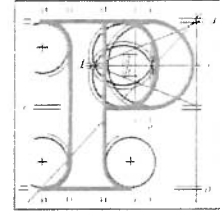


Our Case Number: ABP-320164-24

Your Reference: Xeolas Pharmaceuticals Limited



**An
Bord
Pleanála**

Ogier (Ireland) LLP
8-34 Percy Place
Dublin 4
D04 P5K3

Date: 31 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 and oral hearing request in relation to the above mentioned case. The contents of your letter have been noted.

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 relation to the matter 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

RA03

Teil (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

Subject: FW: CIE Railway Order for DART +Coastal North [OGIER-DUBLAW.FID57697]
Attachments: Letter Ogier to ABP 22 10 2024(9210661.1).pdf; Irish-Independent.pdf

From: John Hogan <John.Hogan@ogier.com>
Sent: Tuesday 22 October 2024 15:52
To: SIDS <sids@pleanala.ie>
Subject: CIE Railway Order for DART +Coastal North [OGIER-DUBLAW.FID57697]

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 Sirs

We act for Xeolas Pharmaceuticals Limited, a party whose lands are scheduled to be acquired/utilised under the draft Railway Order.

In accordance with the instructions contained in the attached advert, we attach our submission on behalf of our clients.

On a without prejudice basis our clients and their advisors (Avison Young) are in discussion with CIE and their advisors (Arup) to identify sensible alternative options.

You might please acknowledge receipt of the attached for our records.

Many thanks

John Hogan
Practice Partner

D: +353 1 632 3111



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www.ogier.com/legal-notice



BY EMAIL

An Bord Pleanála
64 Marlborough St,
Rotunda,
Dublin 1,
D01 V902

D: +353 1 632 3111

E: John.Hogan@ogier.com

Ref: JPH/SKN/431617.00001

22 October 2024

RE: DART + Coastal North Railway Order 2024 - Intended Application for Railway Order – Our client Xeolas Pharmaceuticals (property reference numbers: 5005 T.1(A), 5005 4T.1(A), 5005 4T.5 (A))

Dear Sir/Madam,

We refer to the above-mentioned application and wish to confirm that we act on behalf of Xeolas Pharmaceuticals Limited ("Xeolas").

Part of Xeolas property has been included in the proposed Railway Order – see property reference numbers: 5005 T.1(A), 5005 4T.1(A), 5005 4T.5 (A). The lands which DART North propose to temporarily acquire comprise the majority of the carpark and circulation area associated with the Xeolas production facility located at Baldoyle Business Park.

Xeolas produce pharmaceuticals regulated by the Health Regulatory Authority (HPRA) and legal requirements associated with licensed medicines and controlled drugs. Xeolas have since 2012 operated from Hamilton Buildings in Dublin City University. They have now outgrown the facility and acquired the subject premises in June 2023. Xeolas have fitted new bespoke manufacturing equipment and are in the process of transferring all staff to Baldoyle. There is currently 100 employed and this is projected to grow to 200 by 2027 as part of a multimillion, multiannual investment plan. The plant operated by Xeolas was formerly a major processing hub for Viatras

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Laura Holtham
Maria Edgeworth
Gavin Fitzgerald
Oisín McLoughlin
Oisín McClenaghan
Sarah Keenan
Niamh Lalor
Richard Kelly

pharmaceuticals, and had over 400 people working at peak. The Xeolas plans to re-establish and enhance the plant are well underway and will involve considerable further investment and recruitment. These plants are very rare and have specific, highly sensitive requirements.

Xeolas were not notified of the proposed temporary Compulsory Purchase Order, there has been a lack of consultation between DART North and Xeolas.

Xeolas were only made aware of the temporary acquisition when the application for Rail Order was served on the 10th July 2024.

We understand that the lands are required for the following;

“Establish a temporary Construction Compound to facilitate construction of a new SEB, station improvement, platform extension, turnback works and retaining wall. The compound is located outside of current CIE lands. Access shall be via the R123. Works will include fencing / hoarding and may also include site offices, welfare facilities, storage facilities and workshops as well as storage of certain construction plant and equipment required to carry out the works. Establish a temporary Construction Compound to facilitate station improvement, platform extension and turnback works. The compound is located outside of current CIE lands. Access shall be via the R123. Works will include fencing / hoarding and may also include site offices, welfare facilities, storage facilities and workshops as well as storage of certain construction plant and equipment required to carry out the works.”

