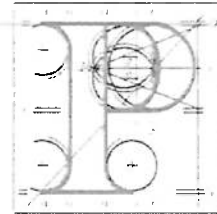


Our Case Number: ABP-320164-24

Your Reference: Alcove Ireland Eight Ltd



An
Bord
Pleanála

McCutcheon Halley
Kreston House
Arran Court
Arran Quay
Dublin 7

Date: 08 October 2024

Re: DART + Coastal North Railway Order 2024 - Northern Line between Dublin City Centre and Drogheda including the Howth Branch
Dublin City Centre and Drogheda, located in counties Dublin, Meath and Louth

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed railway order and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the relevant County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Board at laps@pleanala.ie Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Aisling Reilly
Executive Officer
Direct Line: 01-8737131

RA05

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Baile Átha Cliath 1	Dublin 1
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Aisling Reilly

From: Aisling Reilly
Sent: Thursday 26 September 2024 19:04
To: bmccutcheon@mhplanning.ie
Subject: NA29N.320164 Draft Railway Order for Dart+ Coastal North [2024]
Attachments: LTR_240919_ABP Cover Letter_BMC.pdf; 240919 Planning Submission to ABP on Dart+ Coastal North Project.pdf; Appendix 1 Report on TOD Opportunities.pdf; Appendix 2 Framework Masterplan.pdf; Appendix 1 Report on TOD Opportunities.pdf

A Chara,

I am in receipt of your email, an official acknowledgement will issue in due course.

Kind regards,
Aisling

From: Brian McCutcheon <bmccutcheon@mhplanning.ie>
Sent: Thursday, September 19, 2024 8:19 PM
To: SIDS <sids@pleanala.ie>
Cc: Theresa Pettigrew <tpettigrew@mhplanning.ie>; Clodagh Ronan <cronan@mhplanning.ie>
Subject: NA29N.320164 Draft Railway Order for Dart+ Coastal North [2024]

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam

We act for Alcove Ireland Three Limited, McGarrell Reilly Group, Ground Floor, Georges Court, 54-62 Townsend Street, Dublin D02R156 and submit the attached objection on their behalf to the draft Railway Order for Dart+ Coastal North [2024]. The objection comprises the following documents:

- Cover Letter
- Planning Submission to ABP on Dart+ Coastal North Project
- Appendix 1 Report on TOD Opportunities
- Appendix 2 Framework Masterplan

Please acknowledge receipt.

Kind regards,

Brian McCutcheon
Director

McCutcheon Halley
CHARTERED
CONSULTANTS

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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1 DOI V902
SIDS@pleanala.ie

19 September 2024

Re: An Bord Pleanála Case No. NA29N.320164. Application by Coras Iompair Éireann for a Railway Order For Dart+ Coastal North [2024]

Dear Sir/Madam,

We act for Alcove Ireland Three Limited, McGarrell Reilly Group, Ground Floor, Georges Court, 54-62 Townsend Street, Dublin D02R156 and object on their behalf to the following aspects of the draft Railway Order For Dart+ Coastal North [2024] as proposed by Coras Iompair Éireann:

1. The approval of the works at Rush & Lusk Station which are proposed under items 13.08, 13.09 and 13.12 of the draft First Schedule and shown on Property Layout Plan 18.
2. The compulsory purchase of our client's lands as shown as plots DCN.5018.P.4(A), DCN.5018.T.4(A), DCN.5018.P.4(B) and DCN.5018.P.12(A).

The detailed grounds of our objection are set out in the attached documents:

- Planning Submission to ABP on Dart+ Coastal North Project
- Appendix 1 Report on TOD Opportunities
- Appendix 2 Framework Masterplan

No fee is payable as our client's lands are subject to compulsory purchase under the draft railway order.

Please acknowledge receipt.

yours sincerely

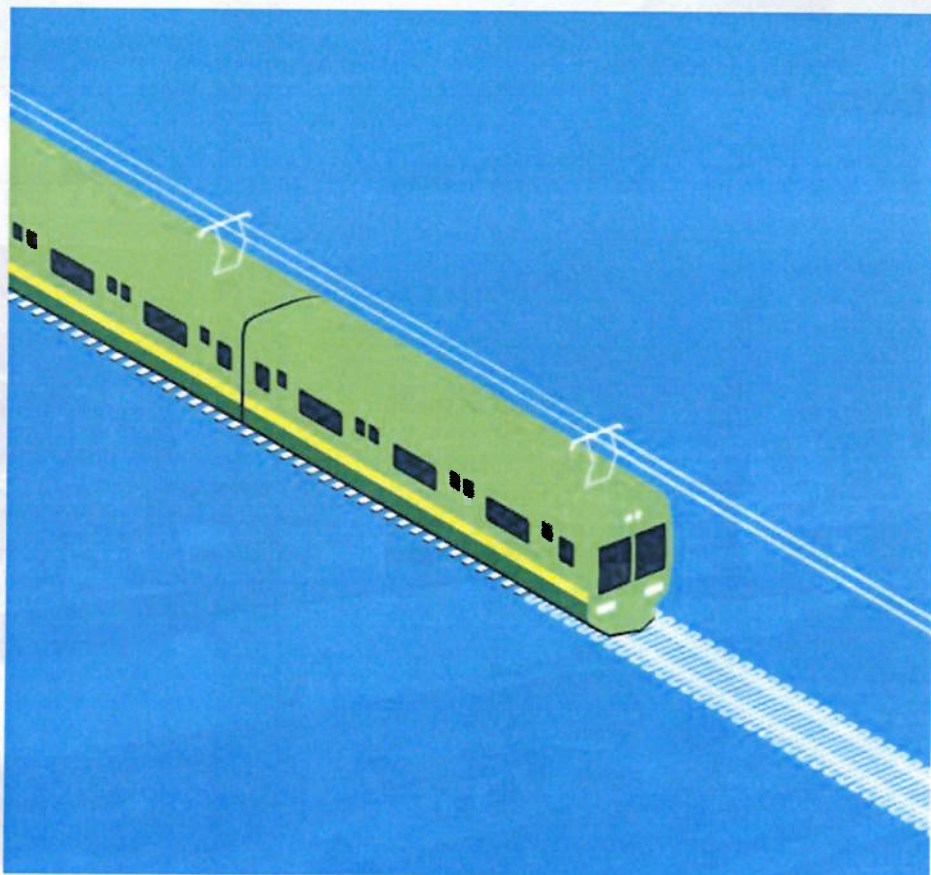


Brian McCutcheon
McCutcheon Halley

Submission to An Bord Pleanála by Alcove Ireland Three Ltd.

Observation on the Draft Railway Order submitted under
An Bord Pleanála Case Reference No. NA29N.320164

September 2024



McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

Document Control Sheet

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1. Introduction

We act for Alcove Ireland Three Ltd (AITL) who are the owners of the lands to the east of the Rush & Lusk railway station which are outlined in green on the map attached as Fig 1 and submit on their behalf this observation on Draft Railway Order NA29N.320164. The submission refers primarily to the following works as set out in the applicant's draft First Schedule:

13.08 Construction of Rush and Lusk Traction Substation to enable electrification of the line.

13.09 Construction of Rush and Lusk OHLE Maintenance Compound to enable maintenance of the electrification of the line

13.12 Proposed access to temporary construction compound 13.10 and permanent substation and OHLE maintenance compound via. Station Road (R128) and Rush and Lusk Station car park.

The works in question are shown on the applicant's Property Layout Plan No. 18 "Rush and Lusk Station and Surrounds".

The primary purpose of this submission is to seek relocation of the overhead line equipment (OHLE) maintenance compound which is currently proposed at Rush & Lusk station and which appears to be the sole justification for the permanent compulsory purchase of the frontage of the AITL lands. We also believe that the electrical substation should be relocated to the west of the railway line where there are at least two alternative locations which would meet the applicant's operational requirements, and which could be integrated into the regularisation of the unauthorised station car park.

The applicants claim that a new OHLE compound is required to support the maintenance of the overhead line equipment and propose that it should be co-located with the proposed substation at Rush & Lusk. However, no alternative locations appear to have been considered for the OHLE compound and no rationale has been provided for:

- (a) the choice of Rush & Lusk rather than elsewhere along the railway line,
- (b) the design brief for the "compound" which extends well beyond the operational requirements for the maintenance of overhead line equipment,
- (c) the decision to co-locate on the site originally chosen for the substation,
- (d) the preference for a site which had inadequate vehicular access and would require a new junction and access road and permanent compulsory purchase of third-party lands with development potential.

The application documents claim that the railway works required for the Dart+ Coastal North Project can generally be carried out within the existing railway property and only a limited number of infrastructural interventions will require additional land take. It is implied that every effort was taken to avoid compulsory purchase, and that permanent CPOs are only proposed for bona fide operational reasons following exhaustive consideration of alternative options within CIÉ property.

In the case of our client's property the rationale for the CPO appears to be that the decision to co-locate the OHLE compound with the proposed substation at Rush & Lusk resulted in a cumulative traffic impact which the applicants propose to mitigate by providing a new access from the public road through our client's property.

In our opinion the applicant's justification for compulsory purchase of our client's property is undermined by the following errors and omissions in the design, assessment and consultation process:

- (a) The National Planning Framework requires the delivery of strategic transportation objectives to be integrated with the spatial planning objectives which they are designed to service. CIÉ has failed to give due consideration to the medium to long term development potential of our client's lands for a transport orientated development (TOD).
- (b) Best practice in environmental impact assessment requires "*a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects*". No alternatives appear to have been considered for the OHLE maintenance compound and there were significant omissions in the assessment of alternative sites for the electrical substation at Rush & Lusk.
- (c) Best Practice in EIA also requires consultation during the preparation of the EIAR not just with the competent authority but also with the parties that are most likely to be directly affected. In this case the record of the applicant's consultations with the Board omits any reference to the need for an OHLE maintenance compound or to the proposal to locate one at Rush & Lusk where permanent compulsory purchase would be required.
- (d) Case law has established that the power of compulsory purchase must be carried out in such a way that the impairment of the individual's rights must be the least possible consistent with the achievement of an authorised objective. The failure to document the consideration of alternative sites for the OHLE maintenance compound is therefore a significant issue from a legal as well as a planning viewpoint

While AITL are prepared to facilitate an appropriately located temporary construction compound they object to the permanent compulsory purchase of their entire frontage onto the R128 as it would compromise their proposals for a transport-orientated development on their lands.

The detailed grounds of their objection are set out under the following headings:

- The Consultation Process
- Legal and Procedural Issues
- The Consideration of Alternatives
- The Planning Policy Context

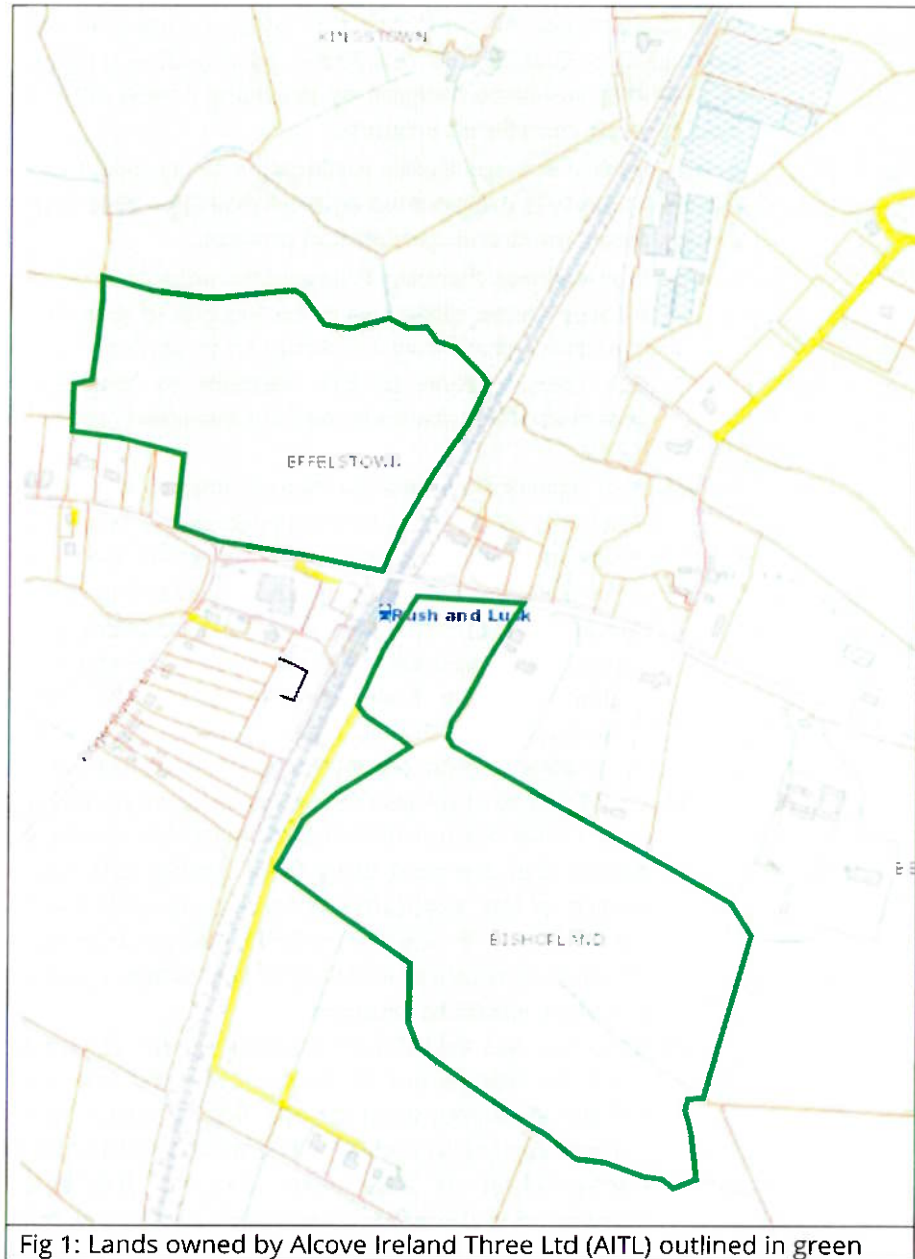


Fig 1: Lands owned by Alcove Ireland Three Ltd (AITL) outlined in green

2. The Consultation Process

The applicant's cover letter dated 12th July 2024 certifies that the application documentation as submitted to An Bord Pleanála, and as presented on the website (<http://www.dartcoastalnorthrailwayorder.ie>) is generated from a single data source and is identical. However, the version of the cover letter which is published on the Board's website contains a number of significant errors and omissions in regard to the pre-application consultations with the Board.

