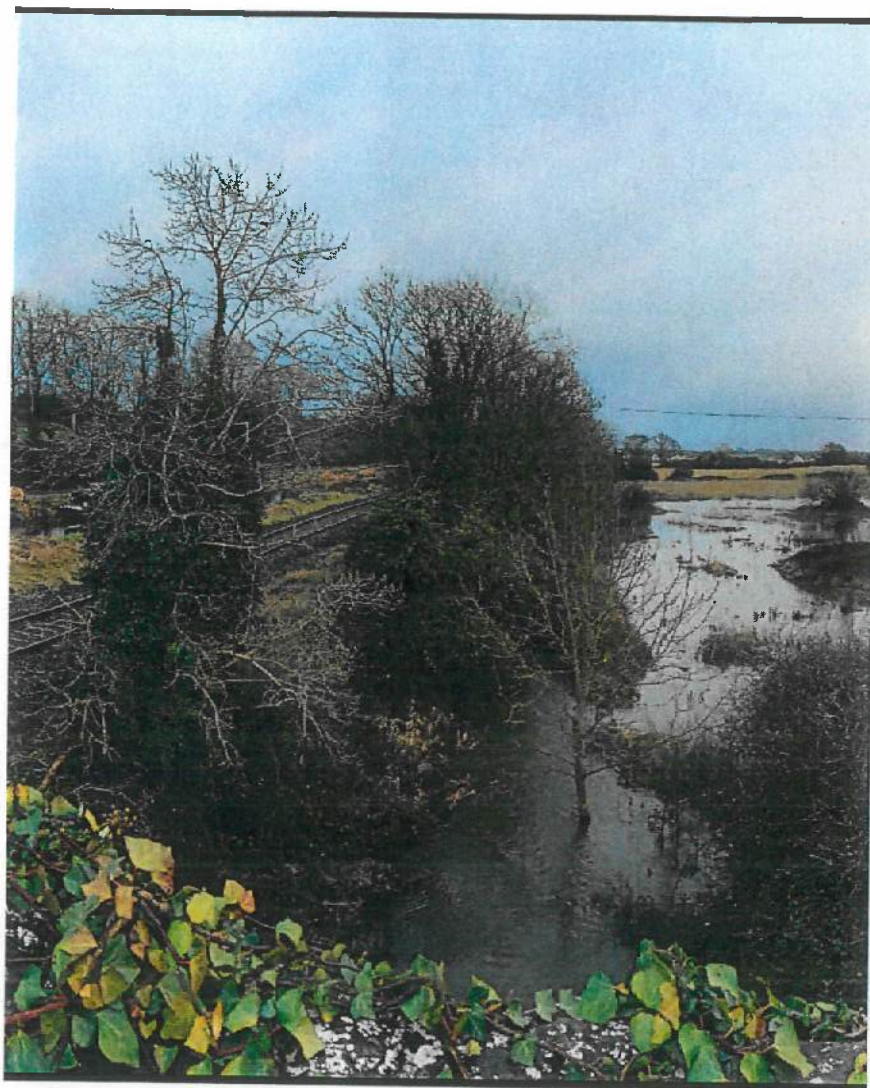
View of Western aspect at Jackson's Bridge, Maynooth

