

Comhairle Contae Chill Dara
Kildare County Council



Date: 16th April 2024.
Our Ref: ED/1115.

Colin Grimes,
c/o Liam Boyce,
Irish Rail Architects,
Inchicore Works,
Dublin 8.
D08 K6Y3.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Maynooth Station, Straffan Road, Maynooth, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 21st March 2024 in connection with the above.
Please find enclosed receipt no. FIN1/0/497812 in relation to the fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

**Senior Executive Officer,
Planning Department.**



**Declaration of Development & Exempted Development under Section 5 of the
Planning and Development Act 2000 (as amended).**

ED/1115.

WHEREAS a question has arisen as to whether a new mobility impaired access structure at Maynooth Station, Straffan Road, Maynooth, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 21st March 2024

AND WHEREAS Colin Grimes requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

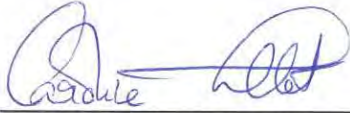
- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended);
- (b) Case Law Examples and;
- (c) The nature, extent and purpose of the works;

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the a new mobility impaired access structure at Maynooth Station, Straffan Road, Maynooth, Co. Kildare

IS development and IS EXEMPT development pursuant to Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and Article 6, Article 9 of the Planning and Development Regulations 2001 (as amended).

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

16th April 2024.


" **Senior Executive Officer,
Planning Department.**

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1115.

Name Of Applicant(s):	Colin Grimes c/o Iarnród Éireann.
Address Of Development:	Maynooth Rail Station, Straffan Road, Maynooth, Co. Kildare.
Development Description:	New mobility impaired access structure.
Due date	18/4/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works new mobility impaired access structure at Maynooth Station are exempted development.

Site Location

The proposed development is located at Maynooth Railway Station which is accessed via the Straffan Road. Maynooth Main Street is approx. 390m to the north, while the Royal Canal runs parallel to part of the site.

Description of Proposed Development

The development is described in the application form as:

'New mobility impaired access structure at Maynooth Station'.



Fig 1: Site Location (Outlined in Red)



Fig 2: Aerial view of subject site (Google Images)

Planning History

18/1484: Planning permission granted to Iarnród Éireann for (1) The provision of a new hard standing car park area to the south-west of the existing Maynooth Train Station, creating an additional 34 No. car parking spaces. (2) New retaining wall to track side of proposed development, kerbing, safety barriers, drainage, road markings, public lighting and all other associated site works. Revised by significant further information consisting of; the addition of a shared surface between Bond Bridge (R408) pedestrian entrance and the existing Train Station Building. Provision of additional bicycle parking on site to east of existing station building. Amendments to existing boundary wall at pedestrian crossing point to the north-east of site. The site (red line) boundary has changed to include the above works.

16/611: Extension of Duration granted to Iarnród Éireann of Planning Ref. 10/891 - for Development of this site at Maynooth Station, Greenfield, Maynooth, Co. Kildare. The former Station Masters House is protected and listed (B05-33). The development will consist of a surface car-park extension, comprising of 38 additional parking spaces for Maynooth Train Station. Also included are modification works to the access point from the R405 Straffan road, including minor junction modifications, widening of the existing access point and formalisation of pedestrian routes.

10/891: Planning permission granted to Iarnród Éireann for development of this site at Maynooth Station, Greenfield, Maynooth, Co. Kildare. The former Station Masters House is protected and listed (B05-33). The development will consist of a surface car-park extension, comprising of 38 additional parking spaces for Maynooth Train Station. Also included are modification works to the access point from the R405 Straffan road, including minor junction modifications, widening of the existing access point and formalisation of pedestrian routes.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1)

In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Planning and Development Regulations 2001 (as amended)

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—.....(15 items)

Class 23

<p>The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—</p> <p>(a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or</p> <p>(b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof</p>	<p>Any car park provided or constructed shall incorporate parking space for not more than 60 cars.</p>
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Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered,

having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Assessment

The applicant seeks to construct a new mobility impaired access structure at Maynooth Station

Section 3 of the Planning and Development Act 2000 (as amended) defines “*development*” as the ‘*carrying out of any works on, in, over or under land, or the making of any material change in the use of any structures or other land*’. Having regard to the definition, the Planning Authority consider the proposal constitutes development.

“*Works*” are defined in Section 2 of the Act as ‘*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior to exterior of a structure*’. It is considered that the proposal constitutes works, as construction and demolition works would be carried out during the development.

It is noted that within the curtilage of the site there are 2 no. Protected Structure (Maynooth Station Signal Box RPS No. B05-62 & Former Station Masters House RPS No. B05-33). There is also a Protected View facing towards the station from Bond Bridge. Having reviewed the photomontage submitted by the applicant, the Planning Authority are satisfied that the proposed development would not negatively impact the Protected View from Bond Bridge, nor would it impact the 2 no. Protected Structures within the curtilage of the site. It is highlighted as part of the application that there is a high court case that concluded that Class 23 is not ‘de-exempted’ in the context of a protected structure. This case law example related to a similar MIAS within the curtilage of a Protected Structure being declared exempt at Dalkey Station.

It is considered that the existing footbridge prohibits the train station from being in accordance with objectives outlined in the ‘*Transport Access for All*’ document as well as the Disability Act 2005, and as such is required in connection with the movement of rail traffic in.

Having regard to the above, the Planning Authority consider the extent of the proposed works are in accordance with Class 23 of the Planning and Development Regulations 2001, with regards to them being ‘*required in connection with the movement of traffic by rail*’.

Conclusion

Having regard to:

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended);
- Class 23 of the Planning and Development Regulations 2001 (as amended)

- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- Case Law Examples and:
- The nature, extent and purpose of the works;

It is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempt development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is exempt development*.

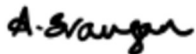


Signed:

Daniel Waldron A/Assistant Planner 15/04/2024



Kehinde Oluwatosin
Senior Executive Planner
15/04/2024



Aoife Brangan
A/SP
16/04/24

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether a new mobility impaired access structure at Maynooth Station is exempt development.

AS INDICATED on the plans and particulars received by the Planning Authority on 21/03/2024

AND WHEREAS Colin Grimes requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended);
- (b) Case Law Examples and;
- (c) The nature, extent and purpose of the works;

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

A new mobility impaired access structure at Maynooth Station is exempt development.

IS development and IS EXEMPT development pursuant to Sections 2, 3 & 4 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1115
Applicant name	Colin Grimes
Development Location	Maynooth Train Station
Site size	N/A
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	Rye Water Valley/Carton SAC which is situated approx. 1.7km to the northeast of the site
Description of the project/proposed development – New mobility impaired access structure at Maynooth Station	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests</i>	No

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest SAC and given the location, nature and extent of the proposed development it is not considered there would be potential to affect the ecological integrity and conservation objectives of the site.		
Name:	Daniel Waldron	
Position:	A/Assistant Planner	
Date:	15/04/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO52205 **Section:** Planning

SUBJECT: ED1115.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Maynooth Station, Straffan Road, Maynooth, Co. Kildare.

SUBMITTED: File Ref. ED1115 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 16 DAY
OF April YEAR 2024

SIGNED: Alan Dunney
DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000 as amended

Kildare County Council
Planning Department

21 MAR 2024



Incomplete application forms will
be deemed invalid and returned

RECEIVED
All responses must be in block
letters

Section 1 **Details of Applicants**

1. Name of Applicant(s) A. Surname... GRIMES Forenames... COLIN
Phone No. (01) 7034232 Fax No. N/A
2. Address... IRISH RAIL, MULTI-ANNUAL PROJECTS, NETWORK ENHANCEMENTS,
ENGINEERING & NEW WORKS BUILDING, INCHICORE WORKS, INCHICORE,
DUBLIN 8, D08K6Y3

Section 2 **Person/Agent acting on behalf of applicant (if applicable)**

1. Name of Person/Agent: Surname... BOYCE Forenames... LIAM
Phone No. (087) 2845907 Fax No. N/A
2. Address... IRISH RAIL ARCHITECTS, INCHICORE WORKS, DUBLIN 8, D08K6Y3

Section 3 **Company Details (if applicable)**

1. Name of Company IRISH RAIL
Phone No. (01) 7034232 Fax No. NA
2. Company Reg. No. 119571
3. Address... CONNOLLY STATION, AMIENS STREET, DUBLIN 1

Section 4 **Details of Site**

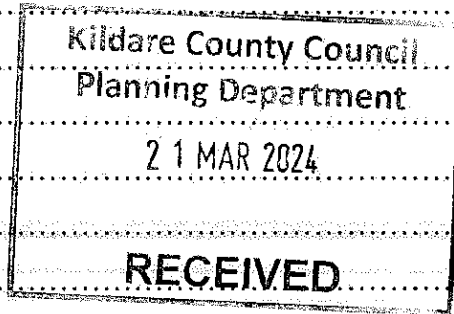
1. Planning History of Site... EP/00607, 00202, 10891 + 16611, EP00676
2. Location of Proposed Development... MAYNOOTH STATION, STRAFFAN ROAD
MAYNOOTH, Co. KILDARE
3. Ordnance Survey Sheet No. 3192-A
4. Please state the Applicants interest in the site ... OWNER
5. Please state the extent of the proposed development... NEW MOBILITY IMPAIRED ACCESS...
STRUCTURE AT MAYNOOTH STATION

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (specific details required).....

CLASS 23 - PLEASE ALSO REFER TO THE COVER LETTER SUBMITTED WITH THIS SUBMISSION.

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....

PLEASE REFER TO ATTACHED COVER LETTER WITH THIS SUBMISSION.



Section 5 **The following must be submitted for a valid application**

		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

Section 6 **Declaration**

I, LIAM BOYCE certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Liam Boyce

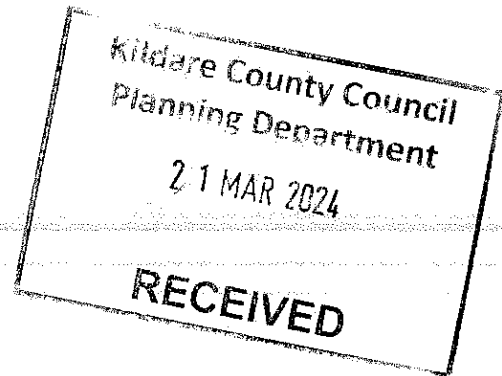
Date: 19/03/24

Iarnród Éireann

Architects Section

Engineering & new Works Building,
Inchicore Works,
Inchicore,
Dublin 8

Planning Department
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
W91 X77F



19th March 2024

Our Ref: 51/1/312

Re: PROPOSED MOBILITY IMPAIRED ACCESS STRUCTURE, MAYNOOTH RAILWAY STATION, CO KILDARE.

