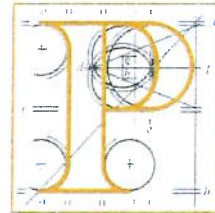


Our Case Number: ABP-320164-24

Your Reference: Cairn Homes Properties Limited



An
Bord
Pleanála

Declan Brassil and Company Limited
Lincoln House
Phoenix Street
Smithfield
Dublin 7
D07 Y75P

Date: 05 November 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,


I have been asked by An Bord Pleanála to refer further to our letter to you dated 9th October, 2024 in relation to the above-mentioned case.

As the affected landowner, you are not required to pay any associated fees; therefore, a cheque for the money lodged will be sent to you under separate cover.

Additionally, we confirm that your **initial submission has been accepted and is on file**, and the second submission is enclosed with this letter.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board at laps@pleanala.ie.

Yours faithfully,


Aisling Reilly
Executive Officer
Direct Line: 01-8737131

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA
LDG- _____
ABP- _____
20 SEP 2024
Fee: € _____ Type: _____
Time: 13.55 By: HAND

[BY HAND]

20 September 2024

Re: Submission in respect of an Application by Córas Iompair Éireann (CIÉ) for a Railway Order for DART+ Coastal North [2024]
An Bord Pleanála (ABP) Ref. NA29N.320164

Dear Sir/Madam,

This submission is made on behalf of Cairn Homes Properties Ltd (Cairn Homes), 45 Mespil Road, Dublin 4, D04 W2F1 in respect of the application for approval made by CIÉ for the DART+ Coastal North Project under the Transport (Railway Infrastructure) Act 2001, as amended (the '2001 Act').

Cairn Homes has recently acquired lands previously owned by Aledo Donabate Ltd. at Corballis East, Donabate, Co. Dublin (see Figure 1 below). These lands are subject to extant planning permissions under FCC Reg. Ref. F20A/0204 (ABP-308446-20) and LRD0017/S3 for a total of 1,074 no. residential dwellings, associated local facilities, site and development works. Development has commenced in respect of FCC Reg. Ref. F20A/0204 (ABP-308446-20) and commencement under LRD0017/S3 is imminent.

The DART+ project runs along the western boundary of both permitted developments. This submission sets out the impact of the proposed DART+ project on the implementation of the permissions on the Cairn Homes lands, and the impact of the implemented permissions on the proposed works and easements proposed to accommodate the DART+ project.

Having regard to the nature and extent of the identified impacts, alternatives to the proposed easements are identified. The proposed alternatives obviate potential impacts on the construction and operation of the permitted developments and achieve fully the objectives of the easements for the DART+ project in a mutually beneficial manner.

In this regard, Cairn Homes acknowledges the potential contribution the DART+ Coastal North project to sustainable transportation, climate change and adaptation objectives, and to the communities it will serve. Cairn Homes supports the proposed development and will proactively engage with CIÉ to ensure that works affecting its lands required under the Railway Order can be completed in a manner which also facilitates the timely delivery of permitted residential developments.

Directors:
Declan Brassil &
Sharon Gorman

Reg No.:
329512

1. Site Context & Background

The lands controlled by Cairn Homes comprise approximately 43ha and form two separate parcels. The northern parcel is located immediately south of Main Street, Donabate, and extends south to the Donabate Distributor Road (DDR). The southern parcel extends from the DDR southwards to a local road, Corballis Cottages Road. The rail line forms the western boundary of both land parcels.

Figure 1: Extent of Lands Controlled by Cairn Homes at Corballis East [Indicative Boundary outlined in blue]



The lands benefit from the following extant planning permissions:

F20A/0204 (ABP PL06F.308446) (Phase 1): ABP granted permission on 6 September 2021 for development comprising the development of 54 no residential units, 3 no. retail units, public open spaces, upgrades to the public road, reconstruction of the existing car park serving Smyths Bridge House (a Protected Structure), upgrade of the existing entrance onto Main Street, internal access roads, water services including a pumping station, surface water attenuation tank and detention basin, public lighting, 1 no. ESB substation and utilities.

Development has commenced on site in respect of this Phase 1 permission.