The cover letter encloses a copy of the Board's letter dated 4th April which is supposed to include "a full copy of the Board's pre-application consultation file which must be associated with the application documentation and made available for public inspection **when the application is lodged**" (emphasis added). However, the copy of the pre-application correspondence which has been uploaded to the website only provides a record of the fifth meeting with the Board on 16th October 2023 and the copies of the Inspector's Report, Record of Meeting and Board Direction which have been uploaded are incomplete in so far as they do not include any of the even-numbered pages. Following a direct request to the Board we were provided with the missing pages of the documents submitted by the applicants as well as copies of the records of the first four meeting which had been omitted by the applicant. These indicate that

- (a) At the third consultation meeting on the 5th April 2023 the record noted that:

The Board advised that the prospective applicant should confirm as part of the application whether the proposed works will preclude any future developments along the line such as future station development

- (b) At the fifth consultation meeting on 16th October 2023 the record noted that:

Regarding land-take around substations it was stated that agreement in principle has been achieved with landowners at the majority of locations. The Board representatives advised that the application should demonstrate that these are the optimum locations for the substations, that all alternatives have been taken into account and that the land-take is proportionate.

In our opinion the applicants have failed to comply with the Board's advice as the application documents do not address the adverse impact on future transport-orientated development and there is no record to indicate that the applicants consulted the Board on the need to provide an OHLE maintenance compound as part of the overall project or on the specific proposal to CPO land in order to provide that facility alongside the substation at Rush & Lusk. As a result, there is no reference in the consultation records to the need for a new junction and access road at Rush & Lusk or to the significant fact that the road works needed to service the OHLE compound would require permanent compulsory purchase. Instead, it was implied that there would be limited requirement for land purchase given that the infrastructural works are largely confined to the existing railway corridor and, where additional land take is required, it would be for structures which were specifically required for the implementation of the electrification project.

The lack of transparency in the consultation process is also reflected in the public notices for the draft railway order which omit any reference to the creation of the new junction onto Regional Route R128 for which the permanent compulsory purchase of our client's lands is proposed. This omission might have been grounds for invalidation if the application had been made under the Planning Acts.

3. Legal and Procedural Issues

The Board must consider whether a Railway Order under Section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by Section 49 of the Planning and Development (Strategic Infrastructure) Act, 2006¹ is an appropriate legal mechanism for the permanent compulsory purchase of our client's lands as proposed in this case. The works for which permanent compulsory purchase is proposed would facilitate the creation of a new junction with the public road which, in our opinion, is not actually required for the railway operations for which the Railway Order is proposed.

As previously noted, the Board had advised the applicants of the need to justify the use of their power of compulsory purchase by demonstrating that all alternative options have been taken into account, and that the land-take is proportionate.

In our opinion the applicants have failed to heed the Board's advice on this fundamental issue as the application documents do not include:

- (a) a proper consideration of alternative locations, layouts or designs for the substation and OHLE maintenance compound at Rush & Lusk as part of the environmental impact assessment, or
- (b) a proper justification for the use of compulsory purchase to improve access to the east of Rush & Lusk station instead of the partnership approach which was offered by our clients during the consultation process.

The Board's advice on compulsory purchase is consistent with the decision of the Supreme Court in *Thomas Reid v Industrial Development Agency, Ireland and the Attorney General* [2015 IESC 82] which emphasised that the statutory power to compulsorily acquire land must be:

"carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power".

The case law in regard to compulsory purchase is comprehensively reviewed in the article *"National Transport Authority's Compulsory Purchase Orders for BusConnects Dublin Bus Schemes"* by Douglas Hyde B.L. which was published in the Irish Planning and Environmental Law Journal- Vol. 29, No. 3. 2022. Mr Hyde concludes that:

"(I)n deciding whether to confirm a CPO, the Board is obligated to do at least the following:

- (i) construe compulsory acquisition powers in a manner that does not impinge unnecessarily on the constitutional property rights of the owner;*

¹ Hereafter referred to as the '2001 Transport Act'

(ii) ensure its decisions regarding land-take at all relevant locations along the entire CBC is proportionate having regard to the proposed extent of land acquisition vis a vis the particular purposes underlying the CBC project at the relevant locations along the entire route;

(iii) ensure the impairment of each individual landowner's rights does not exceed that which is necessary to attain the legitimate object to be pursued, that is, to ensure that the interference is the least possible consistent with the advancement of the aim which underlies the acquisition power. This can be achieved by decision-maker first identifying all potential impacts on each impacted property along the CBC route, and then critically examining each of them and assessing whether the impairment is the minimum necessary to achieve the purposes underlying the CPC project.

(iv) undertake a careful scrutiny to ensure strict adherence to all conditions precedent and all the principles listed here; and

(v) ensure that the exigencies of the common good decisively demands each acquisition".

These criteria were considered in the recent decision of An Bord Pleanála, under Case Reference No. KA29N.314988, to confirm the Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order, 2022 subject to a modification to the Schedule which omitted plots at Hermitage Golf Club. The reason given by the Board for these omissions from the CPO was that:

"The extent of land acquisition (temporary and permanent), and private rights of way (to be acquired and to be temporarily restricted or otherwise interfered with) set out in the above listed plot references on the submitted deposit maps would have a disproportionate and excessive effect on the landowner and cannot be justified in the context of the extent/scale of works proposed at this location and the evidence of justification for those works".

In view of case law and precedent, we believe that the Board is legally obliged in this case to consider whether the operational benefits to CIÉ of locating the OHLE maintenance compound to the east of the railway line at Rush & Lusk, rather than at alternative locations which would not require any CPO, such as:

- (a) to the west of the railway line at Rush & Lusk, or
- (b) elsewhere on CIÉ property between Malahide and Drogheda, or
- (c) elsewhere within the Dart+ network,

justify the compulsory purchase of our client's lands and the consequential loss of potential for a future transport-orientated development in line with national and regional spatial strategy. This highlights the legal as well as the planning implications of the absence of a fully transparent and properly documented consideration of alternative locations for the OHLE maintenance compound in the EIAR and in the Planning Statement.

4. Consideration of Alternatives

4.1 Consideration of Alternatives in the EIAR

Section 3.4 of the 2017 draft EPA Guidelines on EIAR notes that Annex IV (2) of the amended EIA Directive requires an EIAR to include:

'A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'

Fig 3.4 of the Guidelines illustrates a sequence of assessment through site location, site layout, project design and process design with, for example:

- avoidance of environmental impacts being addressed at the site selection stage;
- potential to affect off site environmental assets being addressed in the site layout; and
- likely effect on neighbours being considered in the project design.

Our client's primary concern is that no proper consideration of alternatives was carried out for the three elements of the project which directly affect their property, i.e.

- The initial decision to locate the Rush & Lusk electrical substation to the east rather than to the west of the railway line,
- The subsequent decision to co-locate the OHLE maintenance compound with the electrical substation,
- The proposal to mitigate the cumulative traffic impact of the co-location by enforcing a new access route through our client's property.

As these three elements are interrelated, the consideration of alternative locations, layouts and designs should have been carried out in an integrated way throughout the consultation, assessment and application stages of the project.

During the first pre-application consultation meeting on 20th January 2022 the applicants advised they would be using a two-stage assessment methodology for option assessment which involved:

- (1) assessment of a long list of options against engineering economic and environmental criteria in order to produce a shorter list based on feasibility to meet project objectives, and
- (2) a detailed multi-disciplinary comparative analysis of the feasible options against six appraisal criteria – economy, safety, environment accessibility social inclusion integration and physical activity.

During the consultation process the Board advised the applicants that they also needed to demonstrate that:

- (3) the works would not preclude future developments along the line,
- (4) the optimum locations for substations had been chosen,

- (5) all alternatives had been taken into consideration, and
- (6) the land take would be proportionate.

The consideration of alternative locations for the substations is documented in Subsection 3.5.2. of Chapter 3 of Volume 2 of the EIAR and does not take due account of the criteria specified by the Board. At the outset it was indicated that the siting of each substation within any general area would consider inter alia

- The land-use and development context of potential locations,
- The need for substations to be accessible from the local road network for construction and maintenance purposes.

However this approach was not adopted in the case of Rush & Lusk where, as explained in paragraph 3.5.2.2, the choice of the proposed site was ultimately made on the basis that the site to the east of the rail line involved the loss of the fewest parking spaces. In our opinion this was not a valid consideration given that

- the parking spaces saved are currently unauthorised and may not be permitted as part of any retention application²,
- the transport and traffic assessment indicated that there is a low level of usage of the existing parking spaces
- the site chosen is the least suitable in terms of the current land use objectives as well as the potential impact on future transport-orientated development (TOD) on the adjoining land, and
- the site chosen is the least suitable in terms of the traffic impact as it would require compulsory purchase for the creation of a new access road which would not have been necessary in the case of either of the other two options.

Chapter 3 of Volume 2 of the EIAR did not include any formal consideration of alternative locations for the OHLE compound. As a result, no consideration appears to have been given to the options of:

- (a) constructing the OHLE maintenance compound on a standalone site somewhere else between Malahide and Drogheda, or
- (b) co-location of OHLE maintenance facilities with other maintenance compounds for example at Drogheda where there are established maintenance activities, and where adjoining lands zoned specifically for that purpose.

There would appear to be no operational requirement for an OHLE maintenance compound to be located at Rush & Lusk area rather than elsewhere along the line and no operational benefit arising from co-location with an electricity substation.

² Condition 2 of Planning Ref. No. 09A/0247 states: This decision permits a temporary public car park and associated site works including site lighting and boundary fencing for a period of ten years only, effective from the date of this decision. On expiry of that period, the permitted development shall be permanently removed and the lands reinstated as per a landscaping plan to be agreed in writing with the Planning Authority, unless its continued use is permitted by reason of a future planning decision. REASON: In the interests of proper planning and sustainable development and to allow for the preparation of a study, as per Objective 102 of County Development Plan

The rationale for the proposed location of the OHLE maintenance compound is also undermined by the lack of clarity as to the nature and purpose of the proposed facility. According to Subsection 4.12.1 of the EIAR, OHLE maintenance is only carried out four times a year working 6 nights of the week and involves the use of specialised vehicles which are parked of the compound from where they travel onto the rails.

There is a lack of consistency between the nature of the maintenance operation described in Subsection 4.12.1 and the nature and scale of the “compound” described in paragraph 4.8.5.2 which consists primarily of office space and welfare facilities with a relatively small area of the floorspace and site area allocated to equipment storage and parking for two OHLE vehicles. The “compound” appears to be primarily a CIÉ office/administration building with a minor, ancillary function as a storage depot for OHLE maintenance vehicles and equipment.

In summary,

- Chapter 3 of the EIAR indicates that no adequate consideration was given to alternative locations for the structures and facilities required for maintenance of the overhead line equipment,
- No operational justification has been given for the location, layout or design of the OHLE compound as proposed at Rush & Lusk which presents as an office building with an ancillary function as an OHLE maintenance depot.
- No rationale has been given for the co-location of an OHLE maintenance compound with an electricity substation.

The cumulative impact of co-locating with an OHLE maintenance compound does not appear to have been considered when the site was originally chosen for the Rush & Lusk substation. The process of considering alternative locations for the substation should therefore have been recommenced when the option of co-location was raised - taking due account of the cumulative traffic impacts and the need to avoid compulsory purchase where possible.

In our opinion the proposed compulsory purchase of our client's lands is invalid on legal and planning grounds due to significant errors and omissions in the applicant's consideration of alternative locations for the electricity substations and the OHLE maintenance compound.

4.2 Consideration of Alternatives during the Public Consultation Process

During the public consultation process a number of alternative proposals for improving vehicular access to the east of Rush & Lusk Station were put forward on behalf of AITL including the option of integrating any proposed alterations to the eastern entrance to the station with AITLs long-term proposals to provide a new junction on their frontage to the R128. The AITL junction would primarily be designed to provide access to a high-density mixed-use transport-orientated development on their lands to the east of the station but could also be designed to provide construction and/or operational access for the Dart+ Coastal North Project.

The response of the applicant's project design team was that the noise generated by the operation of the proposed maintenance compound would adversely affect the residential amenity of the transport-orientated development proposed by AITL to such an extent that CIÉ would be prevented from carrying out essential OHLE maintenance outside normal business hours. If that was a valid argument it should (based on the Board's pre-application advice) have resulted in the Rush & Lusk site being excluded from consideration as an option for an OHLE maintenance compound on the grounds that it would preclude future development of the station environs.

It should be noted that the position adopted by the applicants during the consultation process is not supported by the assessment of potential noise impacts in Chapter 14 of the EIAR. In regard to Rush & Lusk, the EIAR only identified potential noise impacts during the construction of the substation and OHLE maintenance compound and did not consider it necessary to assess operational noise impacts from the substation or compound.

The EIAR noise assessment assumes that the compound would be used for storage of spare parts and for parking of the OHLE maintenance vehicles which have direct access from the compound to the track. Any noise from the OHLE maintenance activities would be generated along the railway line where the overhead equipment is maintained in situ rather than within the compound. There was therefore:

- (a) no evidential basis for the applicant's refusal to consider a partnership approach to junction improvement on grounds of noise impacts from adjoining OHLE maintenance activities, and
- (b) no justification for the imposition of a CPO for an access upgrade which, if and when necessary, could be achieved by agreement with AITL as part of an integrated railway and transport-orientated development.

4.3 Consideration of Alternative Traffic and Transportation Options

The applicants predict that the electrification of the line could double the number of peak time services with a corresponding increase in the passengers carried. As the Rush & Lusk station is currently located in a rural area beyond convenient walking distance of the towns of Rush or Lusk, the increased rail traffic could generate an increase in the number of cars seeking to access the station for parking or drop-off.