Dear Sir/Madam,

I enclose a Section 5 submission for a declaration on exempted development at the above address on behalf of Iarnród Éireann. The development is for the addition of a mobility impaired access structure or MIAS for short. The structure is a hybrid assembly of a series of different elements including a pair of staircases (two flights each), free standing lift shafts, support 'portals' which support a covered walkway connecting the both sides.

The particular design allows for contextualising the materials to the particular location or setting.

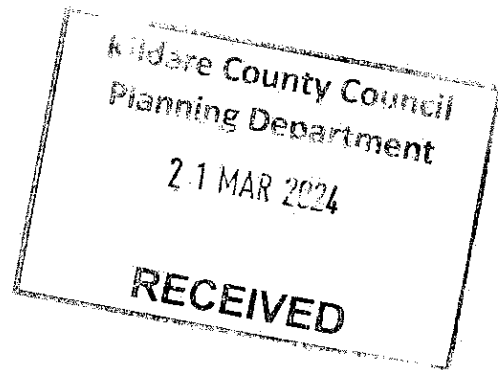
Maynooth Railway Station is the curtilage of Protected Structures (Maynooth Station Signal Box RPS No. B05-62, Former Station Master's House RPS No. B05-33). There is a Protected View towards the Station from Bond Bridge on the Royal Canal.

The existing Maynooth Railway Station Building was constructed under a Class 23 Planning exemption in the early 2000s.

Attached with this submission is:

- This cover letter
- Completed Section 5 Application Form
- Application Fee (Postal money order for €80 made out to Kildare County Council)
- 2 copies of Sample Legal Opinion from Conleth Bradley SC for a MIAS at Dalkey Railway Station.

- 2 copies of Appropriate Assessment Screening Report
- 2 copies of Ecological Impact Report
- 2 copies of Drawings:
 - Ordnance Survey Map Scale 1:100
 - Drawing 51-1-16-001 Site Location & Site Plan
 - Drawing 51-1-16-003 Plan at Bridge Deck Level
 - Drawing 51-1-16-005 Contextual Elevations & Sections
 - Drawing 51-1-16-006 Elevations & Sections Sheet 1
 - Drawing 51-1-16-007 Elevations & Sections Sheet 2
- 2 copies of Photomontages - Existing & Proposed views 1,2,3 &4.
(Includes view 1 from the Protected View from Bond Bridge, along the Royal Canal)



Planning Strategy - Application of Class 23 of the Planning and Development Regulations 2001 (as amended) to the Proposed Development.

A Section 5 planning 'route' has been chosen based on previous legal advice. Under the planning and development regulations 2001 as amended, particular exemptions are given to a railway undertaking under Class 23.

In addition it has been shown in a high court case¹ presided over by the former Chief Justice Mr. Frank Clarke that Class 23 is not 'de-exempted' in the context of a protected structure.

Instead, the development needs to be assessed under the 'tests' of Section 57 of the Planning and Development act and on passing these tests then it can also avail of the particular exemption for Railway Undertakings under Class 23 of the Regulations in the normal way.

I attach a sample Legal Opinion for a similar MIAS at Dalkey Station, also within the curtilage a Protected Structure. A declaration of Exemption was received for this proposal at Dalkey Station; it was subsequently Constructed & Opened last year. (DLR Ref 3420, Section 5 Declaration 18th June 2020)

So on the basis of this planning advice and methodology I now first set out the assessment.

Conservation Assessment vis a vis S57 of the Planning and Development Act 2000 as amended.

As the existing Maynooth Signal Cabin & Former Station Master's House are Protected Structures the design of the assembly will respect the 'test(s)' of section 57 of the planning act which I am reproducing below for simplicity.

Section 57

57.—(1) Notwithstanding *section 4 (1)(h)*, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

¹IEHC Clarke J. Coras Iompair Eireann & Anor. V. An Bord Pleanála [2008].

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

To ensure that the structure proposed respects the character of the existing structure(s) the following steps have been taken.

For the structure and the 8 special interest categories relating to elements of the structure, the two most relevant are architectural and historical. The others are either not relevant or will not be affected by this development. The architectural and historical interest categories are expressed in the materials used in the station over the years. Their character is present in the discrete and separate structures and styles, including the main station building as well as the boundary and platform walls.

Article 21.2 of the Burra Charter advises that "adaption should involve minimal change to significant fabric, achieved only after considering alternatives".

The proposed location of the MIAS was selected after design review to minimise the impact on the Signal Box & former Station Master's House. The Existing Station Building built in the early 2000s is located between the Protected Signal Box & the proposed MIAS.

The materials of the assembly have been chosen to blend with the character of the existing materials

The Mobility Impaired Access Structure can be inserted in a very discrete way within the Station near the position of the existing Footbridge, as seen in the photomontages submitted with this submission.

As can be seen from the sequence of photographs and montages presented, the insertion of this Mobility Impaired Access Structure is a very sensitive and deft one.

It preserves all of the historic material and has no impact on the character of the station locally or globally.

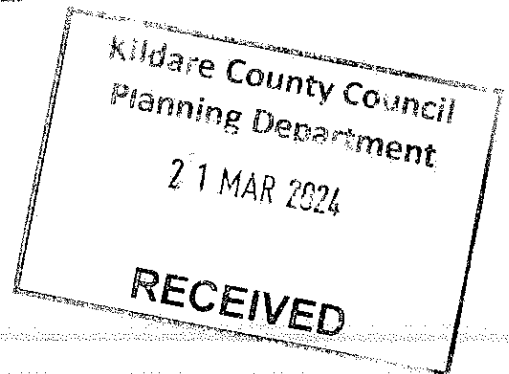
It very much follows the dictum of changing as much as necessary but no more² but achieves this by only removing elements that were very recently added and which do not include materials relating to the historical or architectural character of the station overall.



Having assessed the development under section 57 I now want to turn to a particular class of exempted development provided for in the Planning and Development Regulations 2001 as amended ...namely class 23.

² ICOMOS Burra Charter 1979 as amended

<p><i>Development by statutory undertakers</i></p> <p>CLASS 23 The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—</p> <p>(a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or</p> <p>(b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.</p>	<p>Any car park provided or constructed shall incorporate parking space for not more than 60 cars.</p>
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Please also see attaching a sample legal opinion from Conleth Bradley SC who is an expert in Planning Law. The first part of paragraph is an ‘overarching’ clause which states thatdevelopment is exempted if it relates to ...
the carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking,

So this is the first ‘test’.
 After that there are two sub paragraphs or sub tests.

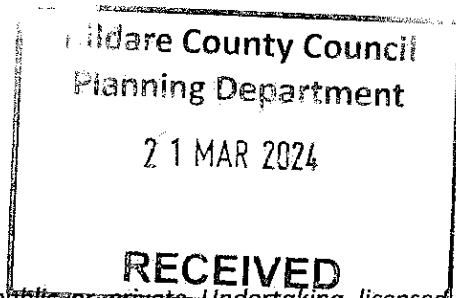
As this Mobility Impaired Access Structure does not fall under either sub clause (a) or (b) then we only have to consider it under the ‘overarching’ main paragraph.

Clearly this development is most decidedly one ...*required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking*” and thus is exempted development ‘simpliciter’³.

It is Iarrnód Éireann’s view, that this development comes within the first part of Class 23, namely the carrying out by a Railway undertaking of development required in connection with the movement of traffic by rail, in, on, over or under the operational land of the Undertaking.

Class 23 of the Planning & Development Regulations 2001 (as amended) provides that certain developments which are carried out by Statutory undertakers will be exempted development & in particular expressly provides the carrying out by any Railway Undertaking of development required in connection with movement of traffic by rail in, on over or under the operational land of the undertaking shall be exempted development.

³ Legal term meaning in a simple or very straightforward manner



Therefore It is necessary to establish, to rely on the exemption, that:

- 1) The development is carried out by a Railway Undertaking.

Railway undertaking is defined in S.I. no. 249/2015 as *"Any public or private Undertaking licensed according to applicable community Legislation, the principal business of which is to provide services for the transport of goods and/or passengers by rail."*

Iarnród Éireann falls within the definition of Railway Undertakings as referred to in Class 23.

- 2) It is required for the movement of Traffic by Rail.

As set out above, the existing Footbridge in the Station is not accessible & needs to be replaced

- 3) That it is on lands which are operational lands of the undertaking.

The proposed MIAS is on lands that have been held in Railway use for over 175 years & remains in use for railway related activities.

- 4) That it does not fall within any of the exemptions of Paragraphs (a) & (b) of Class 23.

Consideration of the exceptions (or De-Exemptions)

Class 23(a)

Class 23(a) refers to the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not wholly within the interior of a railway station.

This has no application to the proposed development

Class 23(b)

Class 23(b) refers to the reconstruction or alteration of any of the aforementioned structures (i.e. those referred to in Class 23(a)) so as materially to affect the design or external appearance thereof & have no application or bearing on the proposed development.

Column 2 of Class 23 – Car Parking

"any car park provided or constructed shall incorporate parking space for not more than 60 cars"

This has no application as no additional car parking spaces are being proposed.

Section 4(4) of the Planning and Development Act 2000.

It is also necessary to consider the Planning & Development act 2000, particularly 4(4) which provides that developments which would normally be exempt would lose their exemption if the Development in question requires an Environmental Impact assessment.

Section 4(4) has no application to the proposed development as the proposal does not come under any class of development which would necessitate the carrying out of an Environmental Impact Assessment such as to de-exempt the development.

Article 9 of the Planning and Development Regulations 2001-2015.

We must also consider the development in the context of Article 9 of the Planning and Development Regulations 2001-2015.

Restrictions on Exemption (Planning & Development Regulations 2001 as amended)

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

The development does not contravene a condition attached to a permission under the Act and is not inconsistent with any use specified in a permission under the Act

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

The development does not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The development does not endanger public safety by reason of a traffic hazard or obstruction of road users.