LRD0017/S3 (LRD Permission): Fingal County Council (FCC) granted permission on 4 April 2024 for development comprising 1,020 no. dwellings; 2 no. childcare facilities; a Local Centre (comprising 3 no. retail units; 2 no. café units, a community use unit and medical centre), Corballis Nature Park; new vehicular access from the Donabate Distributor Road (DDR) and New Road; modifications to permitted Phase 1 (F20A/0204 (ABP PL06F.308446)), together with all associated site and development works.

The permitted residential development, local centre and main built elements are all located to the north DDR and are referred to as the 'Main Development site'. The lands to the south of the DDR comprise the proposed Corballis Nature Park and referred to as the 'Nature Park site'.

Commencement of development under this LRD permission is imminent.

It is noted that development permitted under LRD0017/S3 included lands along the DDR under the control of Fingal County Council (FCC). These lands were included to provide landscaping works along the DDR to successfully integrated both the residential development and the Nature Park into the surrounding context.

It is noted that the Design Team actively engaged with Irish Rail in relation to the development at Corballis East to agree key design principles to ensure that the construction of the development at Corballis East would not impact on the future delivery of the DART+ project.

Figure 2: Permitted Development [Site Layout for LRD Permission with extent Phase 1 indicated]



2. Understanding of Impacts on Cairns Landholding at Donabate

From review of the Book of Reference and the corresponding Railway Works Plans it is noted that there are some inconsistencies and/or lack of clarity as to the exact nature and extent of work affecting Cairn Homes lands and the proposed interest to be acquired by CIÉ.

In this regard, all references to Aledo Donabate Ltd. lands¹ included in the Second Schedule of the Book of References are reproduced at Table 1 below and the extract from Property Plan No. 15, which illustrates the location of the relevant Property Plan References, has been included at Figure 3 below.

Table 1: References to Aledo Donabate Ltd. Lands at Corballis East in Second Schedule

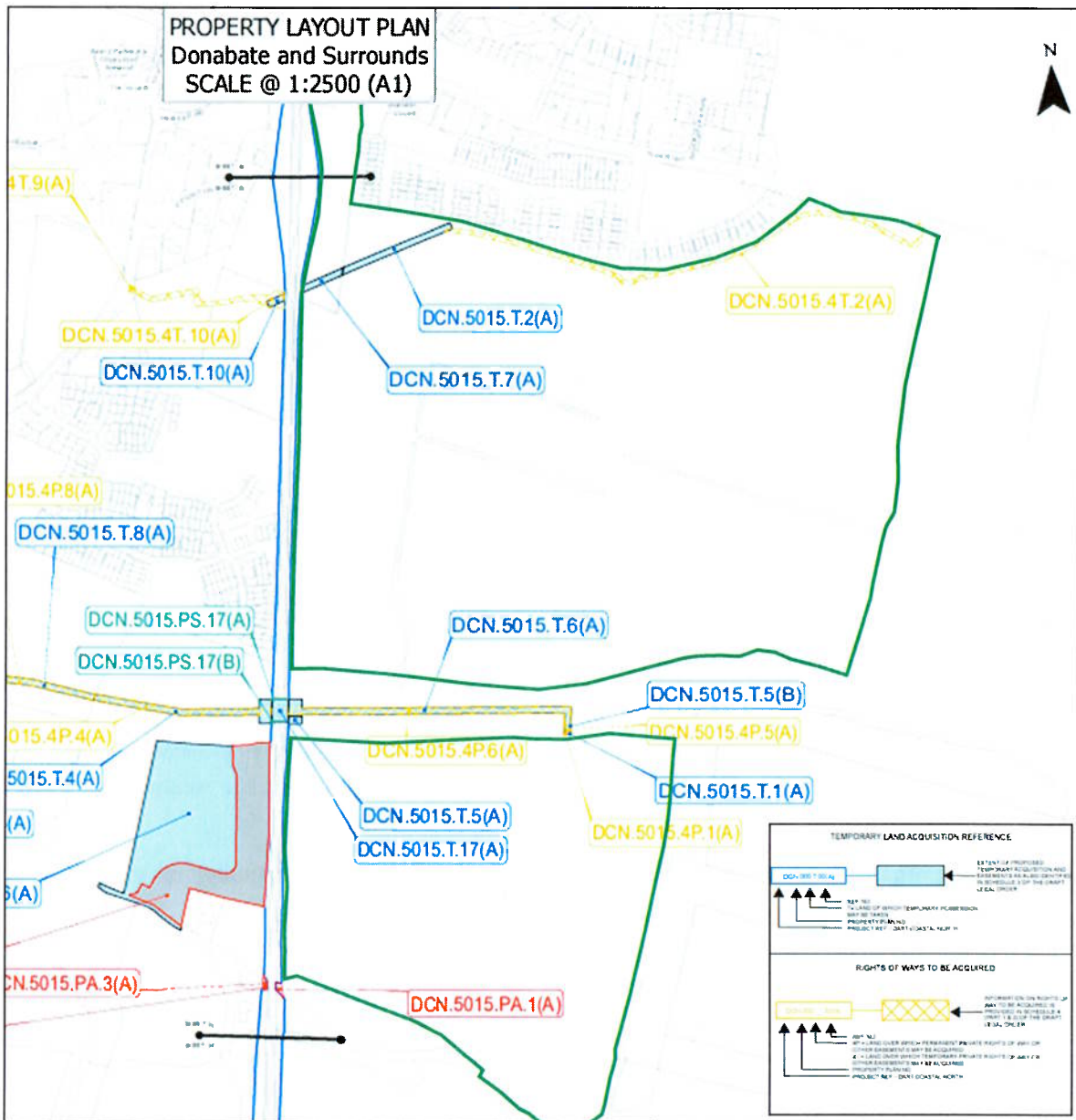
Book of Reference – Second Schedule (Part 3)		
Property Plan Ref.	Interest to be Acquired	Works Layout
5015.PA.1(A)	Airspace which may be acquired	12/1 & 12/2
5015.T.1(A)	Temporary possession may be taken	12/1 & 12/2
5015.4P.1(A)	Private Right of Way or Other Easement (Permanent)	12/1 & 12/2
5015.T.2(A)	Temporary possession may be taken	12/1 & 12/2
5015.4T.2(A)	Private Right of Way or Other Easement	12/1 & 12/2
5015.T.7(A)	Temporary possession may be taken	12/1 & 12/2