However, the majority of the station parking spaces, and the main drop-off area, are located to the west of the station and are accessed via the western rather than the eastern entrance. As both platforms are connected via a modern pedestrian/cycle overbridge with lifts, there is no benefit to the commuter in being able to park, or be dropped off, at the eastern rather than the western side of the station. The planning history of the station site shows that, following the grant of permission for the pedestrian/cycle overbridge under Planning Ref. No. F07A/1215, all subsequent applications to provide additional car parking, bus access and drop-off facilities have been submitted on the western side of the station (see the permissions granted under Planning Register Ref. Nos. F07A/115, F08A/1343 and F09A/0247).

The conditions attached to these permissions highlighted the planning authority's concern that any proposals by CIÉ to alter the access and parking facilities at Rush & Lusk station must be integrated with the local transportation objectives which, as originally adopted in the 2005-2011 County Development Plans, seek to:

- *Promote the development of a shuttle bus service linking the Lusk and Rush to the station to avail of increased capacity in the rail service as it arises*
- *Provide for pedestrian and cycle paths between Lusk and the railway station*
- *To provide/improve a footpath along the Rush/Lusk Road to the railway station.*
- *To undertake a study for the area adjacent to Lusk/Rush Railway Station to investigate an optimal appropriate mix of uses including park and ride facilities and limited enterprise facilities³*

In the current Fingal County Development Plan 2023-2029 these objectives have been incorporated into:

Objective CSO50 – Active Travel Connections Between Donabate-Rogerstown Park and Lusk-Rush. Investigate all options in looking at the delivery of active travel connections between Donabate-Rogerstown Park and Lusk-Rush

Objective CMO7 – Integration of Active Travel with Public Transport. Work with the relevant transport providers, agencies and stakeholders to facilitate the integration of active travel (walking/cycling etc.) with public transport, ensuring ease of access for all.

In order to ensure that all options for integration of Active Travel with public transport would remain available, the permissions granted for additional station car parking under F08A/1343 and F09A/0247 were temporary permissions which have now expired. As a result, the current traffic circulation and parking layout within the station property is technically unauthorised since the expiry of the most recent permission on 12th August 2019.

The Board should consider whether a valid application can be made to An Bord Pleanála for a Railway Order under the 2001 Transport Act to facilitate intensification of use of a station where the traffic circulation and parking facilities which would service the intensified use are unauthorised under the Planning Act and there is no current proposal to retain the unauthorised parking spaces.

The applicants claim that the extent of the proposed compulsory purchase of our client's land includes allowance for the future provision of active travel measures by Fingal County Council along Station Road. It is questionable whether the applicants have the legal power to compulsorily purchase lands for the use and benefit of the Roads rather than the Railway Authority.

³ See for example Local Objectives 91, 99, 101 and 102 of the Fingal Development Plan 2005 – 2011

No details have been provided of the Active Travel measures which are proposed for the R128 and which are due to be implemented in conjunction with the Dart + Coastal North Project. As a result, there is no indication as to whether due consideration has yet been given by CIÉ to the requirement under the Planning Act to:

- (a) regularise the existing unauthorised parking and circulation facilities on the western side of the station, and
- (b) integrate any retention permission with the County Council's objectives to provide a new greenway from the station to Lusk and a shuttle bus along the R128 between Rush and Lusk.

A proper consideration of these interrelated issues could conclude with a requirement for CIÉ to remove the existing commuter parking from the eastern side of the station and restrict the existing eastern entrance to pedestrians, cyclists and staff & maintenance vehicles.

In summary, the draft Railway Order in regard to Rush & Lusk station could be considered to be premature and/or invalid pending further consideration of the approvals and land acquisitions which may be necessary:

- (a) to regularise the legacy of unauthorised car parking,
- (b) to integrate the proposals for intensification of use of the station with the Active Travel provisions of the County Plan.

5. The Planning Policy Context

5.1 Current Planning Objectives for the AITL lands

The AITL lands are currently zoned as "RU" where the objective is to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. The vision underlying this objective is to protect and promote the value of the rural area of the County, which is based on:

- Agricultural and rural economic resources,
- Visual remoteness from significant and distinctive urban influences,
- A high level of natural features.

The zoning objective allows for a range of uses where agriculture and rural related resources will be employed for the benefit of the local and wider population. The following developments are listed as being permitted in principle under the RU zoning objective:

Agricultural Buildings; Agri-Tourism; Bed and Breakfast; Boarding Kennels; Burial Grounds; Campsite; Childcare Facilities; Community Facility; Farm Shop; Golf Course; Guest House; Health Practitioner; Holiday Home/Apartments; Industry – Extractive / Quarrying; Office Ancillary to Permitted Use; Open Space; Research and Development; Recreational/Sports Facility; Rural Housing; Restaurant/Café; Utility Installations; Veterinary Clinic.

The AITL lands are currently used for cultivation of vegetables and are accessed for that purpose by a farm entrance leading directly off the R128

adjacent to the existing eastern entrance to the Rush & Lusk Station. The proposal by Iarnród Éireann to compulsorily acquire the entire road frontage of the AITL lands will deprive AITL of direct access to the public road network and would effectively confine its use to cultivation without any potential for more intensive rural resource-based development.

During the bilateral pre-application consultation with our client, the applicants clarified that they are proposing to replace AITL's direct vehicular access onto the public road network with a right of way/wayleave onto a private access road *"to the extents that is required to access their lands"*. It was implied that the proposed concession of a right of way through Iarnród Éireann property is confined to the current use of the lands (cultivation) as the applicants also stipulated that *"should the lands be subject to development in future, part of any development will need to involve negotiations with CIE with regard to this access"*.

This would represent a significant reduction of the current utility and development potential of the holding as AITL do not currently require the consent of Iarnród Éireann to:

- (a) avail of a wide range exempted rural developments including substantial farm buildings and intensive agricultural uses such as horticulture market gardening and plant nurseries without applying planning permission; and
- (b) apply for planning permission for the developments listed as "permitted in principle" under the RU zoning objective

Some of the permissible developments could involve significant traffic during the construction and operational phases and would not be feasible unless AITL retained frontage and direct access onto the R128. For example, a solar farm is a utility installation and is therefore an appropriate use within the RU zone subject to compliance with relevant policies and objectives of the plan.

It could therefore be argued that the manner in which CIÉ propose to locate an OHLE maintenance compound at Rush & Lusk station by compulsorily purchasing the entire AITL road frontage would undermine the objectives of the County Development Plan by precluding the sustainable use of the adjoining holding for many of the purposes for which it is currently zoned.

5.2 The Potential for Transport Orientated Development

As the AITL property is a substantial block of undeveloped land immediately adjoining one of the commuter stations on the Dublin to Belfast rail line it has significant potential for a transport-orientated development (TOD) in the medium to long term. The mere fact that land adjoining a rail station is not currently zoned for development should not preclude an assessment of its potential for transport- orientated development in the medium to long term. This was clearly implied in the Boards pre-application advice to the applicants at the meeting of 17th April when it advised that *"the prospective applicant should confirm as part of the application whether the proposed works would preclude any future developments along the line"*.

The current Fingal County Development Plan 2023-2029 was adopted against a background where there was a strong emphasis on curtailing peripheral expansion and on promoting more compact and sustainable development within existing development boundaries. There was also a concern that any zoning commitments adopted for the 6-year period of the Plan should be confined to service catchments which have spare capacity or where upgrades were already approved.

However recent reviews of progress in delivering housing targets have indicated that there will be a major shortfall in housing supply into the medium term due to a combination of underestimated projections of household formation and unrealistic assessments of the capacity of brownfield redevelopment to deliver the required number of housing units. It is likely therefore that planning authorities will be requested to zone more development land in suitable locations by means of variations to the current Plan.

Another driver of this potential variation to the zoning objectives is the need to accelerate the shift to more sustainable modes of commuter travel. The Climate Action Plan (CAP) 2024 highlights the need for decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting Ireland on a path to reach net-zero emissions by no later than 2050, as committed in the Programme for Government.

The CAP makes clear that there is a pressing need to substantially accelerate transport emissions abatement. The Plan highlights that in order to meet 2030 sectoral targets, transformational change will be required with accelerated actions across all key decarbonisation channels. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share.

The Draft First Revision to the National Planning Framework, which was published for public consultation in July 2024, confirms in Section 2.4 that the 2022 Census identified significant unmet demand for housing in Dublin and the Mid Eastern Region. As the chronic shortfall in housing supply has the potential to undermine national competitiveness and social cohesion, the planning authorities will be required to plan for population growth in excess of the targets on which the current city and county development plans are based. The Draft NPF indicates that this increase in housing supply can only be delivered in a sustainable way if there is a shift towards Transport Orientated Development (TOD) along high-capacity bus and rail corridors.

As a result, National Policy Objective 10 of the new NPF will seek to deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up area of the cities and metropolitan towns. In Dublin and the Mid-East, a proportion of post-2030 growth (+ 200,000 people) will be specifically targeted for Transport Orientated Development along the high-capacity rail corridors.

National Policy Objective 93 will also require the Metropolitan Area Strategic Plans to focus a proportion of planned growth in the metropolitan areas on opportunities arising from existing and planned major public transport

investment, along planned high-capacity public transport corridors. These locations have the potential to locate a significant proportion of future population, housing, employment, services and amenities at existing and proposed transport nodes.

The NPF emphasises that spatial and transport planning are interdependent and that the integration of land uses with access to transport has cross-cutting benefits in terms of achieving compact patterns of development and encouraging the transition to a low carbon and climate resilient society. The integration of land use and transportation outside of central Government, will be a joint responsibility of planning authorities, the NTA and An Bord Pleanala.

The Department of Housing, Local Government and Heritage and the Department of Transport are already working with the LDA, NTA, local and regional authorities and infrastructure providers to identify opportunities for Transport Orientated Development (TOD) which can be aligned to planned investment in the public transport network. However, the Draft NPF recognises that the principles of TOD may also be applied at locations outside of the metropolitan areas where they would support compact development, sustainable mobility and climate targets.

National Policy Objective 95 therefore commits the Government to support the development and accelerated delivery of Transport Orientated Development in conjunction with the ongoing programme of investment in the public transport network. Close coordination between the planning authorities and the public transport providers will be essential in order to ensure that all suitable locations for TOD are identified and protected for potential implementation during the NPF period. It is particularly important that development or infrastructural proposals at transport nodes should not be approved in the short term if there is any risk that they might restrict the medium to long term options for TOD.

In accordance with the hierarchical policy framework, the EMRA Regional Spatial & Economic Strategy will soon be revised:

- (a) to reflect the new population targets in the NPF
- (b) to provide a medium-term context for the identification of new opportunities for TODs, and
- (c) to ensure that there is close alignment between the planned investment in the bus and rail networks and the delivery of the new TODs.

The CIÉ application for the railway order to the Dart+ Coastal North project is accompanied by a Planning Report which includes a high-level summary of the relevant planning policy context and concludes that:

- *This Planning Report has demonstrated that the DART+ Coastal North project is supported by, and is consistent with, National and regional policies and objectives...*
- *The DART+ Coastal North project will make a significant positive contribution to the achieving multiple cross-cutting planning policy objectives ...*

- *The project supports the sustainable development of the GDA specifically relating to integrated planning and transportation solutions....for communities today and into the future...*

These issues are also referenced in Chapter 2 of Volume 2 of the EIAR which deals with the Policy Context and Need for the Project and acknowledges that

- *The GDA is expected to see a significant growth in population based on the Central Statistics Office's (CSO) Regional Population Projections*
- *Project Ireland 2040 (is) promoting the development of higher density developments along transport corridors to promote a sustainable compact urban form.*
- *The DART+ Programme will support land use policy allowing for these high-density developments along the railway corridors, (and) will also facilitate the development of new communities that will greatly benefit from the connectivity that the DART+ Programme will deliver*
- *The DART+ Programme will ensure a high capacity, integrated network is provided, enabling a more plan-led transport-oriented development (TOD) approach which is fully aligned with Ireland's international and national policy positions, and with recent institutional developments in relation to active land management by the State, as set out in Transport-Oriented Development: Assessing the Opportunity for Ireland (No. 148 June 2019).*

There is therefore an onus on CIÉ to ensure that the Dart+ Programme is implemented in a way that does not preclude future transport-orientated development on lands adjoining the existing railway stations. This is precisely the point that the Board made during the applicant's 5th pre-application consultation meeting. Unfortunately, the applicants have failed to adequately address this issue in their planning statement and EIAT and particularly in their consideration of alternatives.

We attach as Appendix 1 our preliminary assessment of the scope for transport-orientated development around the Dart stations between Malahide and Drogheda. This concludes that

- there are limited TOD opportunities around the stations along the DART+ Coastal North line.
- the station of Rush & Lusk does have significant potential to accommodate a TOD,
- the areas surrounding stations on the DART+ Northern service that are suited for TOD need to be safeguarded to meet the current and future demand for housing.

Therefore, the key question is how to achieve a settlement pattern at Rush & Lusk station which can deliver additional housing supply in a sustainable way and without undermining the compact form and separate identities of the two existing settlements. In our opinion this can be achieved by developing a high-density mixed-use transport-orientated development on the AITL lands which adjoin the railway station.

We attach as Appendix 2 the framework masterplan which has been prepared by CCK Architects for the AITL lands to the east of the Rush & Lusk Station. This is based on the creation of a new person-centric environment around the east side of the station and its approaches and shows how the

AITL lands could be developed to their full potential as a TOD while incorporating the station access route within a design-led, people-focused format.

This would include the creation of a new junction from the R128 at the location currently proposed in the Draft Railway Order. However, the masterplan proposes to redesign the road layout proposed by CIÉ between the junction and the station in order to create an urban village which leads into a new civic plaza in front of the original station building. Key placemaking indicators would be achieved by giving priority to people arriving by foot and bicycle and indicating that vehicular traffic is secondary to the function of the space.