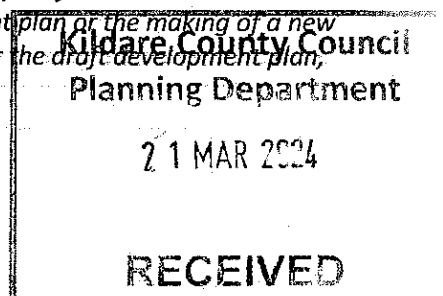
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

The MIAS is proposed within an existing operational railway Station at Maynooth. The development does not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area.

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31.(a) specified in column 1 of Part 1 of Schedule 2 applies,

The development does not consist of or comprise the carrying out under a public road.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,



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The proposed MIAS does not interfere with the character of the landscape or view of which it is an objective of the development plan to protect. Please refer to Photomontages View 1– Existing & Proposed views from Bond Bridge along the Royal Canal.

(vii) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

The development does not consist of or comprise of the excavation, alteration or demolition of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest. The Proposed Facility is situated within operational railway lands.

(viiA) *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

The development does not consist of or comprise the excavation, alteration or demolition of any archaeological Monument.

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

Please refer to the attached Reports from MKO – Appropriate Assessment Screening Report & Ecological Impact Assessment.

(viiC) *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000,*

Please refer to the attached Reports from MKO – Appropriate Assessment Screening Report & Ecological Impact Assessment.

(viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use*

There is no unauthorised structure or unauthorised use occurring in the vicinity of the Proposed facility.

(ix) *consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

The development does not consist of the demolition or such alteration of a building or other structure.

- (x) *consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

The Facility is proposed on lands currently precluded from public access, as it is currently in operational railway use as a Station.

- (xi) *obstruct any public right of way*

The development does not obstruct any public right of way

- (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

The Proposed Facility is not located within an architectural conservation area or an area specified as an architectural conservation area in the current Kildare County Development Plan.

- (b) *in an area to which a special amenity area order relates, if such development would be development:—*

Please refer to Photomontage View 1 – Existing & Proposed for impact on the existing Protected View from Bond Bridge. The impact is considered as not significant

- (i) *of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33(c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or*

B(i) has no application to the development, the matter of this Application

- (ii) *consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or*

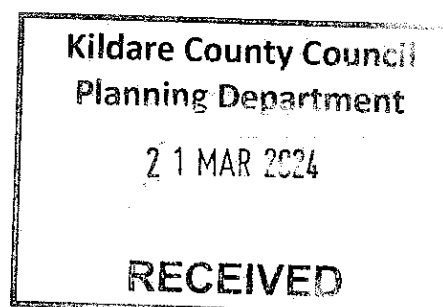
Not applicable

- (iii) *of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or*

Not applicable.

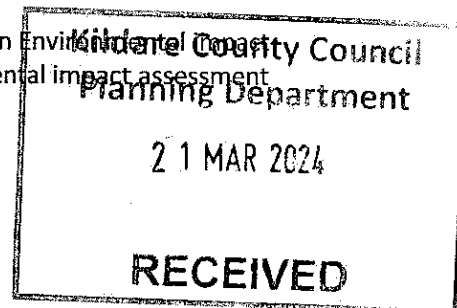
- (iv) *of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,*

Not applicable.



(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive.

The Proposed facility is not within a class of development for which preparation of an Environmental Impact Assessment Report is required, nor is there any obligation to carry out an environmental impact assessment in respect of the proposed development.



Purpose of Development.

This development is required under our obligations as a railway undertaking in response to the disability act of 2005. These requirements will affect different stations and locations across the network in different ways.

In Maynooth, the station is already served by a pedestrian footbridge, but this is not accessible for those with mobility impairments.

Thus this structure is provided for the express purpose of including this cohort of people as identified under the act.

I have cut and pasted some key excerpts from the background documentation and acts provide for this project. These were prepared for internal Board approval but none the less give a good overview of the purpose of this particular development and how it fits into an overall nationwide strategy.

1.1. Description of The Accessibility Project

This feasibility report forms the first phase of a project to improve Accessibility across 54 stations on the Iarnród Éireann network that, to date, have not received any enhancements under the IE Accessibility Programme.

Subsequent phases, subject to funding, will include statutory approvals, detailed design, tender action and construction.

1.2. Objectives and Benefits

The objective of the overall project is to render the infrastructure at the identified stations accessible to customers with reduced mobility in compliance with the relevant statutory requirements, and standards, guides, and codes of practice as appropriate.

The benefit of implementing the identified works is the improved access for all passengers and the provision of an environment with improved safety.

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1.3. Project Background

The Disability Act 2005 is a key part of the National Disability Strategy launched by the Government in 2004.

Part of the Act established a basis for access to public buildings, services and information. It also determined that Sectoral Plans were to be drawn up, for six key Departments including the then Department of Transport, which would ensure that access for people with disabilities would become an integral part of service planning and provision.

The Act requires that Public bodies make their public buildings accessible, to people with disabilities, by 2015.

The Department for Transport published its Sectoral Plan in 2006 with the title "Transport Access for All". The Plan was revised again in 2008. The latest revision of the Sectoral Plan, published by the Department for Transport Tourism and Sport, is the 2012 edition of "Transport Access for All".

The objective of the 2012 Plan involves the *"development of accessible public transport services to the highest possible standards for the greatest number of people with mobility, sensory and cognitive impairments in the shortest possible time, taking account of resource, technical and other constraints."*

The Plan notes that:

- *"The benefits of improved transport accessibility extend to all transport users, even to the most able-bodied, and issues relating to transport accessibility go far beyond the needs of people with disabilities".*
- The concept of "Transport for All" will remain the cornerstone of the Transport Sectoral Plan. Within this concept the target beneficiary group of an accessible public transport system consists of:
 - People with physical, sensory, learning or cognitive difficulties (whether permanent or temporary) and others whose access to traditionally constructed transport vehicles, services and infrastructures is limited, to a greater or lesser extent, on account of age, because of accompanying children or because they are carrying luggage or shopping or are otherwise impaired in their use of the transport system.

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- Features of accessible mainstreamed public transport would include the following:
 - Full unassisted access for wheelchair users (and for people with prams and buggies) including, where appropriate, accessible toilets and lifts.
 - Features to aid people with difficulties in walking, gripping, reaching or balancing, including slip resistant surfaces, handrails and handholds.
 - Facilities to aid people with vision impairments, deafness or hearing loss, and other impairments. These include the consistent use of colour contrasts, clear signage and lighting, non-reflective surfaces, audio and visual announcements, tactile and audible guidance surfaces, warning systems and induction loops.
 - Facilities to aid people with learning disabilities or mental health problems. These include clear oral and written information and consistent staff training in recognising and understanding the needs of people

Iarnród Éireann has commenced a significant national programme of works to make all stations accessible to mobility and sensory impaired customers in compliance with the Disability Act 2005.

The 2012 edition of Transport Access for All notes that; "Future investment will have to be prioritised on a customer and operational needs basis, station by station, rather than on a line by line basis. Each station will need to be assessed on its current and likely future patronage, what facilities are currently available, what works would be essential and what works would be desirable" and that "because of funding constraints it is likely that works will not be completed at each station by the target date of 2015. However, subject to the availability of resources, progress will continue to be made even though this is likely to be at a slower pace than originally envisaged."

Site Context

The site location is within existing Railway operational lands of Maynooth Station. The Existing Historic Signal Box at Maynooth Station is a Protected Structure (RPS No. B05-62). The Former Station Master's House adjacent is also a Protected Structure (RPS No. B05-33). There is a Protected View towards the Station from Bond Bridge on the Royal Canal.

The Proposed MIAS over the Railway is proposed to replace an existing Footbridge which is not accessible. Please also refer to Photomontage views 1,2,3 & 4 attached with this Submission.

The proposed development will have no direct physical impact on any part of the Station building considered to be of historical interest. The proposed location can also be viewed as having no impact on the fabric on those elements of the structures considered to be of Cultural significance.

Application of Class 23 of the Planning and Development Regulations 2001 (as amended) to the Proposed Development.

A Section 5 planning 'route' has been chosen based on legal advice. Under the planning and development regulations 2001 as amended, particular exemptions are given to a railway undertaking under Class 23.

In addition, it has been shown in a high court case⁴ presided over by the now retired Chief Justice Mr. Frank Clarke that Class 23 is not 'de-exempted' in the context of a protected structure.

Instead the development needs to be assessed under the 'tests' of Section 57 of the Planning and Development act and on passing these tests then it can also avail of the particular exemption for Railway Undertakings under Class 23 of the Regulations in the normal way.

Conclusion

It is submitted that it is appropriate that a declaration under section 5 of the Planning & development act 2000 be made that the MIAS (Mobility Impaired Access Structure) is development but is exempted development as it falls within the exemption in Schedule 2, part 1, Class 23 of the Planning & Development Regulations 2001; being a development carried out by a railway undertaking of development required with connection of traffic by rail on operational land of a Railway undertaking and we would be grateful if you could confirm that this exemption applies on the basis of the submission herein as well as together with the maps, documents & drawings enclosed herewith.

I trust this submission is satisfactory. Please do not hesitate to contact me if required.

Yours sincerely



Liam Boyce MRAI

Manager, Architects Section
Network Enhancements
Capital Investments
Iarnród Éireann

Ph. (01) 7034205 liam.boyce@irishrail.ie



⁴ IEHC Clarke J. Coras Iompair Éireann & Anor. V. An Bord Pleanála [2008].