It is noted that the Works Layout referenced in the Second Schedule relate to 12/1 and 12/2. From review of the Railway Work Plans (RO Book 1), it appears that works relating to lands at Corballis East are indicated on Work Plan No. 11. In this regard, it has been assumed that the reference to Works Layout 12/1 and 12/2 in the Second Schedule is a typographical error.

In the interests of clarity, the balance of this document uses the references included on Work Plan 11 and the corresponding references in the First Schedule of the Book of Reference.

¹ It is noted that Property Plan Ref. 5017PA.3(a) has been omitted from the list as this relates to lands proximate to Rogerstown Estuary and therefore does not form part of the Cairn Homes landholding at Corballis East. Accordingly, these lands do not form part of this submission.

Figure 3: Extract from Property Plan No. 15 [Indicative Property Boundary Outlined in Green]



From review of the above Property Plan References against Property Plan No. 15 (RO Book 2), it is evident that **5015.T.2(A)**, **5015.4T.2(A)** and **5015.T.7(A)** all directly relate to the portion of our Clients' property which is subject to extant permission for the delivery of residential development.

The three other entries **5015.PA.1(A)**, **5015.T1(A)** and **5015.4P.1(A)**² (shaded grey in Table 1 above) are located to the south of the permitted residential area proximate to the part of our Client's property which benefits from permission for a Nature Park. 5015.PA.1(A) relates to lands at Corballis Cottages Road which appear to be on lands outside the control of our Client. 5015.T1(A) and 5015.4P.1(A) relate to lands associated with the reservation along the DDR and are therefore considered to be outside the

² Works Layout Plan No. 11 identifies these works as Ref. 11.07 and Ref. 11.12 which are described in the First Schedule of the Book of References as 'Proposed railway electrification - includes railway signalling and communications infrastructure as well as installation of overhead electrification equipment' and 'Decommissioning and removal of existing overhead medium voltage power line to accommodate the electrification works as per 11.07, with diversion as per 11.13' respectively.

control of our client. It is our understating that all of these lands are within the control of FCC.