While the primary long-term purpose of the amended road layout would be to service the TOD proposed by AITL while facilitating active travel, the CCK masterplan shows that AITL could, if necessary, also provide access to the CIÉ site which is currently proposed for the substation and maintenance compound. This is without prejudice to the case made in this report that the eastern site of the station is the least appropriate location for the substation and particularly for the OHLE maintenance compound. These structures have been shown on the masterplan to demonstrate that:

- (a) it would be more appropriate and more sustainable for CIÉ to develop these lands as part of the adjoining TOD rather than for infrastructural facilities which could be accommodated on a less valuable site, and
- (b) the access to the CIÉ lands could be upgraded by an agreement with AITL and there was never any need, or justification, for compulsory purchase under the 2001 Transport Act.

6. Summary and Conclusions

It is questionable whether a Railway Order under Section 37 of the Transport (Railway Infrastructure) Act 2001 is an appropriate legal mechanism for the compulsory purchase of the road frontage of AITL's landholding given that:

- the specific works for which permanent compulsory purchase is proposed are not necessary for the railway project and may not be "railway works" as defined in Section 2 of the Act, and
- the impairment of the AITLs rights to develop their property for a transport-orientated development would exceed any benefit CIÉ could achieve by locating the OHLE maintenance compound at Rush & Lusk rather than elsewhere between Malahide and Drogheda.

The EIAR failed to give adequate consideration to the alternative locations for the substation at Rush & Lusk and does not include any assessment of alternative locations for the OHLE maintenance compound.

The site chosen for the substation was arguably the least suitable of the three options from a traffic viewpoint. When the proposal to co-locate the OHLE compound with the substation revealed a cumulative traffic impact, the applicants should have looked for alternative options instead of proposing mitigation through compulsory purchase.

This failure to properly consider alternatives has undermined not just the integrity of the EIAR but also the justification for the use of powers of compulsory purchase under the 2001 Transport Act for what appear to be unnecessary and/or premature road works.

The works proposed for Rush & Lusk station do not appear to have considered the planning history of the CIÉ property which shows that the existing traffic circulation and parking facilities to the west of the station are currently unauthorised and can only be regulated if the retention proposals are integrated with the Active Travel measures in the County Development Plan.

The resolution of these planning issues could involve the removal of all commuter parking from the eastern side of the station with the existing eastern entrance being restricted to pedestrians, cyclists and staff and maintenance vehicles.

The compulsory purchase of the entire AITL road frontage could undermine the objectives of the current County Development Plan by precluding the sustainable use of the adjoining holding for many of the purposes for which it is currently zoned.

The applicants acknowledge that the DART+ Programme should enable a more plan-led, transport-oriented development (TOD) approach which is fully aligned with Ireland's international and national policy positions, and with recent institutional developments in relation to active land management by the State. However, they have ignored the fact that Rush & Lusk station has significant potential for transport-orientated development particularly on the AITL landholding which adjoins the Rush & Lusk station to the east and north.

Given the chronic shortfall in housing supply, and the need to focus any additional residential or employment zoning on lands which adjoin high-capacity public transport services, there is a reasonable prospect that the AITL lands will be rezoned in the short to medium term or designated as an Urban Development Zone.

The framework masterplan prepared by CCK Architects on behalf of AITL demonstrates how a transport orientated development could be delivered at Rush & Lusk station and could be integrated with any facilities which are essential for the Dart+ Programme without the need for compulsory purchase of AITL lands.

Appendix 1 Report on Transport-Orientated Development Opportunities between Malahide and Drogheda Dart+ Stations



**Appendix 2 Framework Masterplan for Development of
Lands to the east of Rush & Lusk Station**



TOD Opportunities between Malahide and Drogheda Dart+ Stations

on behalf of McGarrell Reilly

September 2024



McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

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1. Introduction

McCutcheon Halley Planning Consultants have been appointed by McGarrell Reilly Ltd. to review the opportunities for Transport-Orientated Developments (TOD) along the proposed DART+ Coastal North line. The aim of the review is to establish the quantum of land available for TOD and what the suitability of the land is to realise TODs at scale. Therefore, this report will first set the rationale for the review of land. Then, based on the review of previous studies on TOD, the methodology used to analyse the suitability land is explained. The results from the analysis are then represented for the stations and the parcels of land. The report concludes by discussing the scarcity of well-suited land for TOD around the eight stations along the proposed DART+ Coastal North line.

2. Rationale for Review

The symbiotic relationship between land use and transport is well documented within the field of urban geography. The supply of transport infrastructure creates the opportunity for the establishment new land uses. In turn, the demand for land uses such as residential, commercial and industrial drive the need for the delivery of transport infrastructure. Therefore, it is important to consider the scope of TOD opportunities along new public transport initiatives such as the proposed DART+ lines serving the greater Dublin area (GDA).

The extension of DART services in the GDA will encompass the addition of 5 new commuter service lines, they are: DART+ West, Dart+ South West, Dart+ Coastal North, and DART+ Coastal South. Of interest to this report is the DART+ Coastal North service which will run between the stations of Malahide in the south and Drogheda in the north. The proposed DART+ Coastal North service will more than double the number of passengers per three-hour peak from 12,500 to 26,600 by increasing the number of services from 11 to 24 per three-hour peak (Figure 1). This equates to one enterprise service per hour, two commuter services per hour and five DART+ services per hour (all of which originate from Drogheda).



Figure 1: Dart+ Coastal North Service Improvements (Source: Irish Rail, 2024)

The expansion of the DART services will unlock opportunities for sustainable urban development. TOD is a recognised form of sustainable urban development as it encourages the intensification and diversification of land uses along or around public transport routes or nodes. National, regional and local development policies in Ireland recognise the importance of addressing unsustainable forms of urban development. An example of addressing

unsustainable urban development is Objective 3a of the NPF which aims to deliver 40% of all new dwellings nationally, within the existing urban footprint of settlements. This infers that there is scope for new dwellings to be built on land beyond the existing built-up areas of settlements. However, the NPF notes that urban development beyond existing settlements must be compact developments which are served by high-capacity public transport. This infers that these developments are premised upon transport infrastructure and thus transport orientated in nature.

The proposed DART+ Coastal North line will transform the existing railway line between a Malahide and Drogheda into a high-capacity public transport service. Therefore, the land surrounding the stations along the DART+ Coastal North service is ideally placed to implement TOD-lead schemes. However, TOD is not a one size fits all with an array of factors influencing the suitability of an area for TOD. This report reviewed two pivotal reports related to TODs in Ireland. These reports served as the basis for defining the search criteria of the investigation.

The search criteria for this investigation were based on the factors of success and the barriers to implementation of TODs as they relate to the size of parcel and the geographic sphere of influence of a public transport service. Of which the size of the parcel of land was discussed by the National Economic and Social Council (NESC) in their 2019 report, as follows:

*An American observer of TOD from a developer perspective identifies the inability to assemble an adequately large parcel of land as often the deal breaker that stops TOD (Utter, 2009). A certain minimum amount of land is needed to accommodate the interesting mix of uses, parking, street networks and plazas that constitute a TOD. Utter suggests that, outside the urban core, **4-6 hectares** seem to be a minimum size, with many projects at **20 hectares or more**. A complicating factor is the difficulty of assessing the value of land for TOD. According to Utter, landowners rarely understand the costs of place-making and TOD, and this leads to unreasonable land acquisition costs that make land assembly for TOD infeasible.*

The review of TOD sites in Dublin by the Department of Housing, Local Government, and Heritage (DHLGH) limited the size of land parcels to 15ha or greater for brownfield land and 60ha or greater for greenfield land. Therefore, it can be concluded that there is no set size for a parcel of land to be considered suitable for TOD. However, what can be established from the NESC and DHLGH studies is that 4ha can be deemed as the smallest size for a land parcel to deliver a TOD at scale in Ireland.

The second component of the search criteria for this investigation was the geographic sphere of influence of a public transport service. This refers to the area around a public transport service, with areas closest to the service most suitable for TOD as it creates the opportunity for multimodal travel. The NESC's 2019 report noted the TOD at Adamstown in Dublin focused on areas

varying between 400m and 800m around the public transport service. Whereas the DHLGH's 2023 study expanded this area of interest to 1000m around existing and proposed high-capacity public transport services. Furthermore, the Sustainable Residential Development and Compact Settlement Guidelines 2024 (hereafter – the 2024 guidelines) provide policy guidelines on how to define accessible locations. Table 3.8, of the 2024 guidelines, classifies lands within 1000m walking distance of an existing or planned high-capacity urban public transport node or interchange, (i.e. an interchange or node which includes DART services) as the most accessible locations. The review of the geographic sphere of influence of a TOD shows that in two of the three cases reviewed that 1000m was used as the minimum distance to define an area of interest for TOD developments. Therefore, this review will limit the search area to 1000m around stations along the proposed DART+ Coastal North line.

This section set out the rationale for the investigation of TOD opportunities along the proposed DART+ Coastal North service and reviewed the components that define the search criteria for the TOD investigation. The growth trajectory of Ireland and the GDA will necessitate the development of greenfield sites as the development opportunities within and around the existing settlements become saturated. Therefore, it is important to proactively work to identify greenfield or brownfield sites outside of existing settlement boundaries which are best suited for sustainable urban development. This section finds that such sites would be of a minimum size of 4ha and within 1000m of a proposed high-capacity public transport service. The following section will provide an overview of the methodology used to identify sites around the stations along the DART+ Coastal North line.

3. Methodology

The review of TOD opportunities surrounding the stations along the proposed DART+ Coastal North line consisted of five steps. The first step was the sourcing of data. The second step was a land sieve of the cadastral parcels surrounding the stations. The third step was the quantitative assessment of the developable area of the sieved parcels. The fourth step was a qualitative assessment of the development potential of the sieved parcels. The final step was to reclassify the quantitative and qualitative assessments to a shared scale of measurement. This enabled the report to compare the results of this analysis between stations and parcels.

3.1 Data Sourcing

The data for this investigation were sourced from various data vendors. Authoritative data custodians were preferred over proprietary data vendors or self-digitised data. However, there were instances where bespoke data had to be generated and, in such instances, authoritative data were referenced or adapted. Table 1 provides an overview of the datasets that were included within the analysis. All the data utilised within the analysis were spatially referenced which allowed it to be imported into a Geographic

Information System (GIS). Within the GIS a model was created that sieved parcels and attributed information to the sieved parcels.

Table 1: Themes and Sources of Data Utilised

Dataset	Theme	Source
Accessible Area Densities	Planning	Sustainable Residential Development and Compact Settlement Guidelines 2024
Aerial Photos	Imagery	Bing Maps
INSPRE Parcel	Cadastral	Property Registration Authority
National Coastal Flood Extents High End Scenario	Flood Risk	Office for Public Works
National Heritage Areas	Environmental	National Parks and Wildlife Services
Nation Inventory of Architecture and Heritage Buildings	Heritage	Department of Housing, Local Government, and Heritage
National Fluvial Flood Extents High End Scenario	Flood Risk	Office for Public Works
Railway Lines	Transport	Transport for Ireland
Railway Stations	Transport	Transport for Ireland
Rivers and Streams	Environmental	Environmental Protection Agency
Road Network	Transport	Transport Infrastructure Ireland
Site and Monuments of Record	Archaeology	National Monuments Service
Special Areas of Conservation	Environmental	National Parks and Wildlife Services
Special Protection Areas	Environmental	National Parks and Wildlife Services
Urban Areas	Settlements	Tailte Eireann

3.2 Land Sieve

The first phase of the GIS model was the sieving of land. A land sieve refers to the process of exclusion whereby the parameters of exclusion are defined by the user. For this report the search criteria acted as the parameters of exclusion for the initial land sieve. Thereby, only parcels that were equal to or larger than 4ha in size and within 1000m of the stations of Malahide, Donabate, Rusk and Lusk, Skerries, Balbriggan, Gormanston, Laytown, and Drogheda were included in the analysis. This process reduced the list of potential sites to 115. The results of the land sieve were reviewed against the development plan zoning designations of Final County Council, Meath County Council, and Louth County Council. Parcels that were within land use zone designations which aim to conserve the natural amenity of an area were removed. This reduced the list of parcels to 54, these parcels were then used in the second phase of the GIS model.

3.3 Quantitative Assessment of Parcels

The second phase of the GIS model entailed a series of sequential geo-processes which attributed information to each sieved parcel based on its proximity to flooding, environmental, and heritage constraints. The proximity analysis consisted of two parts, the first was a coverage analysis and the second was a nearest analysis. The coverage analysis calculated what area of a parcel overlaps with the extents of layers representing Special Areas of Conservation (SACs), Special Protection Areas (SPAs), National Heritage Areas (NHAs), Sites and Monuments of Record Zones (SMR Zones), coastal flood risk areas, fluvial flood risk areas, 15m buffer area from rivers or streams, and the non-developable area. The nearest analysis calculated nearest straight line distance between a parcel and the closest railway station, SAC, SPA, NHA, and urban area.

These geo-processes allowed for additional values to be derived, these values included net developable area and the potential housing yield for each parcel. The net developable area value was calculated by subtracting the total non-developable area from the total area of a parcel. Then, the result of that subtraction was multiplied by 60% which represented the proportion of the developable area that is available for the construction of dwellings. The potential housing yield value was calculated for each parcel by multiplying the net developable area by the accessible location density of the closest settlement as sourced from 2024 guidelines. The potential housing yield value is purely indicative and serves to illustrate the potential yield of dwellings without accounting for the complexities of site-specific factors which could reduce the housing yield of a site. Therefore, the potential yield value was considered within the results per station but not per parcel.

3.4 Qualitative Assessment of Parcels

The qualitative assessment of parcels consisted of reviewing the planning history, noting the current land use designation, classifying the current land use, and determining the access to the existing road network. The review did consider ownership but it was found that none of the parcels fell under two

separate land registry envelopes. Therefore, it was discounted from the qualitative assessment.

The planning history for each parcel was reviewed by comparing the extent of a parcel to the planning application layer provided by the DHLGH. Only residential planning applications or appeals that have been granted or are still to be decided were considered relevant. Based on this review two parcels were identified with granted or active planning applications or appeals registered on them. These two parcels were subsequently removed from the list of parcels, which reduced the list of parcels to 52.

The land use designation for each parcel was identified. This process was complicated as the investigation spans across three different local authorities each with their own land use designation classes. For this reason, the classification of land use designations was simplified to the following: rural, white lands, residential, and new residential.