Planning Pack Map



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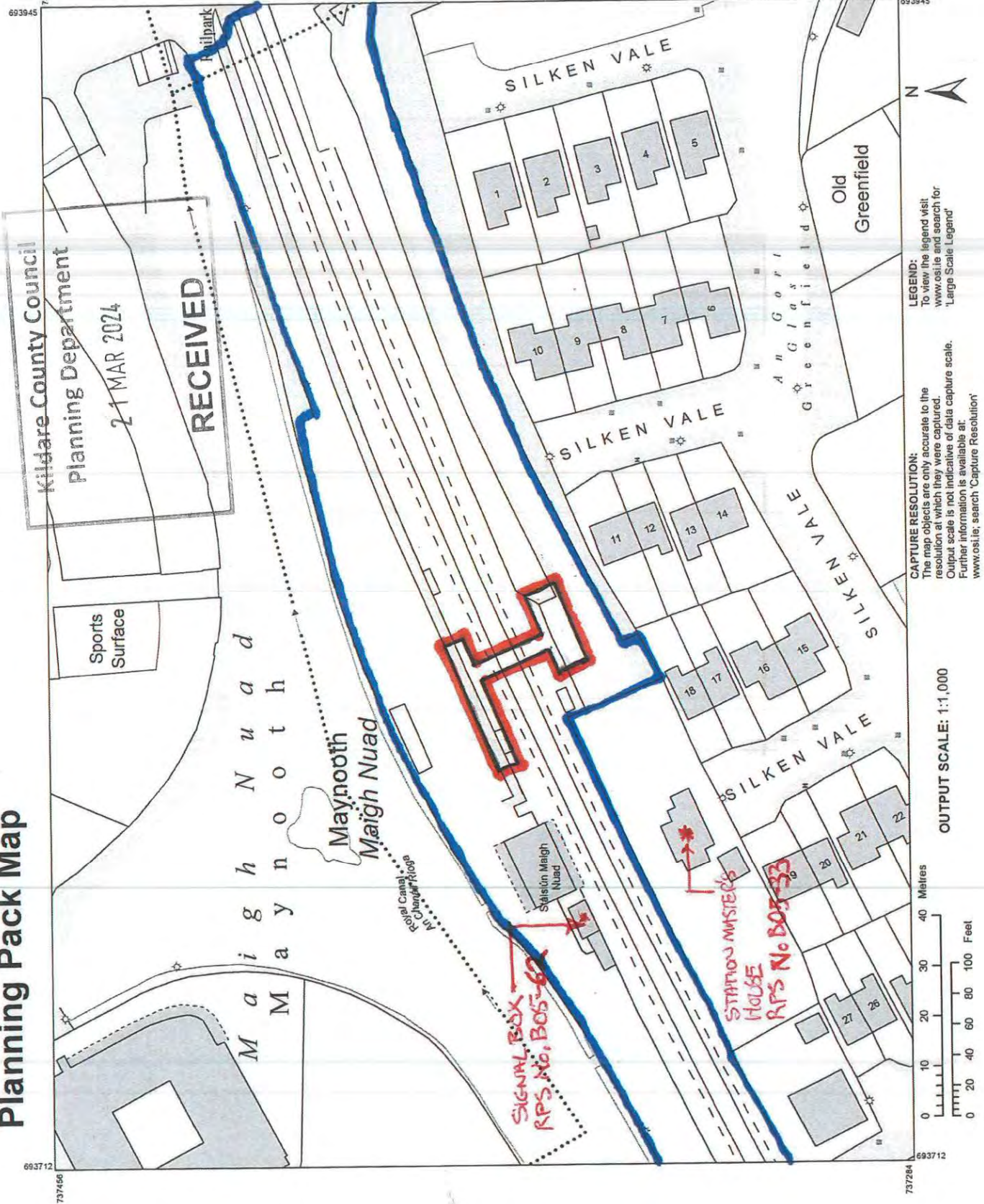
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Site Location Map



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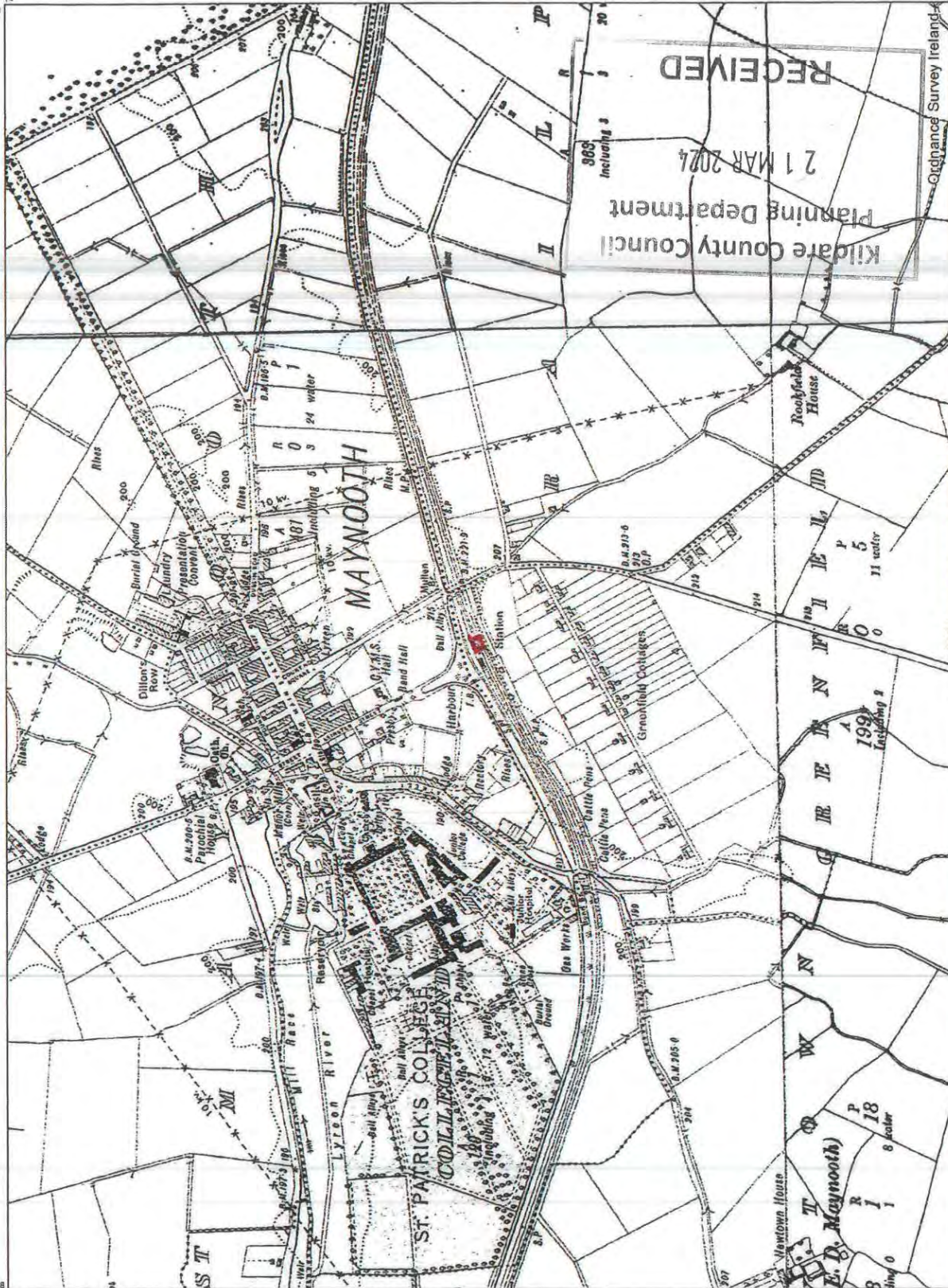
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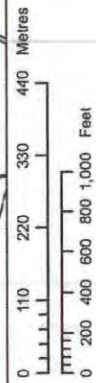
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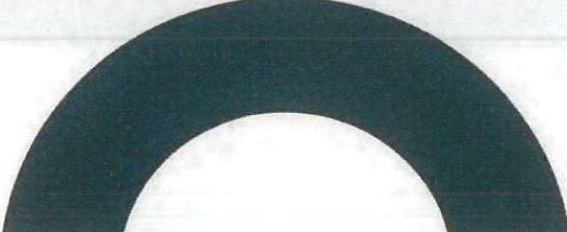
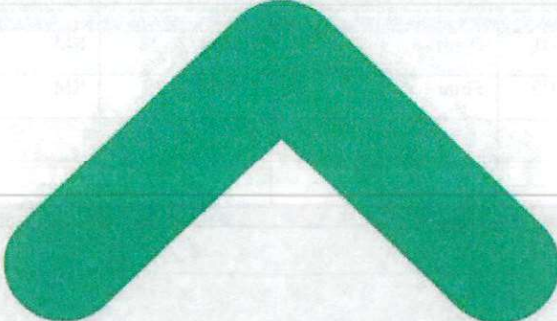
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Article 6 (3) Appropriate Assessment Screening Report

Proposed Footbridge,
Maynooth Station, Co.
Kildare





DOCUMENT DETAILS

Client: **Iarnród Éireann**

Project Title: **Proposed Footbridge, Maynooth Station, Co. Kildare**

Project Number: **2000529**

Document Title: **Appropriate Assessment Screening Report**

Document File Name: **AASR F - 12.06.2023 - 200529 Maynooth Footbridge**

Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



Planning and
Environmental
Consultants

Rev	Status	Date	Author(s)	Approved By
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02	Final	12/06/2023	KM	RW

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1. INTRODUCTION

1.1 Background

MKO has been appointed to provide the information necessary to allow the competent authority to conduct an Article 6(3) Screening for Appropriate Assessment of a proposed new pedestrian footbridge located at Maynooth rail station, Maynooth, Co. Kildare.

Screening for Appropriate Assessment is required under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Where it cannot be excluded that a project or plan, either alone or in combination with other projects or plans, would have a significant effect on a European Site then same shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. The current project is not directly connected with, or necessary for, the management of any European Site consequently the project has been subject to the Appropriate Assessment Screening process.

The assessment in this report is based on a desk study undertaken in April & May of 2023 and a field survey undertaken on the 27th April 2023. It specifically assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010) and the Appropriate Assessment Screening for Development Management, Office of the Planning Regulator, Dublin 7, Ireland OPR (2021).

1.2 Statement of Authority

A baseline ecological survey was undertaken on the 27th of April 2023 by Kailan Mitchell (BSc. Env.) of MKO. This report has been prepared by Kailan Mitchell and reviewed by Rachel Walsh (B.Sc.). Rachel has over 3 years' experience in ecological assessment, she has extensive experience undertaking ecological surveys in a range of habitats and has worked on Appropriate Assessment and Ecological Impact Assessment for a wide range of developments.





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2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

2.1 Site Location

The site in question is an existing pedestrian bridge spanning the Sligo-Dublin rail line at Maynooth rail station, Co. Kildare. The site is bordered by station car parking to the immediate north and south. The Royal Canal lies further to the north with residential estates located further south of the proposed site (ITM Grid reference: X 693822 Y 737367).

The site location is shown in Figure 2-1.