In preparing the EIAR the selection process was flawed insofar as the ownership and use of the site by Xeolas was not considered or assessed and the occupation and use of the site by Xeolas was not properly interrogated or reviewed. This is especially concerning given the adjoining property is State owned and substantially underdeveloped, and could presumably be utilized in a much less impactful manner.

The impactor the Temporary Land Tale was assessed in Table 17-6 of Chapter 17 Material Assets, Non Agricultural Properties as follows

- Impact Rating – Low
- Significance of Impact – Slight
- Residual Effect – Imperceptible

22 October 2024

The above assessment is incorrect and erroneous as it does not consider the investment and use of the property by Xeolas. The proposed temporary acquisition by DART of the carpark and access will render the business unviable in so far as:

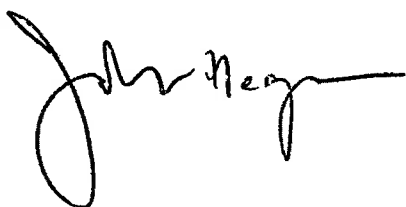
1. There will be no access for trucks which ship Xeolas goods and the area required for use by DART+ is in the line of container traffic to and from the warehouse, for which there is no alternative access plan proposed or available
2. There will be no parking for staff members in a location where public transport options are limited and little or no secure parking alternatives exist,
3. As Xeolas are a pharmaceutical company there is a huge emphasis on security and regulation which would be compromised as a result of the proposed acquisition, with the site being subject of extremely sensitive and important regulatory certification and approvals
4. The proposed acquisition would affectively landlock the facilities main source of fire protection; the water tank which is bound to the southern boundary of the site and is also bound by the proposed acquisition. This creates a health and safety issue for the operation of the facility.

The impact of the proposed acquisition will potentially result in the forced closure of a significant employer in the area and a multimillion cost to DART North.

It is the view of Xeolas that there are suitable alternative sites which could be used for the temporary compound etc required for the project, including adjoining lands which are undeveloped and would also benefit from adjoining the existing rail-line. Xeolas request that An Bord Pleana direct that the Xeolas lands (property reference numbers: 5005 T.1(A), 5005 4T.1(A), 5005 4T.5 (A)) are omitted from the Railway Order and that alternative sites be considered for the facility required.

If required, Xeolas can expand further on their submission at Oral Hearing.

Yours faithfully



John Hogan
Ogier (Ireland) LLP

An Bord Pleanála

An tAcht Iompair (Bonneagar Iarnróid) 2001, (Arna Léasú Agus Arna Ionadú). Fógra Maidir le hAguisín leis an gComhad Comhairliúcháin Reamharratais; ABP-320164-24

Iarratas ó Chóras Iompair Éireann ar Ordú Iarnróid i leith DART+ an Chósta Thuaidh [2024] Tag. ABP-320164-24

De bhun an fhógra nuachtáin a foilsíodh an 8 Iúil, 2024, tugtar fógra leis seo gur sainaitheodh mionearráid i ndoiciméid a cuireadh isteach leis an iarratas a cuireadh faoi bhráid an Bhoird Pleanála an 12 Iúil, 2024 ar Ordú Iarnróid i leith DART+ an Chósta Thuaidh [2024] tag. ABP-320164-24 (An líne thuaidh idir Lár Chathair Bhaile Átha Cliath agus Droichead Átha, lena n-áirítear Brainse Bhinn Éadaí). Chun iarratas ón mBord Pleanála a chomhlíonadh, tá leagan iomláin den chomhad comhairliúcháin réamharratais curtha faoi bhráid an Bhoird Pleanála ag Córas Iompair Éireann (CIÉ) agus tá sé seo curtha ar fáil aige ag na láithreacha taispeána poiblí thíosluaite. Mar gheall air seo, cuirfead síneadh leis an tréimhse le haghaidh aighneachtaí poiblí.