The current land use for each parcel was remotely sensed by reviewing the aerial photos provided by Bing Maps. Land use classification was done by reviewing the signs of human activity or inactivity on a parcel of land. The land cover classes were as follows: agricultural development, cultivated land, cultivated land/pastures, pastures, quarry, and sport field.

The access to the existing road network was remotely sensed by reviewing road network data sourced from Transport Infrastructure Ireland and aerial photos provided by Bing Maps. Road access classification was done by reviewing the proximity of a parcel to the type of existing road. The categories of access to the road network were as follows: no access to road network, access to regional road, and access to local road.

3.5 Reclassification of Quantitative and Qualitative Assessments

A single scale of measurement for the quantitative and qualitative values is required to enable a holistic assessment of the parcels. Furthermore, a single scale of measurement will enable this investigation to rank parcels by their aggregate score and thereby compare the results of parcels against each other. The tables below provide an overview of the reclassification of quantitative and qualitative values to a scale of 0 to 3, with 0 indicating the least suitable for TOD development and 3 presenting the most suited for TOD development.

Table 2: Non-Developable Area Reclassification

Original Value	Value
0% of total area	3
1%-25% of total area	2
25%-50% of total area	1
<50% of total area	0

Table 3: Accessible Location Density

Original Value	Value
100 dwellings/ha	3
80 dwellings/ha	2
25 dwellings/ha	1

Table 4: Net Developable Area

Original Value	Value
>44% of total area	3
22%-44% of total area	2
<22% of total area	1

Table 5: Distance to Nearest SPA

Original Value	Value
>5001m	3
1001m-500m	2
1m-1000m	1
0m	0

Table 6: Distance to Nearest SAC

Original Value	Value
>5001m	3
1001m-500m	2
1m-1000m	1
0m	0

Table 7: Distance from Station

Original Value	Value
0m-250m	3
251m-500m	2
>500m	1

Table 8: Land Use Designation

Original Value	Value
Residential/New residential.	3
White lands	2
Rural	1

Table 9: Current Land Use

Original Value	Value
Pastures	3
Cultivated land/Pastures	2
Cultivated land	1
Agricultural development, quarry, and sport field	0

Table 10: Access to Road Network

Original Value	Value
Access to local road	3
Access to regional road	2
No Access to road network	0

Once all the quantitative and qualitative assessment were reclassified a weighted average was calculated. A mean suitability score was calculated used but it did not accurately reflect the importance of factors such as parcel size, distance to station, and the land available for development. Therefore, each of the factors was assigned a weight representing its importance to a TOD. The weightings applied are presented in Table 11. The weighted results will serve as the basis for ranking parcels according to their suitability for TOD.

Table 11: Suitability Weightings

Original Value	Weight
Non-Developable Area	15%
Accessible Location Density	5%
Net Developable Area	30%
Distance to Nearest SPA	5%
Distance to Nearest SAC	5%
Distance from Station	25%
Land Use Designation	5%
Current Land Use	5%
Access to Road Network	5%
Total	100%

4. Results

The results of the analysis are presented at two scales. The broader scale results are summary statistics for each of the stations along the DART+ Coastal North line. The second is a review of the parcels with top ten weighted suitability scores. The purpose of presenting the results in this format is to highlight the development potential for a station as a whole and best performing parcels per station.

4.1 Results by Station

The summary statistics for the 52 parcels around six of the eight stations are presented using three metrics. Only six stations are discussed as Malahide and Balbriggan did not return any parcels from the review of the initial land sieve. The first metric is the number of parcels that are 4ha or larger in size and within 1000m of a station. From Figure 2 it is evident that the station of Rush and Lusk has the largest number of parcels at 22. Inversely, the stations of Drogheda and Donabate were tied for having the least number of parcels with 3 each. Furthermore, more than half of the parcels around the station of Rush and Lusk were located within the 500m of the station.

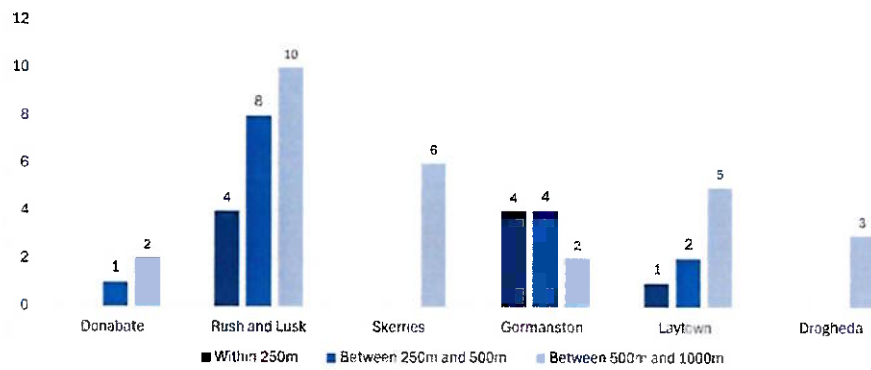


Figure 2: Total Parcels within 1000m of Stations

The second metric considered in the assessment of the results by station is the net developable area. Net developable area provides an indicative representation of the development potential of the parcels within 1000m of a station. The station of Rush and Lusk recorded the largest total net developable area with 112ha in total (Figure 3). Whilst the station of Drogheda recorded the lowest net developable area with 9.6ha (Figure 3). The prominence of Rush and Lusk regarding the net developable area is underlined by that it accounts for more than a third of all net developable area across the six stations. Furthermore, Rush and Lusk also recorded the largest net developable area figure (56.2ha) within 250m of any station.

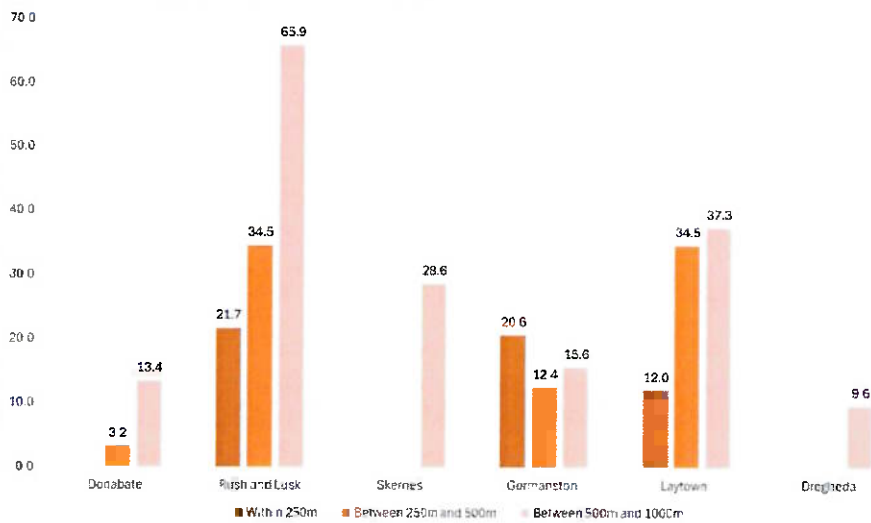


Figure 3: Total Net Developable Area by Station

The final metric that was considered is the potential housing yield by station. This metric uses the net developable area and the accessible area density of a settlement to estimate the total number of houses that could be built per hectare of net developable area. Figure 4 shows that the station of Rush and Lusk recorded the highest potential housing yield with 9,763 units. Whilst the lowest figure was recorded by Drogheda with 963 units. The short-term development potential of Rush and Lusk is evident from the 1,734 potential housing units within 250m of the station. This figure was more than the

potential housing units within 250m of Gormanston and Laytown stations. Furthermore, the total number of potential housing units for Rush and Lusk represented close to 50% of the potential housing units across the six stations.

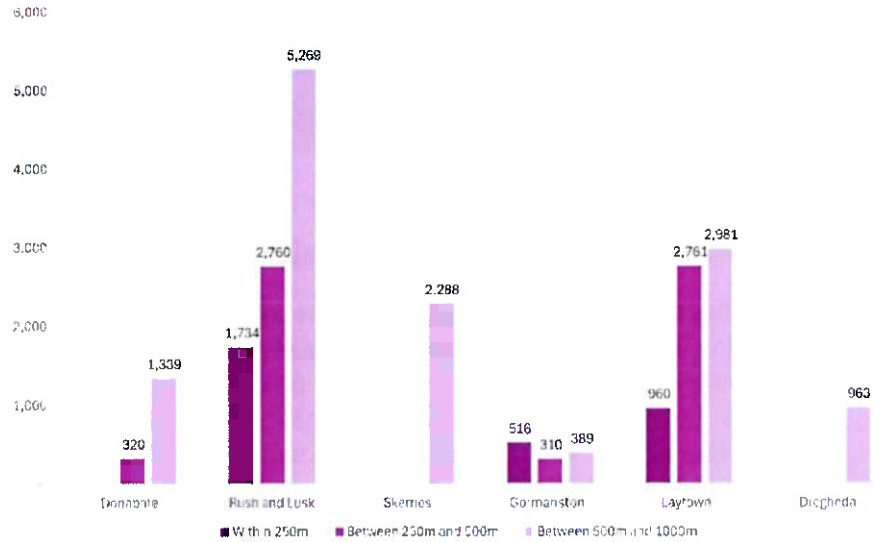


Figure 4: Total Potential Housing Yield by Station

The review of the three metrics illustrates the development potential of the area within 1000m of the station of Rush and Lusk. In the case of each metric reviewed Rush and Lusk outperformed all the other stations. The only other station that could compete is Laytown but it only has 1 suitable parcel within 250m of the station. In contrast, Rush and Lusk have 4 parcels within 250m of the station. Therefore, Rush and Lusk represent both the best short term and long-term development opportunity of all the stations on the proposed DART+ Coastal North service.

4.2 Results by Parcel

The weighted score for each parcel was ranked and only the top ten parcels will be discussed by station in this section. In cases where parcels had the same weighted score the mean score was used to break the tie. However, if parcels had both the same weighted score and mean score, they were assigned the same ranking. The in total 14 parcels were ranked within the top ten and were located around the stations of Donabate, Rush-and-Lusk, Gormanston, and Laytown.

Donabate Station

One parcel was ranked within the top ten for the station of Donabate and the parcel had the 3rd highest ranking (Figure 5). The land use zoning designation of this parcel is residential; therefore, this parcel is already earmarked for residential development within the current development plan of Fingal County Council (Figure 5). The parcel surrounding Donabate station has the right zoning and is within the existing settlement boundary of Donabate, which increases the likelihood of this parcels being granted planning

permission and ultimately developed. However, this is the only parcel surrounding Donabate station that was highly ranked. This indicates that the area as a whole is not suited for a TOD that could deliver at scale.

To note, the large parcel of land to the south of the station was returned as part of the initial land sieve but the review of planning history found that there are numerous planning applications and appeals lodged on the site (Figure 5). One of these appeals is active and under consideration by An Bord Pleanála. Therefore, this parcel of land was not included in the final review.

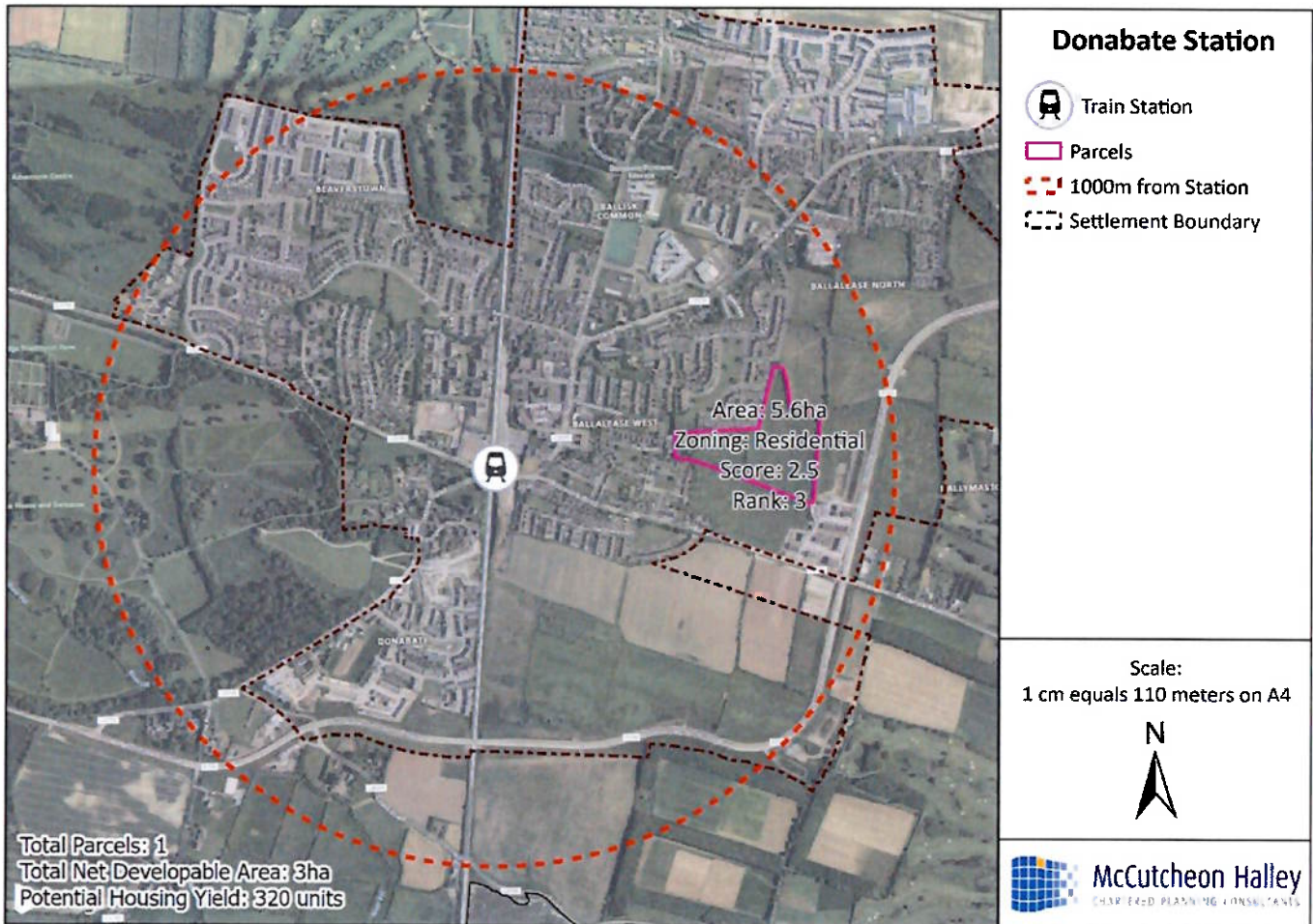


Figure 5: Top Ten Parcels within 1000m of Donabate Station

Rush and Lusk Station

The station of Rush and Lusk had a total of nine parcels that scored a weighted score within the top ten (Figure 6). Three of the nine parcels were ranked 1st, 2nd and 4th, with two of the highest ranked parcels located to the east of the station adjoining one another (Figure 6). Furthermore, the parcels ranked 1st and 4th are under the same ownership (Figure 6). None of the parcels surrounding the station of Rush and Lusk are within an existing settlement boundary nor are these parcels zoned for residential. These regulatory factors notwithstanding, the large number of parcels with high suitability scores indicate that the area surrounding the station of Rush and

Lusk is well suited for a TOD that can deliver at scale. Therefore, the area surrounding Rush and Lusk station would be an ideal location for the establishment of a special development area such as an Urban Development Zone (UDZ) which are proposed within the draft General Scheme Land Value Sharing and Urban Development Zones Bill 2022. UDZs will allow for the demarcation of new urban development areas where it can be substantiated that an area has significant potential to transform the economic, social and the general development of a community.