2.2 Characteristics of the Proposed Development

2.2.1 Description of the project

Irish Rail / Iarnród Éireann is currently undertaking an accessibility upgrade program for a number of train stations located around Ireland.

The Disability Act 2005 ('the Act') is a key part of the National Disability Strategy launched by Government in 2004. A key objective of the Act is to ensure that access for people with disabilities would become an integral part of service planning and provision. The Act stipulates that Public Bodies should make their buildings accessible to people with disabilities.

Irish Rail has commenced a significant national program of works to make all stations accessible to mobility and sensory impaired customers in compliance with the Disability Act 2005.

Features of accessible mainstreamed public transport include the following:

- Full unassisted access for wheelchair users (and for people with prams and buggies) including, where appropriate, accessible toilets and lifts.
- Features to aid people with difficulties in walking, gripping, reaching or balancing, including slip resistant surfaces, handrails and handholds.
- Facilities to aid people with vision impairments, deafness or hearing loss, and other impairments. These include the consistent use of colour contrasts, clear signage and lighting, non-reflective surfaces, audio and visual announcements, tactile and audible guidance surfaces, warning systems and induction loops.
- Facilities to aid people with learning disabilities or mental health problems. These include clear oral and written information and consistent staff training in recognizing and understanding the needs of people.

The work involved in this accessibility upgrade program includes the addition of a mobility impaired access structure (MIAS). The structure is a hybrid assembly of different concrete and steel elements including a pair of staircases (two flights each), free standing lift shafts, support portals and a walkway.

The existing Steel Footbridge, which does not have any lifts, will be removed as part of the planned works using a mobile crane from the southern car park.

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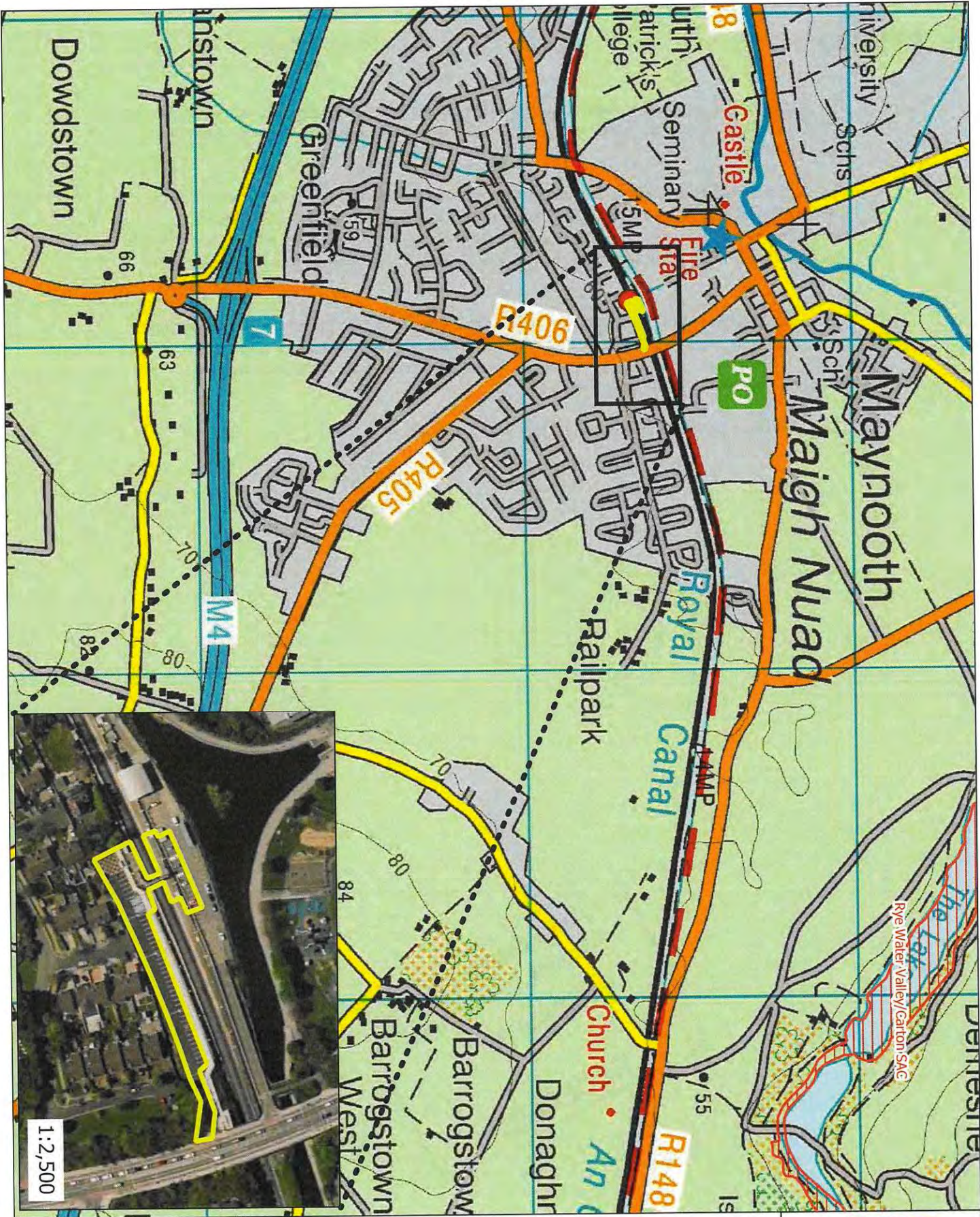
The purpose of the proposed Mobility Impaired Access Structure (MIAS) within Maynooth Station is to provide access for mobility impaired passengers. These will include passengers with a disability and wheelchair users.

The proposed Footbridge is of predominantly precast concrete construction supporting a pre-fabricated Galvanised mild steel canopy with infill woven mesh Stainless steel framed panels & Vulcaucent Glazed framed panels to the Lift Landings on both sides. These elements will be prefabricated off site & assembled on site within pre-planned scheduled periods using a mobile crane from the Southern Car Park.

The in-situ Concrete works planned are the construction of the 2 No. Lift Pits & Mini-Pile foundations for the stairs & landings. The excavation for the 2 No. lift pits are expected to be 2 metres below existing Platform Level which is approximately 915mm above track level. These local areas of excavation will be completed using Trench Boxes.

The layout of the proposed development is shown in Figure 2-2.





Map Legend

- Site Boundary
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)

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Project Information

Project Title	Proposed Footbridge Maynooth Station
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Checked By	RW
Project No	200529-47
Figure No	Figure 2-1
Scale	1:15,000
Date	06.06.2023

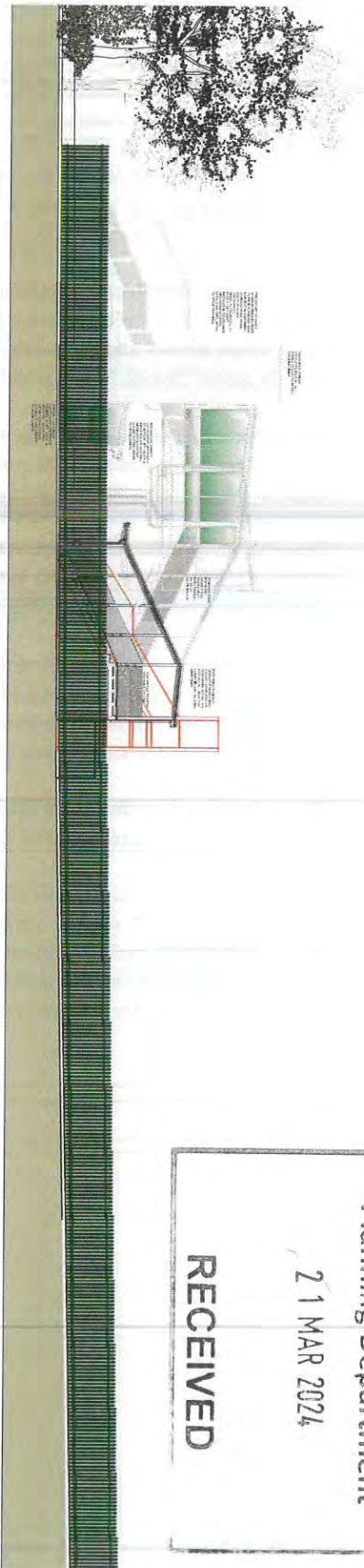
MKO
 Planning and Environmental Consultants
 100, Main Street, Maynooth, Co. KD
 Tel: +353 (0) 91 735611
 Email: info@mkoc.com
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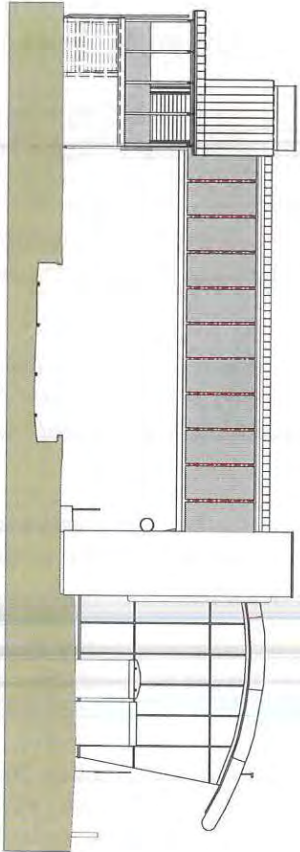
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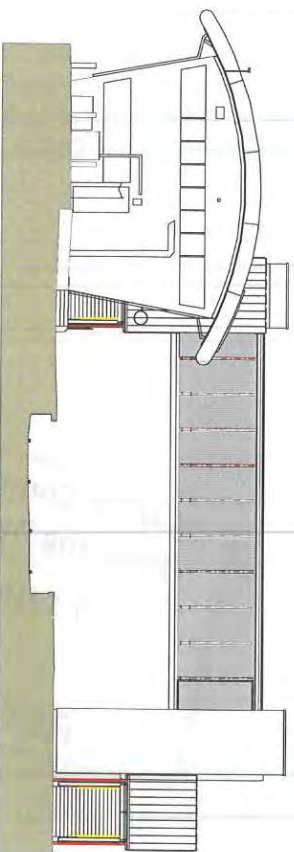
PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS

EXISTING FOOTBRIDGE TO BE DEMOLISHED



EXISTING STATION BUILDING UNCHANGED

PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS



EXISTING STATION BUILDING UNCHANGED

PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS







Maynooth Railway Station
 Proposed New Lifts & Pedestrian Bridge
 Elevations & Sections Sheet 2
 1:150 (B1)

2.2.2 Description of the Baseline Ecological Environment

Assessing the impacts of any project and associated activities requires an understanding of the ecological baseline conditions prior to and at the time of the project proceeding. Ecological baseline conditions are those existing in the absence of proposed activities (CIEEM 2018, updated 2022).