It is our understanding from the document submitted that the works and interests required under 5015.PA.1(A), 5015.T1(A) and 5015.4P.1(A) occur on lands outside the control of Cairn Homes and should they impinge on the area associated with permitted LRD development (LRD0017/S3), they are not of a nature or extent that interfere with the timely implementation of the Nature Park as permitted.

In this regard, this submission does not consider the works and interests to be acquired in respect of these lands any further. Notwithstanding, it is considered appropriate that CIÉ clarify the full extent of works at this location and confirms that they will not interfere with the timely delivery of the permitted LRD development.

Based on the foregoing, and for the purpose of this submission, it is assumed that the only interests proposed to be acquired on Cairn Homes lands relate to **5015.T.2(A)**, **5015.4T.2(A)** and **5015.T.7(A)** which transverse the northern portion of the Carin Homes landholding. From review of Work Plan No. 11, the corresponding reference is **11.14** which is described in the First Schedule as *'decommissioning and removal of existing overhead medium voltage power line to accommodate the electrification works as per 11.07, with diversion as per 11.13'*.

It is assumed that works detailed under 11.13, *'installation of a new underground medium voltage power line as a diversion to facilitate the removal of existing as per 11.14'*, will replace the overhead line to be removed, and therefore there are no future works associated with the interest to be acquired once the line is removed.

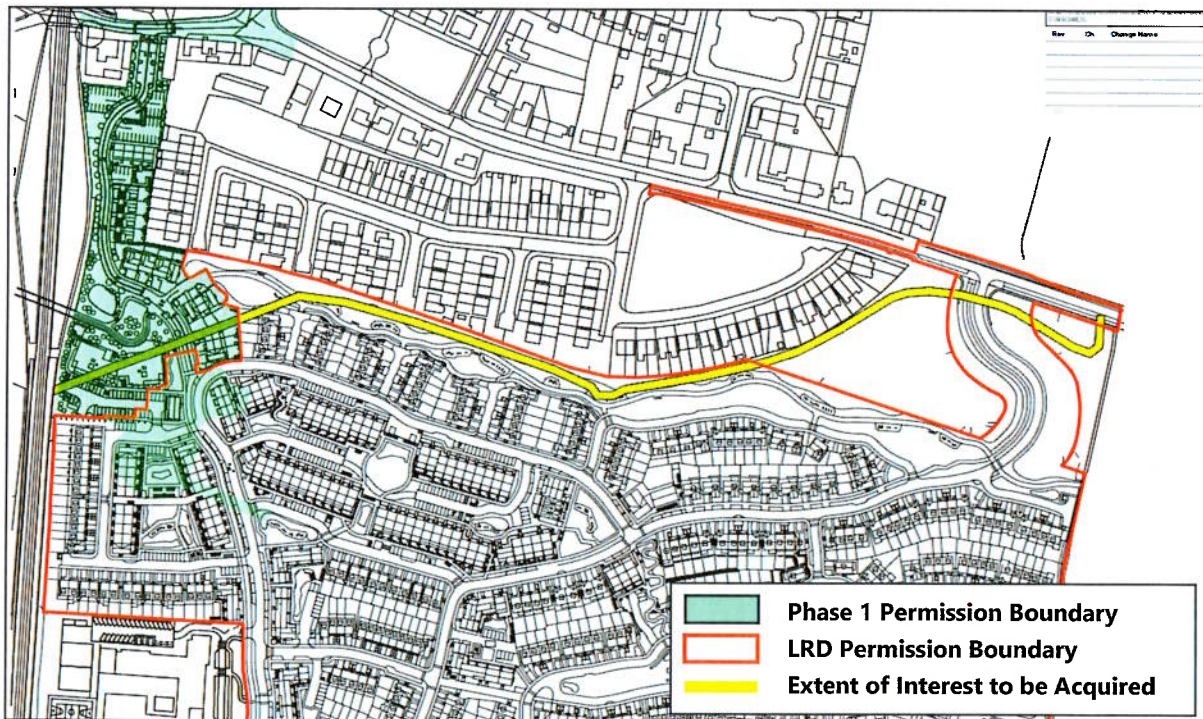
On this basis, it has been assumed that the proposed interests, 5015.T.2(A), 5015.4T.2(A) and 5015.T.7(A) are sought to facilitate the decommissioning and removal of an existing overhead medium voltage power line only, with no future works proposed or future access required.