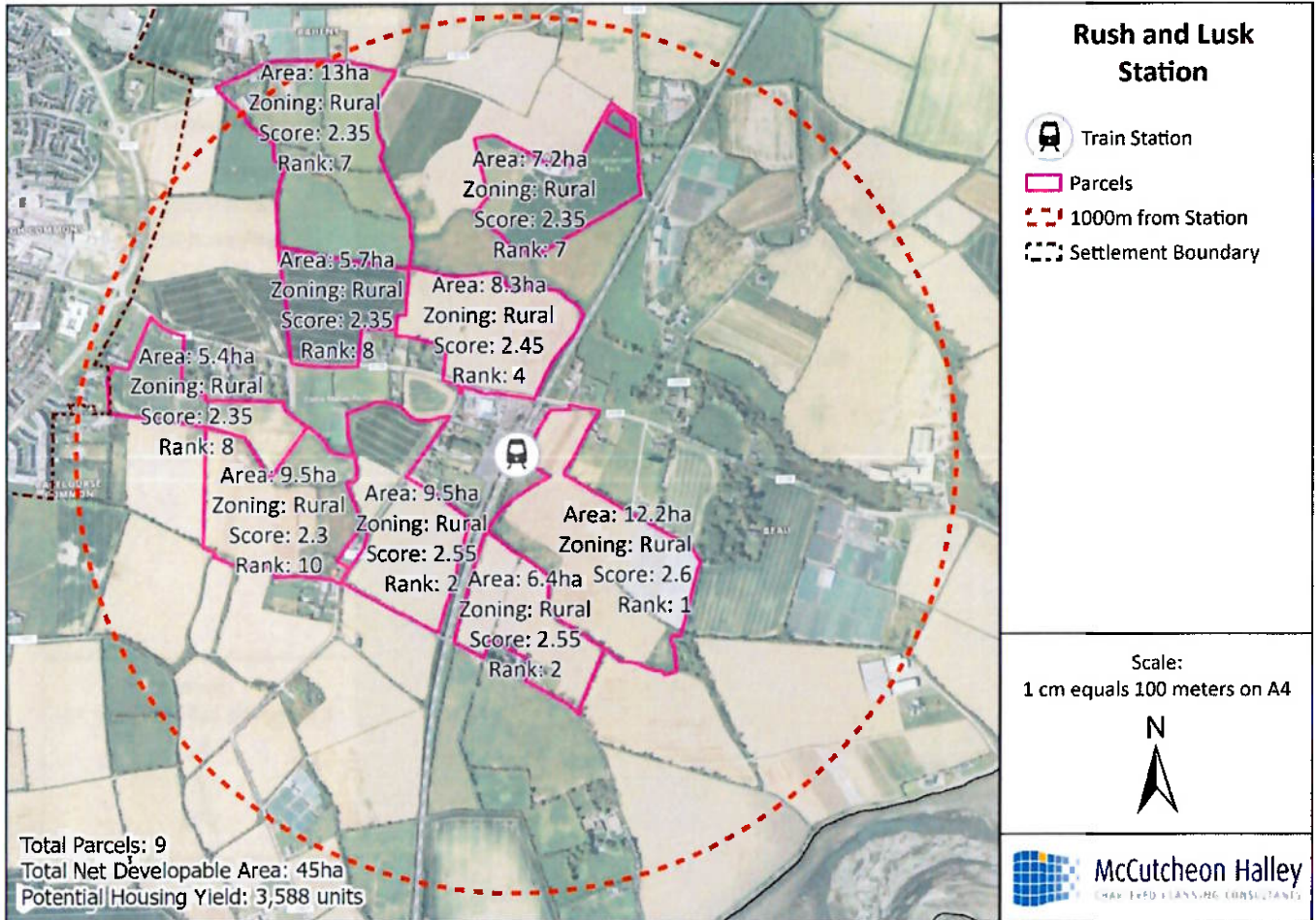


Figure 6: Top Ten Parcels within 1000m of Rush and Lusk Station

Gormanston Station

Three parcels were ranked within the top ten for the station of Gormanston, with the highest ranked parcel 5th and lowest ranked parcel 9th (Figure 7). The land use zoning designation of these parcels are all rural. Therefore, these parcels are not earmarked for residential development within the current development plan of Meath County Council (Figure 7). The parcels surrounding Gormanston station are not within the existing settlement boundary of Gormanston, which decreases the likelihood of this parcels being granted planning permission. These factors along with the proximity of

the station to the coast detract from the potential of Gormanston to serve as a location for a TOD.

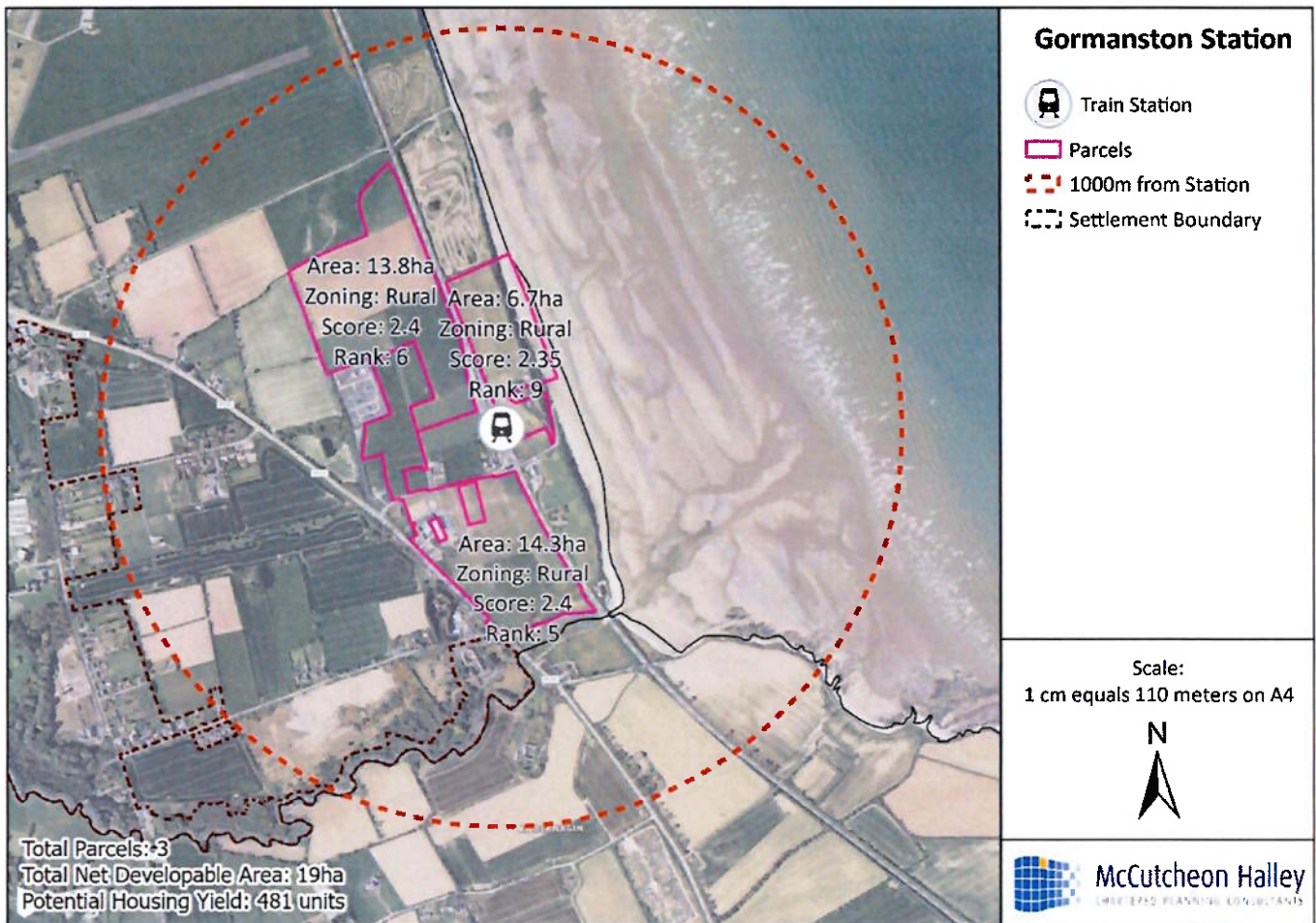


Figure 7: Top Ten Parcels within 1000m of Gormanston Station

Laytown Station

One parcel was ranked within the top ten for the station of Laytown and the parcel had the 5th highest ranking (Figure 8). The land use zoning designation of this parcel is rural; therefore, this parcel is not earmarked for residential development within the current development plan of Meath County Council (Figure 8). The parcel surrounding Laytown station is not within the existing settlement boundary of Laytown, which decreases the likelihood of this parcel being granted planning permission. However, this is the only parcel surrounding Laytown station that was highly ranked. This is indicative that both the parcel and the area a whole is not the suited for a TOD.

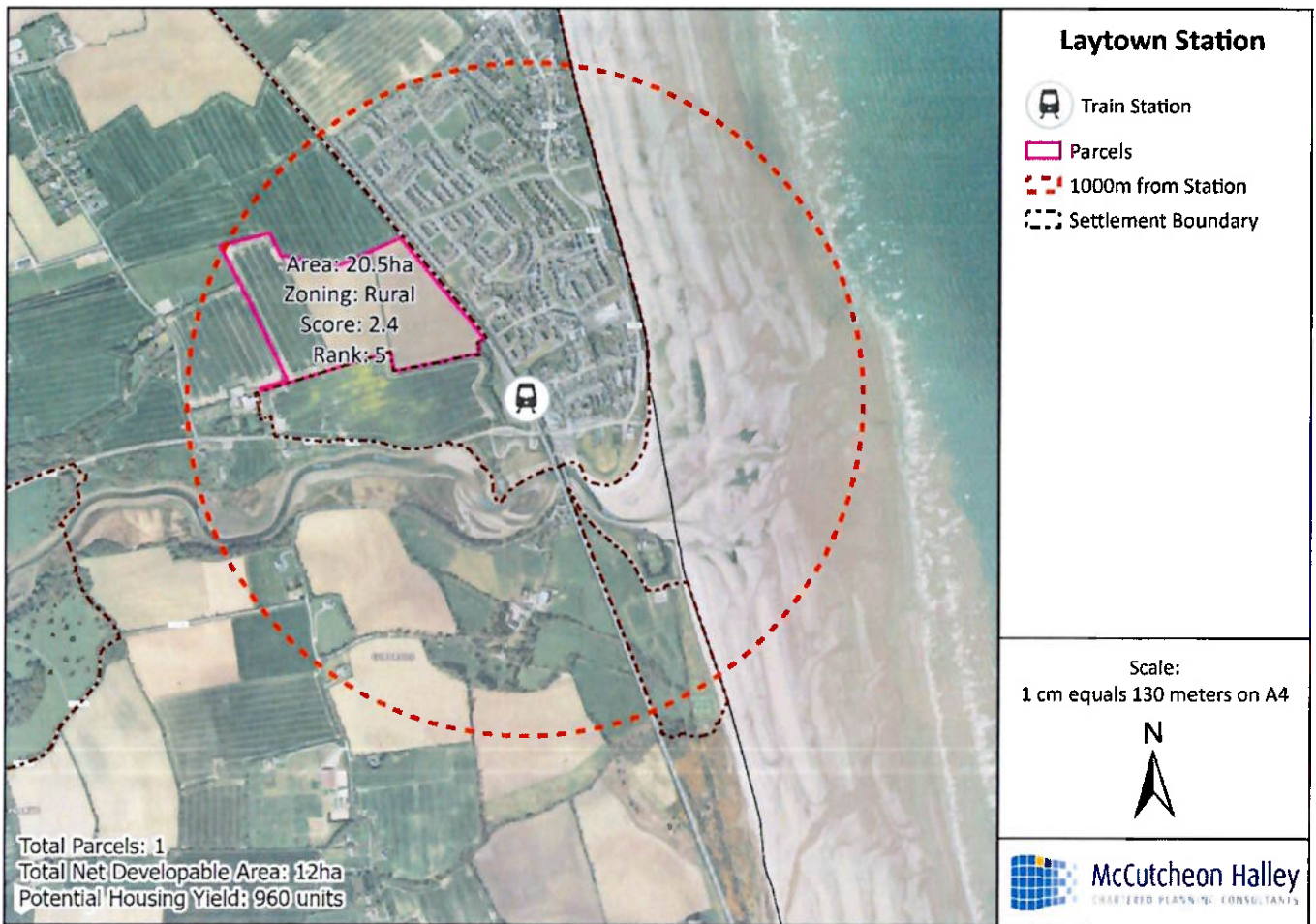


Figure 8: Top Ten Parcels within 1000m of Laytown Station

5. Conclusion

This report set out to review potential for TOD opportunities along the proposed DART+ Coastal North service. The rationale for the review highlighted how the increase in capacity along the DART+ Coastal North line will drive the demand for TODs. Based on a review of TOD studies the search criteria for sites were defined as parcels of land that area 4ha in size or larger and within 1000m of the stations. Using a GIS model the parcels that met this search criteria were sieved. Thereafter, a quantitative and qualitative assessment of the sieved parcels were done. The results of the assessments were reviewed by station and found that Rush and Lusk had the highest potential for a TOD. Furthermore, the results of the top ten ranked parcels shows that Rush and Lusk contained the largest number of top ten ranked parcels which included the highest ranked parcel.