A multidisciplinary walkover survey was conducted on the 27th of April 2023 in line with NRA (2009) guidelines (Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes) by Kailan Mitchell of MKO.

Habitats were identified in accordance with the Heritage Council's 'Guide to Habitats in Ireland' (Fossitt, 2000). Plant nomenclature for vascular plants follows 'New Flora of the British Isles' (Stace, 2019), while mosses and liverworts nomenclature follows 'Mosses and Liverworts of Britain and Ireland - a field guide' (British Bryological Society, 2010).

The proposed site boundary is located on existing hard-stand areas classified as **Buildings and Artificial Surfaces (BL3)**, this includes the existing bridge and portions of car parking areas to the north and south to be used as a site compound (Plate 2-1, Plate 2-2, Plate 2-3).

Other habitats in the wider area outside the proposed development boundary include a **Treeline (WL2)** of Silver birch (*Betula pendula*) and Alder (*Alnus glutinosa*) (Plate 2-4) and the Royal Canal to the north categorised as **Canals (FW3)** (Plate 2-5).

The Royal canal is buffered from the site of proposed development by the approximately 20m of car park and 0.5m of **Dry meadows and Grassy verges (GS2)** habitat containing bush vetch (*Vicia sepium*), nettle (*Urtica dioica*), meadowsweet (*Filipendula ulmaria*) and rosebay willowherb (*Chamaenerion angustifolium*) to the north (Plate 2-6).

No species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded during the survey.

No evidence of Annex II protected animal species or Annex I bird species were recorded within the development site. All species recorded are common in the Irish landscape. No habitats listed under Annex I of the EU Habitats Directive were identified within the site boundary. None of the habitats within the Proposed Development site provide significant supporting habitat for any QI/SCI species associated with nearby European Sites.





Plate 2-1 Existing Bridge at Maynooth Station to be replaced



Plate 2-2 Car park to the South of the existing bridge where the main compound will be located

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Plate 2-3 Car Park to the north of the existing bridge



Plate 2-4 Treeline located to the southwest and outside the development boundary

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Plate 25 Royal Canal located to the north of the proposed development site

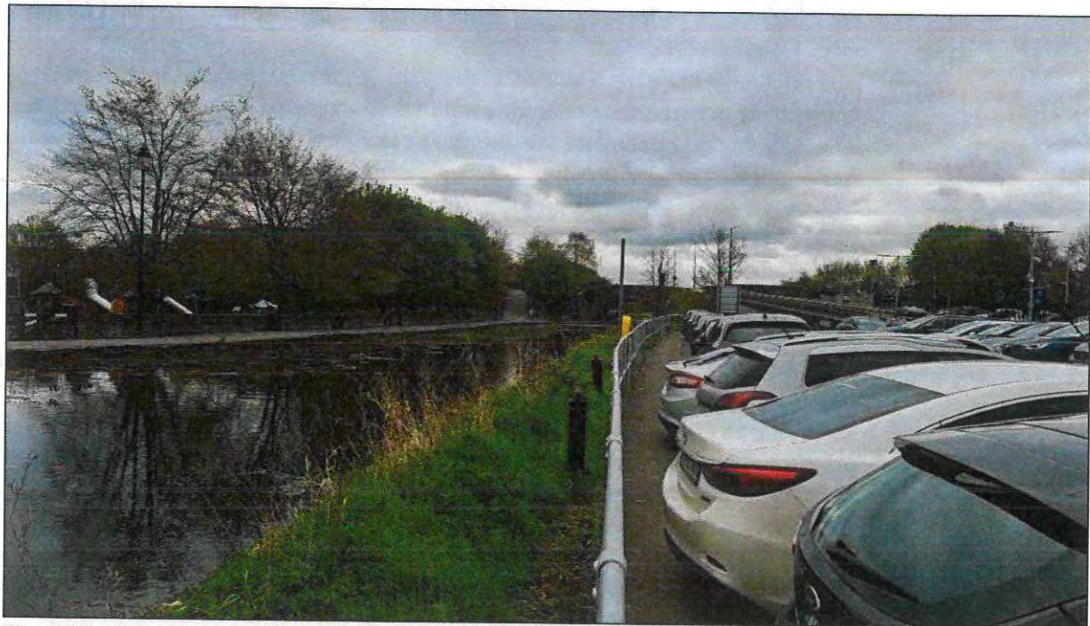


Plate 26 Car Park and Grassy verges habitat between the proposed development site and Royal canal to the north

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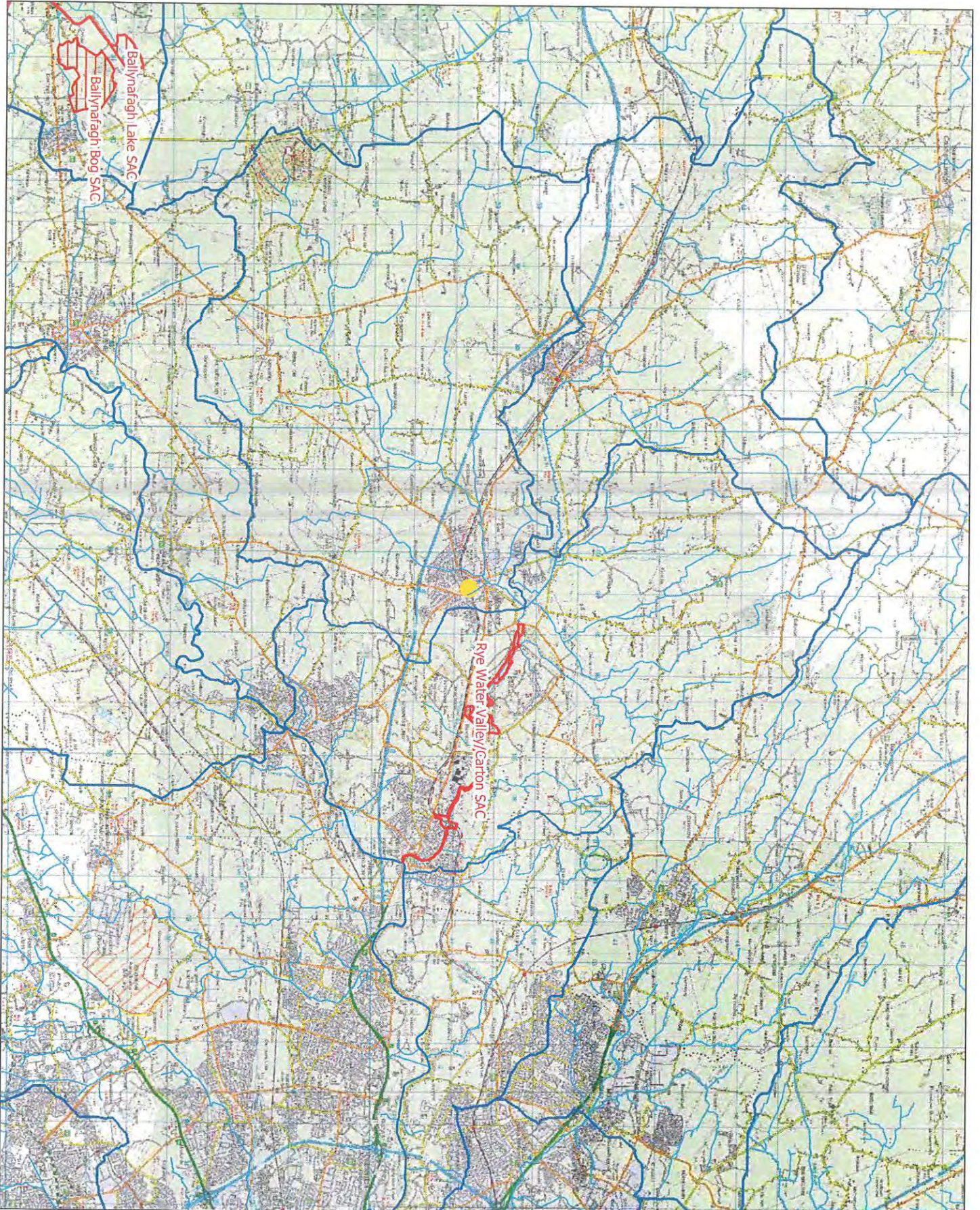
3. IDENTIFICATION OF RELEVANT EUROPEAN SITES

3.1 Identification of the European Sites within the Likely Zone of Impact

The following methodology was used to establish any European Sites upon which there is a potential for a likely significant effect to occur either individually or in combination with other plans and projects as a result of the proposed development:

- Initially the most up to date GIS spatial datasets for European designated sites and water catchments were downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) on the 06/06/2023.
- All European Sites that could potentially be affected were identified using a source-pathway - receptor model. To provide context for the assessment, European Sites surrounding the development site are shown on Figure 3.1. Information on these sites according to the site-specific conservation objectives is provided in Table 3-1. Sites that were further away from the proposed development were also considered and no complete source-pathway-receptor chain for significant effect was identified for any other European Site.
- The catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. The hydrological catchments are also shown in Figure 3.1.
- In relation to Special Protection Areas, in the absence of any specific European or Irish guidance in relation to such sites, the Scottish Natural Heritage (SNH) Guidance, 'Assessing Connectivity with Special Protection Areas (SPA)' (2016) was consulted. This document provides guidance in relation to the identification of connectivity between proposed development and Special Protection Areas. The guidance takes into consideration the distances species may travel beyond the boundary of their SPAs and provides information on dispersal and foraging ranges of bird species which are frequently encountered when considering plans and projects.
- Table 3.1, provides details of all relevant European Sites as identified in the preceding steps and assesses the potential for likely significant effects on each.
- The assessment considers any likely direct or indirect impacts of the proposed development, both alone and in combination with other plans and projects, on European Sites by virtue of criteria including the following: size and scale, land-take, distance from the European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operation and decommissioning were considered in this assessment.
- The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report 06/06/2023.
- The potential for the proposed development to result in cumulative impacts on any European Sites in combination with other plans and projects was considered in the assessment that is presented in Table 3.1. Plans and projects considered include those that are listed in Section 3.2 of this report.