Taken – 3rd Feb 2021



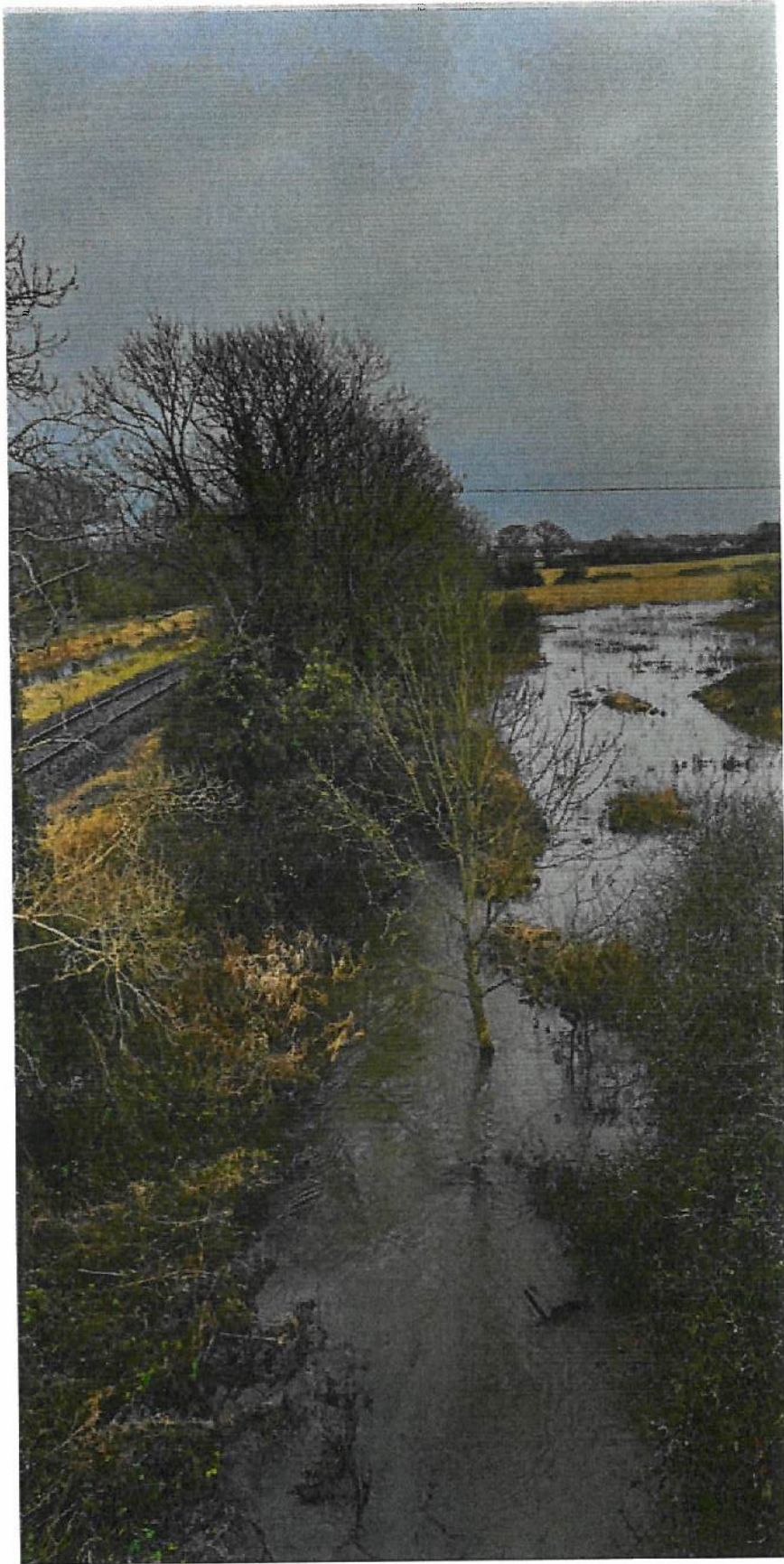
View West towards Jackson's Bridge, Maynooth

Taken – 20th Jan 2021



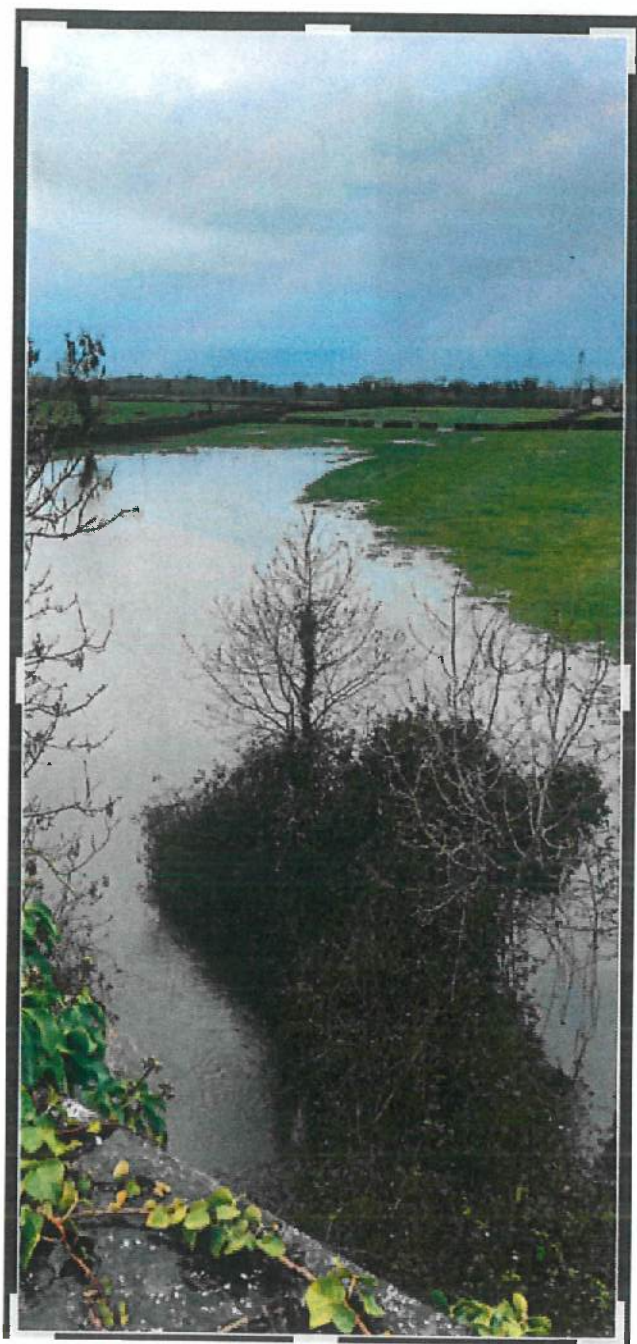
Eastern view towards Maynooth from Jackson's Bridge, Maynooth.