Based on the above results, this report finds that the station of Rush and Lusk has the potential to serve as a TOD. The station of Rush and Lusk had both the largest number of parcels that met the minimum search criteria and of those parcels nine recorded a weighted suitability score which was within the

top ten scores. It is evident that there are limited TOD opportunities around the stations along the DART+ Coastal North line. Therefore, the areas surrounding stations on the DART+ Northern service that are suited for development need to be safeguarded to meet the current and future demand for housing.



6. References

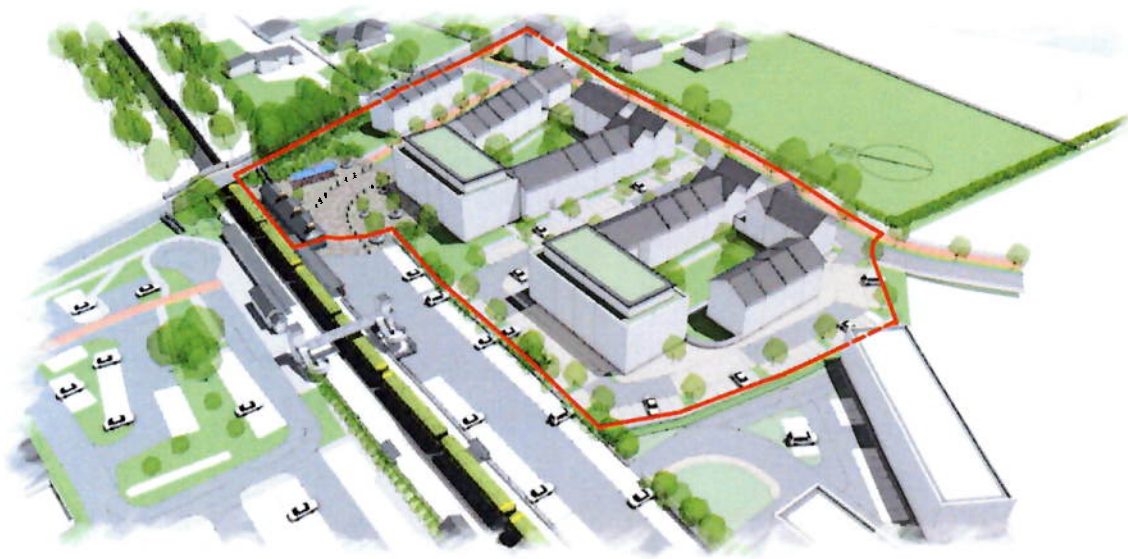
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FRAMEWORK MASTERPLAN
for
Development of lands
to the east of
Rush & Lusk Train Station

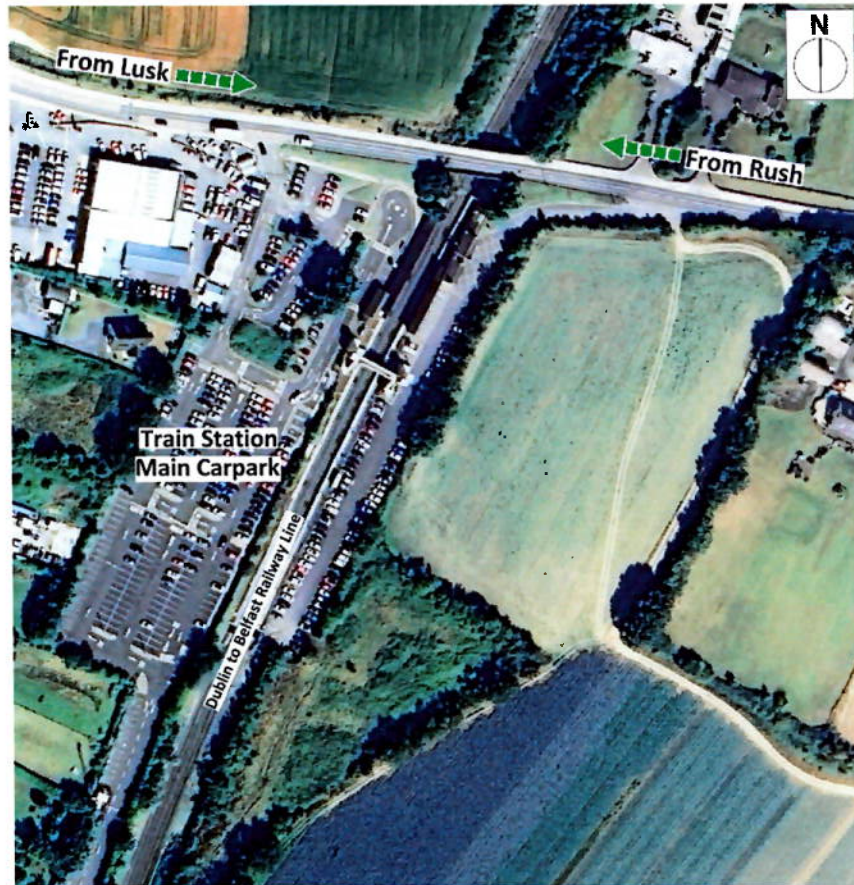
On behalf of : Alcove Ireland Three Ltd (AITL)

*this is Appendix 2 of the Report prepared by
McCutcheon Halley Planning Consultants :*

Submission to An Bord Pleanála by AITL
Observation on the Draft Railway Order submitted under
An Bord Pleanála Case Reference No. NA29N.320164

September 2024

PURPOSE OF THIS FRAMEWORK MASTERPLAN REPORT



(Source Google Maps)

Purpose of this Report

This report presents a masterplan framework for the station environs. Its purpose is to demonstrate the need for a person-centric environment around the east side of the station and its approaches. It presents a masterplan of this station-east area so as to demonstrate that this site can be developed to its full potential while incorporating the proposed CIE access route within a design-led, people-focused format without the need for a CPO.

Commentary

National policy, underlying the reason for the rail upgrade, is to increase the modal split in favour of public transport and travel by active means. Intrinsic to this approach is a high quality and safe public realm which encourages green modes towards the transport hub and associated civic spaces. This means pedestrian and cycle priority and excellent passive surveillance.

Table 3.8 of the Sustainable and Compact Settlement Guidelines defines *inter alia* a high capacity public transport node or interchange as one that includes DART services either existing or planned.

The CIE proposed entrance is engineered for large articulated trucks, has buildings pushed away, and risks establishing a hostile environment for people at the very place they should be prioritised.

While the rail upgrade is welcomed, this aspect of their proposal could seriously undermine the fundamental intent which is to increase sustainable travel, including active modes, and the creation of sustainable high-quality places. High quality environs at and leading to the station in the future should not be impeded by some early decision not fully thought through.

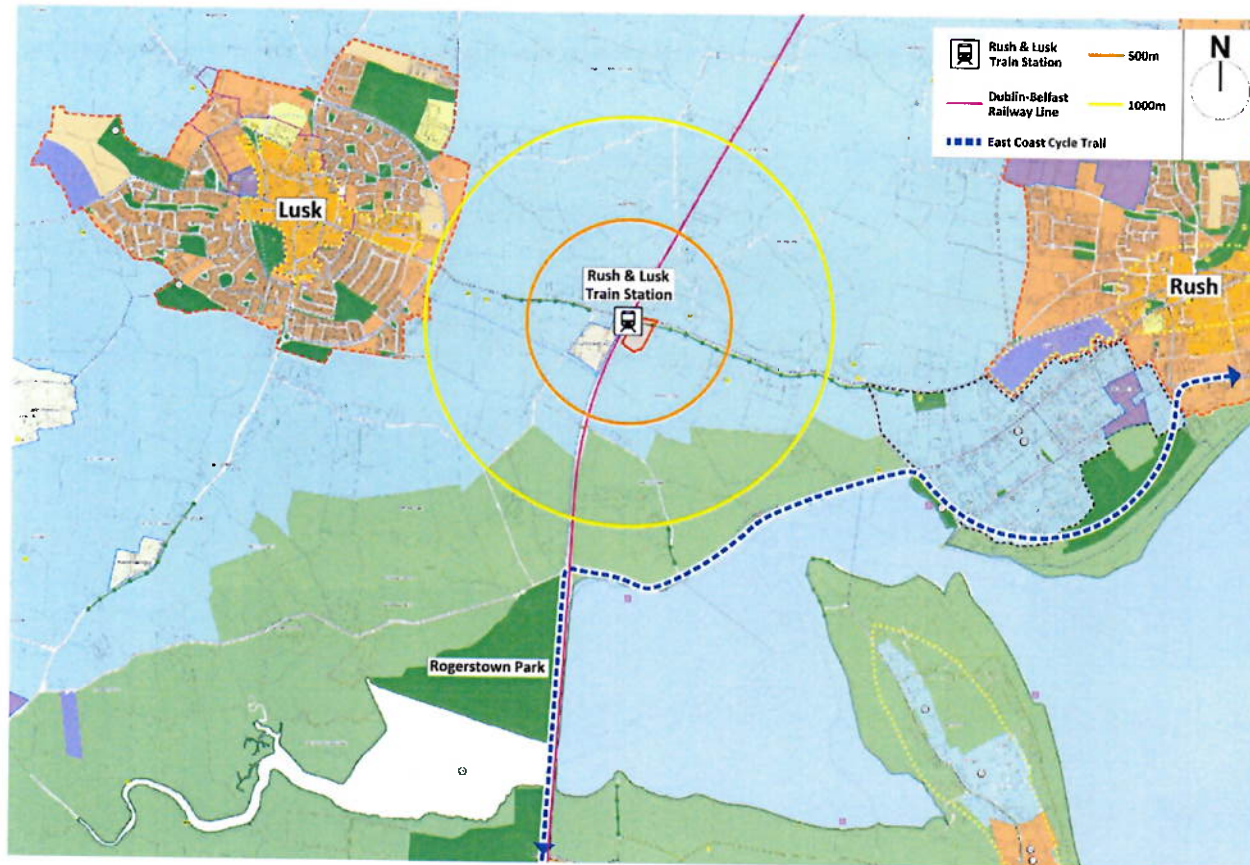
Format of this Report

This report first presents the context of this area on the east side of the Rush & Lusk train station in terms of its strategic and accessibility contexts. This follows with images of the immediate context around the train station.

Commentary on how the four key indicators of quality urban design and place-making of the Sustainable and Compact Settlement Guidelines should inform the development strategy of this site follows.

Lastly the report presents a masterplan layout of the east side of the train station and indicative 3D images to show how critical is the need for a civic street and public square environment for train passengers at this station.

STRATEGIC LOCATIONAL CONTEXT



Extract from Fingal Development Plan 2023-2029 Maps (Sheets 6 & 7)

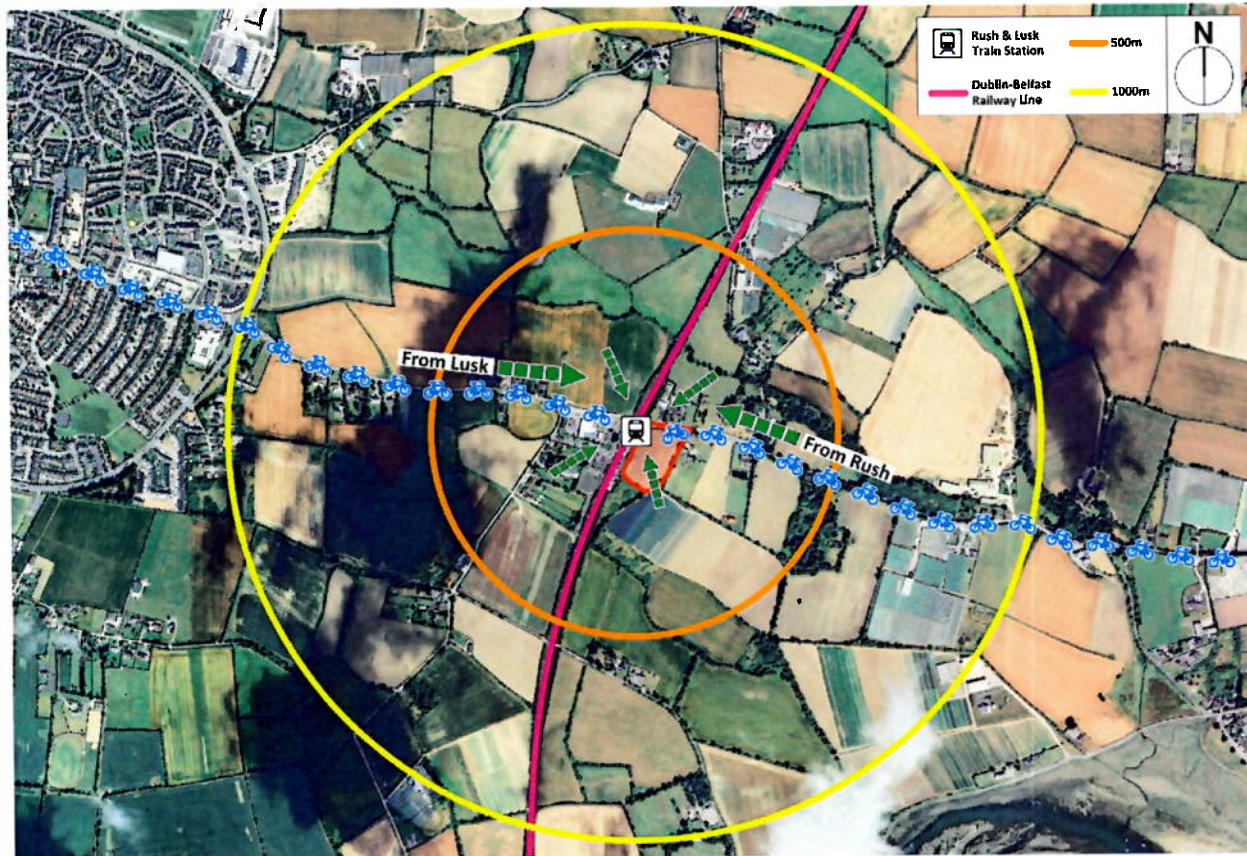
(Note: the red line area denotes the extent of the Framework Masterplan site, presented on pages 6 & 7)

The purpose of this diagram is to show the locational context of the station relative to the two towns of Lusk and Rush.