Map Legend

-  Site Location
-  Special Area of Conservation (SAC)
-  Special Protection Area (SPA)
-  WFD Subcatchments
-  WFD Waterways

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Drawn by: **European Designated Sites**

Project Title	Proposed Footbridge Maynooth Station
Drawn by	Checked by
KM	RW
Project No	Drawn on
200529-47	Figure 3-1
Scale	Date
1:120,000	06.06.2023

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MKO
Planning and
Engineering
Consultants
Turn Road, Galway
Tel: 091 735611
Email: info@mkofireland.ie
Website: www.mkofireland.ie

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Table 3.1 Identification of Designated sites within the Likely Zone of Impact

European Sites and distance from proposed development:	Quality Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 06/06/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
Special Areas of Conservation (SAC)			
Rye Water Valley/ Carton SAC [001398] Distance: 1.5km (Hydrological Distance 5.7km)	<ul style="list-style-type: none"> ➤ 1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> ➤ 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> ➤ 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>) 	<p>Detailed conservation objectives for this site, (Version 1, December 2021), were reviewed as part of the assessment and are available at www.npws.ie</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The proposed works are small scale and short term in nature. Minor excavations and concrete pouring are required for the proposed development.</p> <p>The site is buffered from the Royal Canal by approximately 20m of built surfaces used as an existing car park and 0.5m of Grassy verges habitat. The Royal canal flows through the SAC approximately 5.7km away. No potential for likely significant effect on the following QI's through surface water pathways during the construction phase of the proposed development was identified due to their terrestrial nature:</p> <ul style="list-style-type: none"> ➤ 1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> ➤ 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i>

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European Sites and distance from proposed development	Quality Interests/Special Conservation Interests for which the European site has been designated (Sourced from NIPWS online Conservation Objectives, www.nipws.ie on the 06/06/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
<p>Special Areas of Conservation (SAC)</p> <p>The potential for significant affects through surface water pathways during the operation phase of the proposed development was considered. All new structures are to be located on existing hard-stand areas no significant changes in surface water run-off from the site is expected, there will be also no change to the existing surface water drainage of the site. No potential for likely significant effect on the SAC through surface water pathways during the operation phase of the proposed development was identified.</p> <p>The proposed development is located within the Dublin groundwater sub-catchment in an area that has a groundwater vulnerability of 'Moderate' (Groundwater over 10m below surface). Minor excavations of 2m required for the proposed development are unlikely to reach the water table and there will be no change to the existing drainage for the site. No potential for likely significant effect on the SAC through ground water pathways during the construction or operation phase of the proposed development was identified.</p>			

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European Sites and distance from proposed development	Quality Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 06/06/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
Special Areas of Conservation (SAC)			
Ballynalagh Bog SAC 000391	7110 Active raised bogs	Detailed conservation objectives for this site, (Version 1, November 2015), were	<p>The proposed development site is located on existing buildings and artificial surfaces habitat and is surrounded by existing built railway infrastructure. There is no supporting habitat for any faunal QI species associated with the designated site. Due to the intervening distance between the proposed development site and the SAC, and an absence of suitable supporting habitat for any QI species, no likelihood for significant effects via disturbance or displacement during the construction or operational phase of the proposed development was identified.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.</p> <p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p>

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European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 06/06/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
<p>Special Areas of Conservation (SAC)</p> <p>Distance: 14.8km</p> <ul style="list-style-type: none"> > 7120 Degraded raised bogs still capable of natural regeneration > 7150 Depressions on peat substrates of the Rhynchosporion <p>reviewed as part of the assessment and are available at www.npws.ie</p> <p>Due to the terrestrial natures of the QTs for which the SAC has been designated for, and the intervening distances between the proposed development site and the SAC, no potential for likely significant effects was identified.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.</p>			
<p>Special Protection Area (SPA)</p> <p>No Special Protection Areas are located within 15km of the site of proposed development and no complete source-pathway receptor was identified for any SPA located further away from the proposed development.</p>			

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3.2

Likely Cumulative Impact of the Proposed Works on European Sites, in-combination with other plans and projects

The potential for the proposed development to contribute to a cumulative impact with other granted projects on European Sites was considered. The online planning system for Kildare County Council was consulted on the 06/06/2023 for additional granted projects within the last 5 years in close proximity to the proposed development. Results included:

- Permission for the construction of single storey pitched roofed extensions to the front and rear of the existing family dwelling for uses associated with the continued use of the property as a family dwelling with associated internal alterations and changes to elevations including to door and window openings including new roof windows in the extension to the rear etc (Planning Ref: 18672). **Distance to site: 63m.**
- Permission for construction of a single-storey extension to side and rear of existing dwelling, all associated site and landscaping works to include one additional new off-street car parking space to the fore of house (Planning Ref: 2091). **Distance to site: 149m.**
- Permission for construction of 4 No. two storey (4 bedroom) semi-detached dwellings to the rear of the existing dwelling with vehicular access off Silken Vale Road, and 1 No. single storey (2 bedroom) detached dwelling to the side of existing dwelling with shared vehicular access from existing dwelling entrance off Old Greenfield Road, and all associated site works (Planning ref: 191155). **Distance to site: 174m.**
- Permission for 2 No. semi-detached single storey dwellings with attic dormers incorporating kitchen/dining/living room, 2 No. bedrooms to ground floor with 2 No. bedrooms and bathroom to attic dormer together with ancillary accommodation. The proposed development includes the widening of existing entrance, boundary walls, drainage and associated site works. Revised by significant further information consisting of; Revised design including new windows and doors to eastern elevation of one of the proposed dwellings facing Straffan Road and internal alterations to the layout of both dwellings to provide more storage. Photomontages/shadow analysis of the proposal and revised entrance details are also submitted (Planning Ref: 19212). **Distance to site: 195m.**
- Permission for (A) the demolition of existing single storey house and outbuilding, (B) permission for 8 no. 3 bedroom semi detached two storey houses, (C) permission for 1 no. dormer type 4-bedroom house, (D) permission for garden storage shed in each garden and (E) new vehicular entrance and access drive way and all associated site drainage works. Revised by significant further information consisting of; revised site layout and change in house design (Planning Ref: 191110). **Distance to site: 240m.**
- Permission for two proposed dormer bungalows, two new entrances, the associated connections to mains services, and all ancillary site works. Revised by significant further information consisting of; revised house plans and a shadow study (Planning ref: 19227). **Distance to site: 257m.**
- Permission for retention and completion of alterations to previously approved development Reg. Ref. 15/947, providing an additional 3 bedrooms and a store at second floor level with a modified internal configuration (total additional floor area of 70sqm) and associated minor revisions of previously approved elevations and all associated site works (Planning Ref: 191417). **Distance to site: 275m.**
- Permission for a single storey extension to the rear of our existing property and all associated site works (Planning Ref: 19662). **Distance to site: 300m.**



- › Permission for (1) The provision of a new hard standing car park area to the south-west of the existing Maynooth Train Station, creating an additional 34 No. car parking spaces. (2) New retaining wall to track side of proposed development, kerbing, safety barriers, drainage, road markings, public lighting and all other associated site works. Revised by significant further information consisting of; the addition of a shared surface between Bond Bridge (R408) pedestrian entrance and the existing Train Station Building. Provision of additional bicycle parking on site to east of existing station building. Amendments to existing boundary wall at pedestrian crossing point to the north-east of site. The site (red line) boundary has changed to include the above works (Planning Ref: 181484). **Distance to site: 320m.**

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Plans

The following development plans have been reviewed and taken into consideration as part of this assessment:

- Kildare County Development Plan 2023-2029
- National Biodiversity Action Plan 2017-2021
- Eastern & Midland Regional Assembly: Regional Spatial and Economic Strategy 2019 - 2031

The review focused on policies and objectives that relate to Natura 2000 sites and natural heritage. Policies and objectives relating to sustainable land use were also reviewed.

Table 3.2 Review of plans

Plans	Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
<p>Meath County Development Plan 2023-2029</p>	<p>Biodiversity and Green Infrastructure</p> <p>BI P2 Seek to contribute to maintaining or restoring the conservation status of all sites designated for nature conservation or proposed for designation in accordance with European and national legislation and agreements. These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Ramsar Sites and Statutory Nature Reserves.</p> <p>BI O9 Avoid development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive, to support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.</p> <p>BI O10 Ensure an Appropriate Assessment Screening, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, Section 177A of the Planning and Development Act (2001-2022) or any superseding legislation and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine</p>	<p>The Development plans were comprehensively reviewed with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests.</p> <p>No potential for cumulative impacts when considered in conjunction with the current proposal were identified.</p> <p>Given the small-scale and nature of the works, there will be no impact on designated sites, surface water or other natural heritage interests as a result of the proposed development.</p>



Proposed Footbridge, Maranath Station, Co. Kildare
 AASR F - Maynooth Footbridge- 200329

<p style="text-align: center;">Kildare County Council Planning Department 21 MAR 2024</p> <p style="text-align: center;">RECEIVED</p>	<p>the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.</p> <p>BI P4 Ensure that any new development proposal does not have a significant adverse impact, incapable of satisfactory mitigation on plant, animal or bird species which are protected by law.</p> <p>BI O15 Ensure that any new development proposal does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976 and 2012, the Birds Directive 1979 the Habitats Directive 1992 and the Flora Protection Order species and any species listed under the national red lists or that could be listed on a national red list.</p> <p>NBG 4 To ensure that all proposed developments comply with the requirements set out in the DECLG "Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2010"</p>	
<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">Eastern and Midland Regional Assembly- Regional Spatial and Economic Strategy 2019 – 2031</p>	<p>11. Biodiversity and Natural Heritage</p> <p>Promote co-ordinated spatial planning to conserve and enhance the biodiversity of our protected habitats and species including landscape and heritage protection. (NSO 7, 8)</p> <p>Guiding Principles:</p> <p>Integration of Land Use and Transport</p> <p>Ensure the protection of Natura 2000 networks and associated ecological linkages. Plans and projects that have the potential to negatively impact on Natura 2000 sites should be subject to the requirements of the Habitats Directive.</p> <p>Surface Water</p> <p>Take opportunities to enhance biodiversity and amenity and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned. Plans and projects that have the potential to negatively impact on Natura 2000 sites should be subject to the requirements of the Habitats Directive.</p> <p>Green Infrastructure</p>	<p>The Development plans were comprehensively reviewed with particular reference to Policies and Objectives that relate to the Natura 2000 network, biodiversity in general, surface water and other natural heritage interests. No potential for cumulative impacts when considered in conjunction with the current proposal were identified.</p> <p>Given the small-scale and nature of the works, there will be no impact on designated sites, surface water or other natural heritage interests as a result of the proposed development.</p>