Aguisín a iniúchadh i ndáil leis an gcomhad réamharratais

Is féidir cóip den chomhad comhairliúcháin réamharratais ina iomláine mar aon leis an dréacht-Ordú Iarnróid bunaidh agus na doiciméid a ghabhann leis an iarratas, a fheiceáil ar: www.dartcoastalnorthrailwayorder.ie ón 9 Meán Fómhair, 2024.

Is féidir cóip den chomhad comhairliúcháin réamharratais ina iomláine, chomh maith leis an dréacht-Ordú Iarnróid bunaidh agus na doiciméid a ghabhann leis an iarratas, a iniúchadh saor in aisce le linn gnáthuaireanta oifige nó uaireanta oscailte ar feadh tréimhse ó seachtaine ó dháta foilsithe an fhógra seo sna háiteanna seo a leanas:

- An Bord Pleanála, 64 Sráid Mhaolbhríde, Baile Átha Cliath, D01 V902;
- An Rannóg Pleanála, Comhairle Cathrach Bhaile Átha Cliath, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8, D08 RF3F;
- An Rannóg Pleanála, Comhairle Contae Fhine Gall, Halla an Chontae, An Phríomhshráid, Sord, Contae Bhaile Átha Cliath, K67 X8Y2;
- Comhairle Contae Fhine Gall, Bóthar an Gharráin, Baile Bhlainséir, Baile Átha Cliath 15, D15 W638;
- An Rannóg Pleanála, Comhairle Contae na Mí, Teach Buvinda, Bóthar Bhaile Átha Cliath, An Uaimh, Contae na Mí, C15 Y291;
- An Rannóg Pleanála, Comhairle Contae Lú, Halla an Chontae, Ionad na Millaíse, Dún Dealgan, Contae Lú, A91 KFW6;
- Leabharlann Dhómhnach Míde, Ionad Siopadóireachta Dhómhnach Míde, Bóthar na Gráinsí, Baile Átha Cliath 13, D13 XW28;
- Leabharlann an Rois, Faiche an tSéipéil, An Ros, Contae Bhaile Átha Cliath, K56 ED9;
- Leabharlann Bhaile Brígin, Cearnóg Sheirse, Baile Brígin, Contae Bhaile Átha Cliath, K32 TW27;
- Leabharlann Dhroichead Átha, Sráid Thobar an Stoic, Droichead Átha, Co. Lú, A92 PY20;
- Iarnród Éireann Irish Rail, Stáisiún Uí Chonghaile, Sráid Amiens, Baile Átha Cliath 1, D01 V6V6; agus
- Oifig Tionscadail DART+ an Chósta Thuaidh, Oibreacha Inse Chór CIÉ, Paráid Inse Chór, Baile Átha Cliath 8, D08 K6Y3.

Doiciméid a Cheannach

Féadfar cóipeanna nó sleachta na na doiciméid a ghabhann leis an iarratas ar Ordú Iarnróid (lena n-áirítear Tuarascáil Mheasúnachta Tionchair Timpéallachta agus Ráiteas Tionchair Natura) a cheannach ar tháille nach mór ná costas réasúnach a bheadh ar doiciméid nó ar sleachta astu a chóipeáil ó: Oifig Tionscadail DART+ an Chósta Thuaidh, Oibreacha Inse Chór CIÉ, Paráid Inse Chór, Baile Átha Cliath 8, D08 K6Y3.

Féadfar iarratais cheannaigh den sórt sin a dhéanamh trí theagmháil a dhéanamh le: DARTCoastalNorth@irishrail.ie nó trí ghlaoch ar a chur ar (01) 233 4515.