It can be seen from the diagram that Rush is further from the train station than Lusk (c.3.6km).

It confirms that this east (Rush) side of the track is a highly strategic development site that has the potential to be developed in the future as a civic transport interchange incorporating Transport Orientated Development (TOD) which has the original station building as its social focus.

The diagram also highlights the proximity of the two settlements and the train station relative to Rogerstown Regional Park to the south. This is a planned open space of c.48 hectares, the early phase of which has been completed. This is an already available amenity resource, which a resident population around the train station would benefit from.



Aerial view of environs of Lusk & Rush train station with isochromes identified

(Note: the red line area denotes the extent of the Framework Masterplan site, presented on pages 6 & 7)

(Source Google Maps)

The purpose of this diagram is to show the accessibility context of the train station using the 1 kilometre isochrome. The 500m isochrome is also mapped.

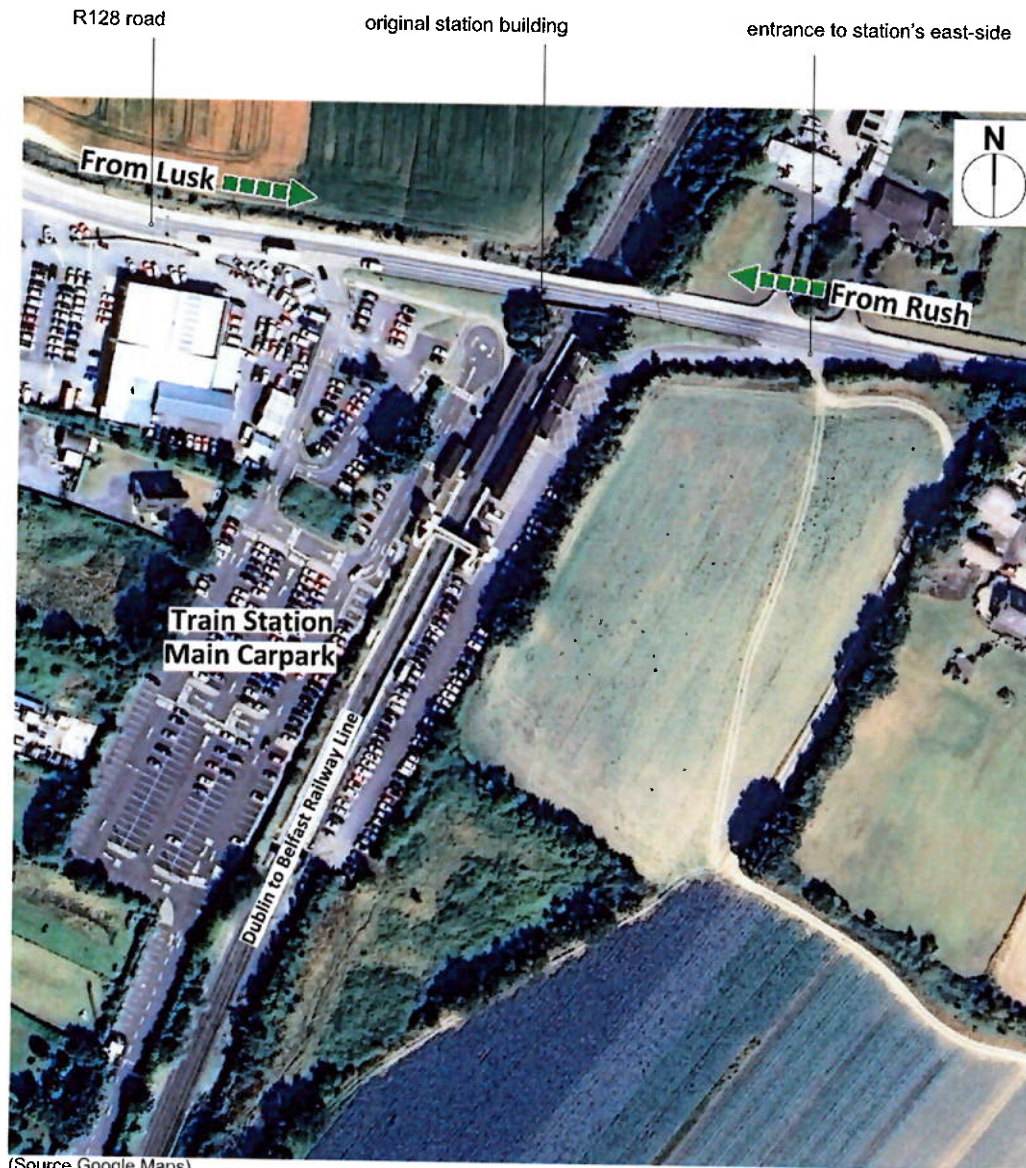
Lusk & Rush train station is accessible from each side of the track, with the original station building on the east side.

The primary footfall and cycle directions will be along Station Road (R128) from the east and west and also radially from within the four quadrants.

It shows how important is the road frontage of the site outlined in red for people travelling to the east side of the track which is the inbound (to Dublin) side of the railway line.

It is essential that any environment in this area have pedestrian and cycle priority with vehicles secondary consideration.

IMMEDIATE SITE CONTEXT



(Source Google Maps)

Lusk & Rush train station is accessible from each side of the track, with the original station building on the east side.

This aerial view of the Rush & Lusk train station shows that the main drop-off and station carpark is on the west side of the railway line. It shows that the original station building is on the east side, along with a small linear shaped car park. The triangular site to the south of this car parking is in CIE ownership and is proposed as the OHLE maintenance compound.

The topography of the area to the east of the station is to be noted. While the R128 road rises above the railway track at the bridge (it rises c.3m from the site's R128 entrance) there is also a drop of c.3m between the R128 entrance and the train station building.

In other words there is a long road frontage involved in entering the site and therefore there is a need for it to be civic and welcoming and a people-friendly and not a maintenance-vehicle dominated route.

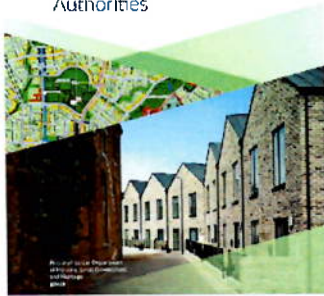


Rush & Lusk train station building on east side of railway

(Source Google Maps)



Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities



'The quality of the journey is important'

'Places need to be perceived as safe and not dominated by cars'.

The Sustainable and Compact Settlement Guidelines provide four key indicators of quality urban design and place-making that should inform the development strategy of any site, neighbourhood or settlement.

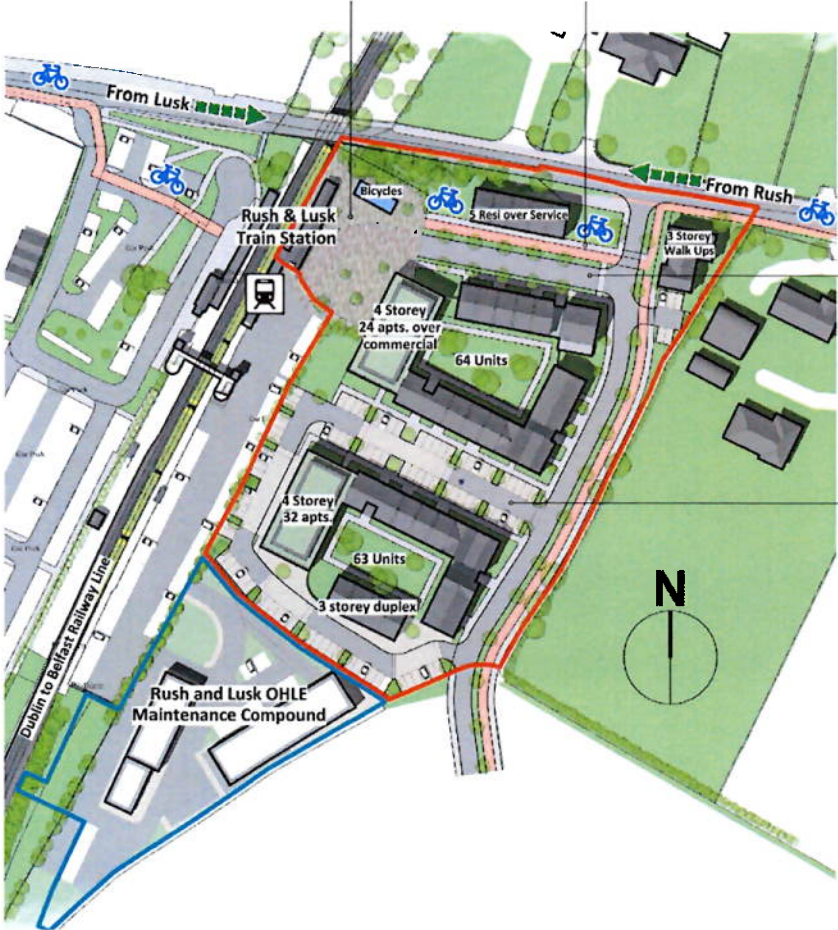
As per Table 3.8, this is a site at a high capacity public transport interchange.



- The entire intention of this key indicator is relevant to this site.
- Active travel should be prioritised through design measures that seek to calm traffic and create street networks that feel safe and comfortable for pedestrians and cyclists.
- Any development should optimise movement for sustainable modes (walking, cycling, and public transport). It should be easy to navigate.
- This key indicator highlights the need for high intensity mixed-use development at public transport nodes and interchanges – that responds in scale and intensity to the level of accessibility.
- Integration maximises the benefits of public transport.
- This key indicator highlights the need for good connectivity with and between green spaces and corridors.
- The site is close to the east coast cycle trail and Rogerstown Park. Any development of these lands should not preclude potential active travel connections towards these destinations from the east side of the train station in a manner that is safe and civic.
- This key indicator highlights the need for overlooking built form at the train station that entices more people to choose to access the train station by active means of travel.
- The greater frequency of the DART service will likely attract greater passenger numbers. During the winter or for early or late-night travel, it is essential that there is the feeling of safety for passengers when leaving or arriving at the station. An environment where there are lots of windows, front doors and balconies that allow a resident population to police a civic plaza and civic route down to the station building is essential.

Station Square as a traffic-calmed civic space with secure bicycle parking as a design feature within it

pedestrian & cycle greenway within a double-sided street space that provides good overlooking and active frontages



street approach to station has the historic building as its visual focus, responding to the local character

passive surveillance from all routes towards the station from a resident population

What is proposed is a high quality urban village setting surrounding this station with a high quality public realm supporting sustainable travel modes of accessing the train.

This masterplan framework demonstrates how key placemaking indicators could be achieved at Rush & Lusk DART station. They show the need for a civic plaza in front of the station that welcomes people arriving by foot and bicycle and implies that active travel is primary and vehicular traffic is secondary to the function of the space.

This masterplan indicates that it is critical that the route down into the station from Station Road (R128) be civic and welcoming. It needs to be lined by buildings in a double-sided street format in order to slow traffic down to the walking speed that is appropriate for passengers moving through the Station's Civic Plaza.

This masterplan shows that mixed residential use would provide a vital resident people presence at all times of the day and that this needs to be proximate to the train station and not be compromised by any CPO set-back.

Passive surveillance from buildings with active frontages would provide the necessary feeling of safety and comfort for rail passengers.

It can be seen from this masterplan scheme that the sustainability and design objectives of the Sustainable and Compact Settlement Planning Guidelines may be hard to achieve with the CIE proposed road as per the proposed CPO.

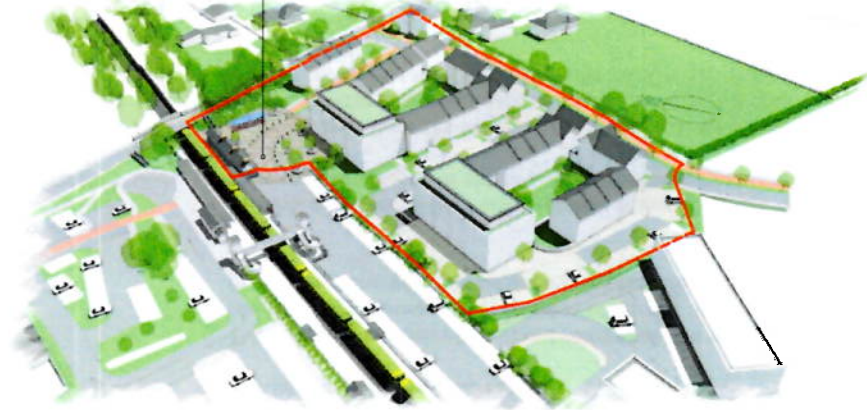
INDICATIVE BIRDS-EYE IMAGES OF FRAMEWORK MASTERPLAN

pedestrian & cycle greenway down to the station from the R128 needs to be a double-sided street space that provides good overlooking and active frontages and slows traffic down to a walking speed



Indicative Birds-eye View of the masterplan scheme from the south-east

Station Square needs to be as a traffic-calmed civic space with secure bicycle parking as a design feature within it, lined with residential buildings over ground floor shops and services providing active frontages



Indicative Birds-eye View of the masterplan scheme from the south-west