Given the inconsistencies and lack of clarify in the submitted documents, it is requested that further clarification is sought from the Applicant to establish that the above understanding of the nature and extent of works proposed and the impact on our Client's landholding and the implementation of permitted development (LRD0017/S3) is correct.

3. Location of Interests to Be Acquired Incompatible with Local Planning Context

In relation to the interests to be acquired under 5015.T.2(A), 5015.4T.2(A) and 5015.T.7(A), all transverse the northern portion of the of Cairn Homes landholding and impact on the two extant permissions on the lands: Phase 1 Development F20A/0204 (ABP PL06F.308446) and the LRD Permission LRD0017/S3.

Figure 4 below overlays the cumulative impact of the interests to be acquired under 5015.T.2(A), 5015.4T.2(A) and 5015.T.7(A) on the Phase 1 and LRD permissions.

Figure 4: Proposed Interests to be Acquired Overlaid on Permitted Phase 1 & LRD Permissions

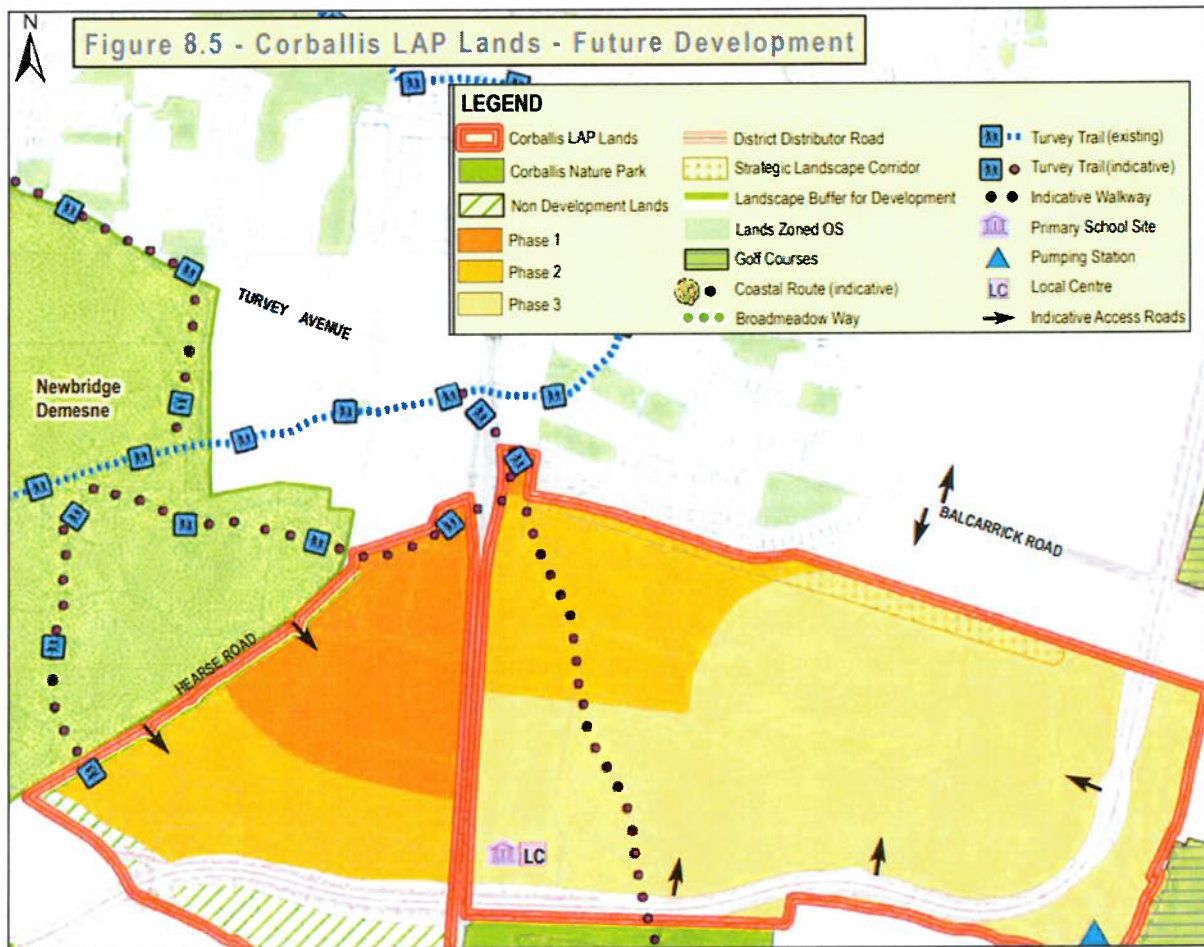
The permanent Right of Way (Ref. 5015.4T.2(A)) traverses the access road from New Road and runs the full extent of the permitted Linear Park to the north of the site. The Temporary Possession land acquisition (Refs. 5015.T.2(A) and 5015.T.7(A)) run through rear gardens and house footprints (permitted under the LRD permission) and the footprint of Apartment Block 4 as (permitted under the Phase 1 permission).