Aighneachtaí i Scríbhinn

Is é an Bord Pleanála an t-údarás inniúil atá freagrach as an t-ordú a dheonú nó é a dhiúltú, ónár féidir faisnéis ábhartha a fháil agus ar féidir tuairimí nó ceisteanna a chur faoina bhráid. Breithneoidh An Bord Pleanála aighneacht ó aon duine ar choinníoll go gcuirfead an aighneacht sin isteach i scríbhinn laistigh de shé seachtaine ó dháta foilsithe an fhógra d'aguisín seo, agus táille €50 ina teannta (mura bhfuil aighneacht seolta agat cheana féin). Níl an táille seo iniúchta ag comhairleachtaí forordaithe áirithe nó ag daoine a bhfeadfaí a gcuid tailte a fháil faoin dréacht-Ordú Iarnróid.

Ní mór aighneachtaí a thaisceadh laistigh de shé seachtaine ó dháta foilsithe an fhógra seo d'aguisín, tráth nach déanai ná 5:30p.m. an 23 Deireadh Fómhair, 2024 agus ní mór iad a sheoladh chuig an mBord Pleanála, 64 Sráid Mhaolbhríde, Baile Átha Cliath 1, D01 V902 agus "Ordú Iarnróid le haghaidh "Ordú Iarnróid le haghaidh DART + an Chósta Thuaidh, 2024" marcáilte orthu. Is féidir aighneachtaí a dhéanamh freisin ar shuíomh gréasáin an Bhoird Pleanála ag an seoladh seo a leanas: <https://www.pleanala.ie/en-ie/observations>. Níl an táille seo iniúchta ag daoine a bhfeadfaí a gcuid tailte a fháil faoin dréacht-Ordú Iarnróid, agus is féidir tuairimí a sheoladh tríd an rómphost go (SIDS@pleanala.ie), tríd an bpost nó a sheachadadh de lámh go hOifigí an Bhoird Pleanála.

Éisteacht ó Bhéal

Féadfaidh an Bord Pleanála éisteacht ó bhéal maidir leis an iarratas ar Ordú Iarnróid a thionól dá lánrogha féin faoi at 42 den Acht.

Athbhreithniú Breithiúnach

Féadfaidh duine bailíocht chinneadh an Bhoird Pleanála a cheistiú ar mhodh iarratais ar athbhreithniú breithiúnach de réir at 47 agus at 47A den Acht agus faoi Ordú 84 de Rialacha na nUaschúirteanna, 1986 (arna leasú) (S.I. Uimh. 15 de 1986), arna leasú. Is féidir teacht ar eolas praiticiúil faoin gcóras athbhreithnithe faoin gceannteideal 'Foilseacháin - Fógra um Athbhreithniú Breithiúnach' ar shuíomh gréasáin an Bhoird www.pleanala.ie nó ar shuíomh gréasáin 'Faisnéis do Shaoránaigh' ar www.citizeninformation.ie

Arna sínú ag: Geraldine Finucane

Rúnaí an Bhoird, Córas Iompair Éireann, Stáisiún Heuston, Baile Átha Cliath 8
Arna dhátú an 6 lá seo de mhí Mheán Fómhair, 2024

Tá tuilleadh eolais ar fáil ó:

Guthán: (01) 233 4515
Tríd an bPost: Oifig Tionscadail DART+ an Chósta Thuaidh, CIÉ Iarnród Éireann, Oibreacha Inse Chór, Paráid Inse Chór, Baile Átha Cliath 8, D08 K6Y3.
Ríomhphost: DARTCoastalNorth@irishrail.ie
Suíomh gréasáin: www.dartcoastalnorthrailwayorder.ie

An Bord Pleanála

Transport (Railway Infrastructure) Act 2001 (As amended and substituted) Notice of Addendum in Relation to the Pre-Application Consultation File:

Application by Córas Iompair Éireann for a Railway Order for DART+ Coastal North [2024] ref. ABP-320164-24

Further to the newspaper notice published on 8th July, 2024, notice is hereby given that an error has been identified with the pre-application consultation file submitted with the Railway Order application to An Bord Pleanála on 12th July 2024, for DART+ Coastal North [2024] ref. ABP-320164-24 (Northern line between Dublin City Centre and Drogheda, including the Howth Branch). In compliance with a request by An Bord Pleanála, Córas Iompair Éireann (CIÉ) has submitted a full and complete version of the pre-application consultation file to An Bord Pleanála and has made this available at the public display locations as listed below. In light of this, the period for public submissions will be extended.