Taken – 3rd Feb 2021



Eastern aspect towards Maynooth from Jackson's Bridge, Maynooth.

Taken – 3rd Feb 2021



View Southwest/West from Jackson's Bridge, Maynooth, towards Kilcock

Taken – 3rd Feb 2021



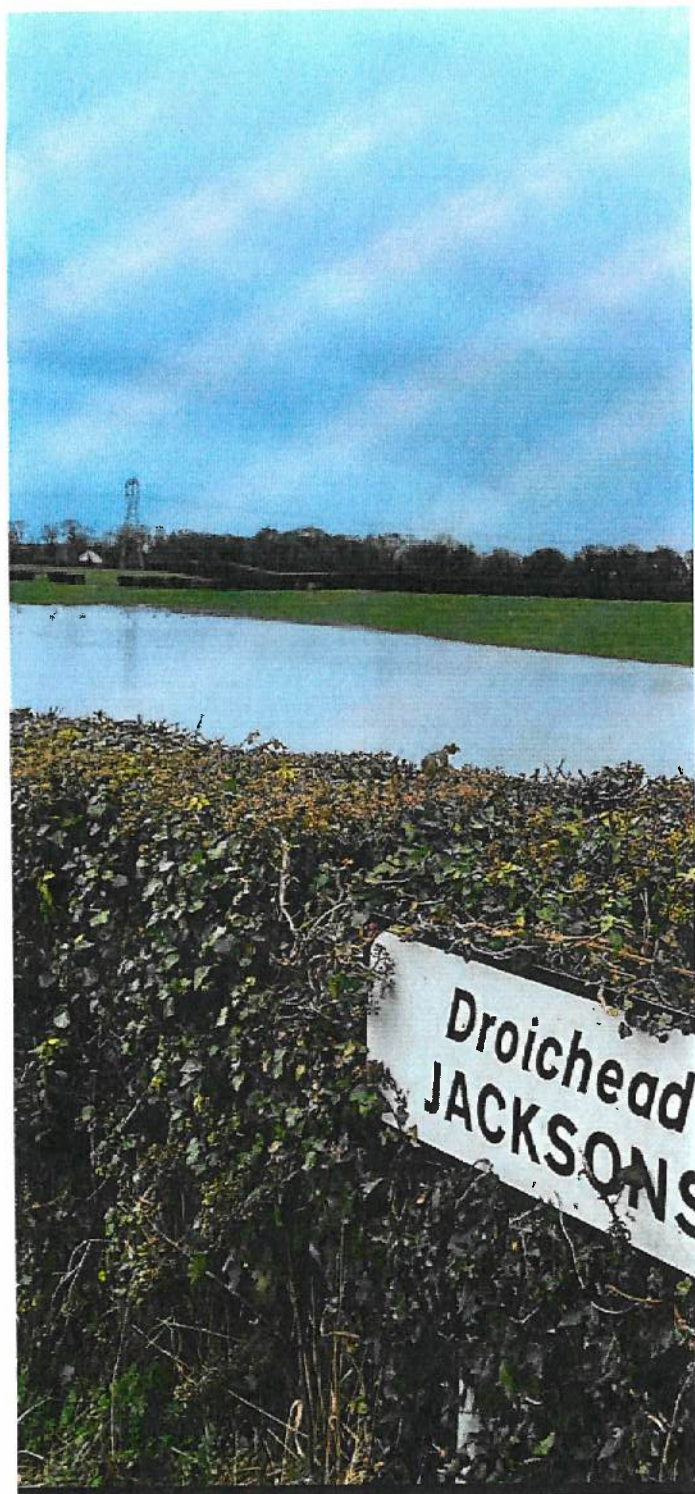
View Southwest/West towards Kilcock from Jackson's Bridge, Maynooth.

Taken – 3rd Feb 2021



View Eastwards towards Maynooth from Jackson's Bridge.

Taken – 3rd Feb 2021



View West from just below Jackson's Bridge, Maynooth, towards Kilcock.

Taken – 3rd Feb 2021



Westerly view of water running under Jackson's Bridge, Maynooth.

Taken – 3rd Feb 2021



Confluence of 2 streams that run all the way down to Jackson's Bridge, Maynooth and on to the flood plain meeting the Lyreen River flood plain.

Taken – 20th Jan 2021