The Linear Park runs in an east-west direction along the northern boundary of the site. The permitted landscape plan provides for extensive tree planting within this park to provide visual screening of the existing development to the north and form an attractive backdrop for the proposed development when viewed from the Corballis Cottage Road and the Malahide Estuary to the south.

The Donabate Local Area Plan 2016-2022 (as extended) expressly requires the creation of a Strategic Landscape Corridor along the length of the 20m contour line ridge located to the south of the existing development at 'The Strand' (see Figure 5). The LAP provides that the Strategic Landscape Corridor is necessary along the length of this ridge, which provides an opportunity to develop a linear park running in an east-west direction, to appropriately views of the Corballis lands from the Estuary. The Linear Park and permitted landscaping scheme comprise that 'Strategic Landscape Corridor'.

Furthermore Objective 8.8 of the LAP requires that '*a strategic landscaping scheme shall be implemented on the lands at Corballis, in advance of any development within the area above the 20m OD line to mitigate / soften the visual impact of the existing houses at 'The Strand' and to provide a visual backdrop to proposed development within this area*'. In this respect, the phasing requirements of the LAP, requires that '*prior to any residential units in Phase 2 of the Corballis lands (East) being sold and occupied, the Strategic Landscape Mitigation Area running east to west across the Corballis East lands shall be implemented in accordance with an approved Landscape Plan*'. As above, the Linear Park and permitted landscaping were included in the application, and permitted, in accordance with, and to implement, these specific objectives.

Figure 5: Extract from LAP with Strategic Landscape Mitigation Area located along Northern Boundary



Accordingly, the Linear Park was a fundamental design feature in the layout and design of the LRD development. In accordance with the express requirements of the LAP, the permitted Linear Park provides a heavily planted buffer which runs in an east-west direction along the northern boundary of the site. A permanent right of way cannot be appropriately accommodated through this heavily planted strategic landscape area without significantly compromising the recreational and amenity use of the area and the planting mandated by the LAP objectives to provide visual screening and visual amenity.

The phasing permitted under the LRD Permission LRD0017/S3 requires the completion of the Strategic Landscape Mitigation Area running east to west across the northern boundary (the Linear Park) in the first phase of development. The delivery of the Linear Park is necessary in order for any of the units permitted under the LRD Permission to be sold or occupied. To this end, the LRD permission requires the early planting and establishment of the Linear Park, which is not compatible with the permanent right of way sought under the Railway Order and has the potential to seriously compromise the early delivery of permitted residential units in Donabate, and the use and enjoyment of that area.

Furthermore, the easements sought also impact on the construction of houses and Apartment Block 4 permitted under the Phase 1 permission. Development has commenced on the Phase 1 Permission. It is submitted that the provision of superfluous easements on these lands would adversely affect the development of the site and result in an unnecessary degree of uncertainty in the implementation of a commenced permission in full.

Based on the foregoing, the proposed interest to be acquired by CIÉ seriously compromise the ability to implement the permitted developments in accordance with their respective planning permissions, will have significant impacts on the timely delivery of housing on this strategically important site, and potentially compromise the amenity, visual and biodiversity functions of the permitted Linear Park and approved landscaping scheme.