Inspection of addendum in relation to the pre-application file

A copy of the full and complete pre-application consultation file, along with the original draft Railway Order and documentation accompanying the application, may be viewed at: www.dartcoastalnorthrailwayorder.ie from 9th September, 2024.

A copy of the full and complete pre-application consultation file, along with the original draft Railway Order and documentation accompanying the application, may be inspected free of charge during normal office or opening hours for a period of 6 weeks from the date of publication of this notice at:

- An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- Planning Department, Dublin City Council, Civic Office, Wood Quay, Dublin 8, D08 RF3F;
- Planning Department, Fingal County Council, County Hall, Main Street, Swords, County Dublin, K67 X8Y2;
- Fingal County Council, Grove Road, Blanchardstown, Dublin 15, D15 W638;
- Planning Department, Meath County Council, Buvinda House, Dublin Road, Navan, County Meath, C15 Y291;
- Planning Department, Louth County Council, County Hall, Millennium Centre, Dundalk, County Louth, A91 KFW6;
- Donaghmede Library, Donaghmede Shopping Centre, Grange Road, Dublin 13, D13 XW28;
- Rush Library, Chapel Green, Rush, County Dublin, K56 ED95;
- Balbriggan Library, Saint George's Square, Balbriggan, County Dublin, K32 TW27;
- Drogheda Library, Stockwell Lane, Drogheda, County Louth, A92 PY20;
- Iarnród Éireann, Connolly Station, Amiens Street, Dublin 1, D01 V6V6; and
- DART+ Coastal North Project Office, CIÉ Inchicore Works, Inchicore Parade, Dublin 8, D08 K6Y3.

Purchase of Documentation

Copies or extracts from the documentation accompanying the Railway Order application (which includes an EIAR and NIS) may be purchased on payment of a fee not exceeding the reasonable cost of making such copy or extract from: DART+ Coastal North Project Office, CIÉ Inchicore Works, Inchicore Parade, Dublin 8, D08 K6Y3.

Such purchase requests may be made by contacting DARTCoastalNorth@irishrail.ie or by telephoning (01) 233 4515.

Written Submissions

An Bord Pleanála is the competent authority responsible for granting or refusing the order, from which relevant information can be obtained and to which comments or questions can be submitted. An Bord Pleanála will consider submissions by any persons, made in writing within six weeks from the date of publication of this addendum notice. A fee of €50 is applicable (unless you have made a submission already). This fee is not payable by certain prescribed bodies or by persons whose lands may be acquired under the draft Railway Order.

Submissions must be lodged within six weeks of the date of publication of this notice, by 5:30p.m. on 23rd October, 2024, and must be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01V902 and marked "DART+ Coastal North Railway Order 2024". Submissions can also be made on the website of An Bord Pleanála at the following address: www.pleanala.ie/en-ie/observations. Persons whose lands may be acquired under the draft Railway Order are not required to pay a fee and can send their observation by email (SIDS@pleanala.ie), by post, or by hand to the offices of An Bord Pleanála.

Oral Hearing

An Bord Pleanála may, at its absolute discretion, hold an oral hearing into the application for a Railway Order, under section 42 of the Act.

Judicial Review

A person may question the validity of the decision of An Bord Pleanála by way of an application for judicial review in accordance with section 47 and section 47A of the Act and under Order 84 of the Rules of the Superior Courts, 1986 (as amended) (S.I. No. 15 of 1986 as amended). Practical information on the review mechanism can be accessed under the heading 'Publications - Judicial Review Notice' on the Board's website www.pleanala.ie or on the Citizen's Information website www.citizeninformation.ie.

Signed: Geraldine Finucane

Secretary to the Board of Córas Iompair Éireann, Heuston Station, Dublin 8
Dated this 6th September, 2024

Further information is available from:

Telephone: (01) 233 4515
Postal: DART+ Coastal North Project Office, CIÉ Iarnród Éireann, Inchicore Works, Inchicore Parade, Dublin 8, D08 K6Y3.
Email: DARTCoastalNorth@irishrail.ie
Website: www.dartcoastalnorthrailwayorder.ie