4. Requested Alternative

As noted above, it is understood that that the works associated with the interests to be acquired relate to the *'decommissioning and removal of existing overhead medium voltage power line to accommodate the electrification works as per 11.07, with diversion as per 11.13'*.

It is noted that both the Phase 1 permission and the LRD permission provide for the removal of the overhead line in question and its appropriate diversion and undergrounding as part of the permitted development. In this regard, it is noted that Environmental Impact Assessment Report (EIAR) which accompanied the LRD application provides that all overhead power cables will be diverted and undergrounded as necessary by the Electricity Supply Board (ESB) as part of the development.

Accordingly, the works required under the Rail Order will be carried out as part of the implementation of planning permissions on the site by agreement with the ESB. Given that the development permitted under the LRD permission will be commenced imminently, these diversion works can and will be carried out pursuant to that LRD permission.

As such, the proposed diversion works, and the proposed easements that facilitate the works, do not now require to be included in the Railway Order.

Cairn Homes is obliged under the terms of the LRD permission to complete these decommissioning and diversion works in consultation with the ESB, and will engage with CIÉ to ensure that the works are completed in a manner that will facilitate the timely delivery of extant permissions on its lands and implementation of the Railway Order, if approved.

Accordingly, there is no requirement for any interest to be acquired by CIÉ in order to carry out the identified works required as part of the Railway Order, thereby avoiding unnecessary uncertainty and delay associated with the delivery of the permitted residential developments.

In the unlikely event that the Railway Order works are advanced prior to the decommissioning works being carried out under the extant LRD permission, then a Temporary Right of Way is proposed for agreement that would follow the permitted haul route³ associated with the Phase 1 and the LRD permissions as indicated in Figure 6, below. The permitted haul route follows the main north-south street of the LRD permission and does not interfere with early phasing requirements of the LRD.

On completion of the decommissioning and removal of the existing power line, there is no longer any requirement for CIÉ to retain any interest in the land and any such Temporary Right of Way will cease to have effect.

³ Haul road to serve Phase 1 permission from the DDR was permitted under F23A/0192. The haul road proposed as part of the LRD permission follows the same route, which is consistent with the main spine road associated with the permitted LRD.

Figure 6: Permitted Haul Route – Suitable Location for Temporary Right of Way in the event the Railway Order is Implemented in Advance of Phase 1 and/or LRD Permission



5. Conclusion

Cairn Homes supports the DART+ project and the implementation of the draft Railway Order, in a manner that facilitates: (a) the timely delivery of the permitted residential developments in accordance with those permissions: and, (b) the effective implementation of the Railway Order, if approved.

The draft Railway Order, as submitted, has the potential to unnecessarily and significantly impact on the implementation of permitted developments on the Cairn Homes lands.

In this regard, the Board is respectfully requested to undertake the following:

1. **Issue a Request for Further Information** seeking clarification from CIÉ in respect of the full nature and extent of works affecting lands within the control of Cairn Homes having regard to the inconsistencies in referencing noted above, to facilitate a fully informed assessment of the potential impact of the proposed works, and associated easements, on the timely implementation of developments permitted under FCC Reg. Ref. F20A/0204 (ABP-308446-20) and LRD0017/S3 is clarified.
2. **Omit from the Railway Order, if approved**, the easements associated with 5015.T.2(A), 5015.4T.2(A) and 5015.T.7(A) and works described under Ref. 11.14, as detailed in Schedule 1 of the Book of References, on the basis that they are unnecessary as they will be carried out as part of the implementation of FCC Reg. Ref. F20A/0204 (ABP-308446-20) and LRD0017/S3 in agreement with ESB and CIÉ, and the Right of Way is not consistent with the objectives of the Donabate LAP 2016-2022 (as extended), and compromises the permitted landscaping strategy that implements the objectives of the LAP.

It is submitted that this approach will ensure the continued implementation of permitted development at Cairn Homes lands, and the effective implementation of the Railway Order, if approved, and will ensure the proper planning and sustainable development of the area.

We trust that the Board will afford due regard to the matters raised in the enclosed submission and we look forward to a favourable outcome.

Yours faithfully,



Declan Brassil

Declan Brassil & Co.