	<p>RPO 7.22: Local authority development plan and local area plans, shall identify, protect, enhance, provide and manage Green Infrastructure in an integrated and coherent manner and should also have regard to the required targets in relation to the conservation of European sites, other nature conservation sites, ecological networks, and protected species.</p> <p>Environmental Assessment and Assessment of Greenhouse Gas (GHG) Emissions</p> <p>RPO 3.4: Ensure that all plans, projects and activities requiring consent arising from the Regional Spatial and Economic Strategy are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate. In addition the future strategic development of settlements throughout the Region will have full cognisance of the legal requirements pertaining to sites of International Nature Conservation Interest.</p> <p>Biodiversity and Natural Heritage</p> <p>RPO 7.16: Support the implementation of the Habitats Directives in achieving an improvement in the conservation status of protected species and habitats in the Region and to ensure alignment between the core objectives of the EU Birds and Habitats Directives and local authority development plans</p>	
<p>National Biodiversity Action Plan 2017-2021</p>	<p>Objective 4: Conserve and restore biodiversity and ecosystem services in the wider countryside</p> <ul style="list-style-type: none"> Target 4.2 - Principal pollutant pressures on terrestrial and freshwater biodiversity substantially reduced by 2020. <p>Objective 6: Expand and improve management of protected areas and species</p> <ul style="list-style-type: none"> Target 6.2 - Sufficiency, coherence, connectivity, and resilience of the protected areas network substantially enhanced by 2020. 	<p>The Development plans were comprehensively reviewed with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative impacts when considered in conjunction with the current proposal were identified.</p> <p>Given the small-scale and nature of the works, there will be no impact on designated sites, surface water or other natural heritage interests as a result of the proposed development.</p>

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Conclusion of Cumulative Assessment

As no potential for the Proposed Development to have an impact on designated sites was identified when considered alone, there is no potential for the proposed development to have any cumulative impact when considered with other projects granted in the area.

Following detailed site surveys, and assessment of the works that are proposed, no complete pathway for impact on European Sites was identified and no other complete pathways for effect were identified. In addition, the other projects that were considered in the surrounding area do not have the potential to result in significant effects on any designated site.



4. ARTICLE 6(3) APPROPRIATE ASSESSMENT SCREENING STATEMENT AND CONCLUSIONS

The findings of this Screening Assessment are presented following the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010).

4.1 Data Collected to Carry Out Assessment

In preparation of the report, the following sources were used to gather information:

- Review of NPWS Site Synopses, Conservation Objectives for the European Sites
- Review of 2019, 2013 and 2007 EU Habitats Directive (Article 17) Reports.
- Review of online web-mappers: National Parks and Wildlife Service (NPWS) EPA, Water Framework Directive (WFD).
- Review of relevant databases including National Biodiversity Ireland Database and available literature of previous surveys conducted in the area.
- Review of other plans and projects within the area.
- Site visit undertaken on the 27th April 2023 by Kailan Mitchell of MKO.

4.2 Concluding Statement

It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European Site.



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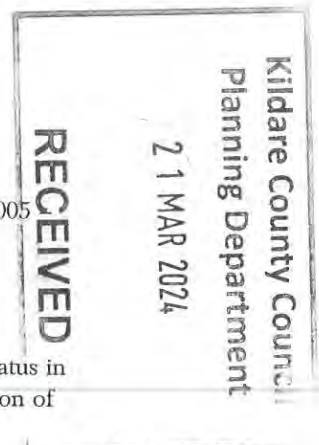
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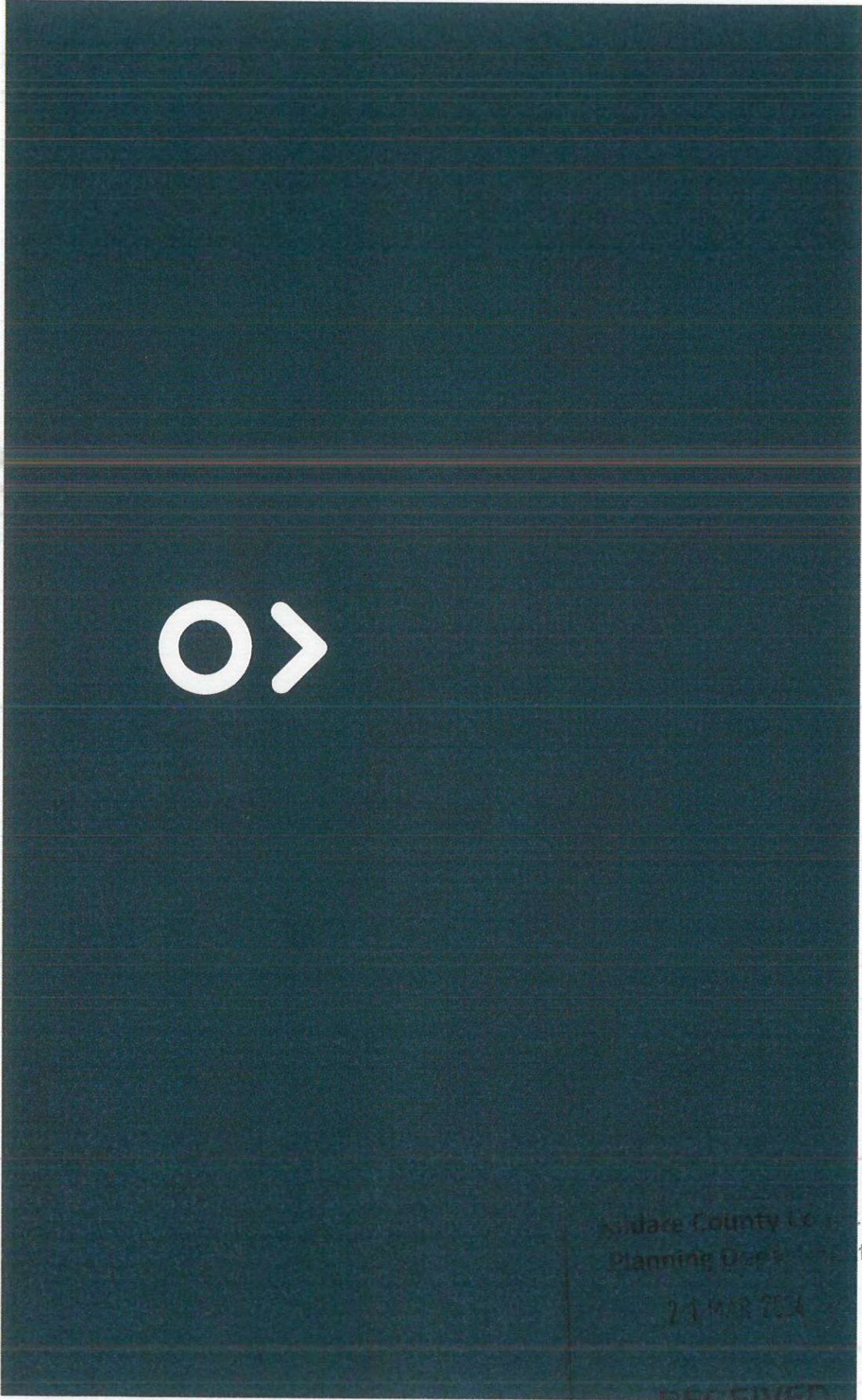
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<https://www.catchments.ie/>

<https://gis.epa.ie/EPAMaps/>





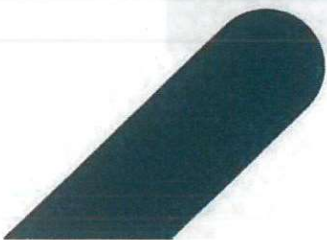
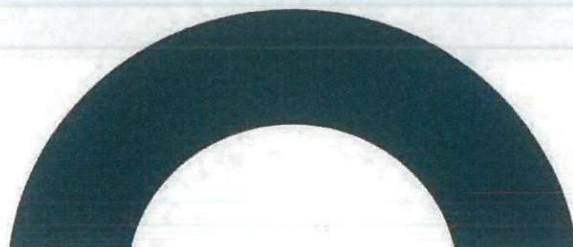
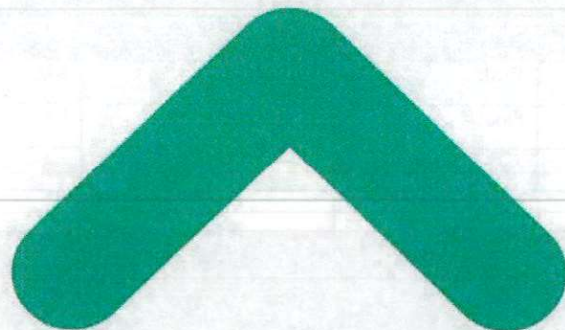
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Ecological Impact Assessment

Proposed Footbridge,
Maynooth Station, Co.
Kildare



DOCUMENT DETAILS



Client: **Iarnród Éireann**

Project Title: **Proposed Monopoles, Kildare Town & Moorefield, Co. Kildare**

Project Number: **200529**

Document Title: **Ecological Impact Assessment – Proposed Footbridge, Maynooth**

Document File Name: **EcIA F – 2023.06.12 – 200529-47 – Maynooth Footbridge**

Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



Planning and
Environmental
Consultants

Rev	Status	Date	Author(s)	Approved By
01	Draft	29/04/2023	KM	RW
02	Final	12/06/2023	KM	RW

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1. INTRODUCTION

1.1 Background

MKO has been commissioned to conduct an Ecological Impact Assessment (EcIA) of a proposed new pedestrian footbridge located at Maynooth rail station, Maynooth, Co. Kildare.

The EcIA includes an accurate description of all aspects of the proposed works during construction, operation and decommissioning (where relevant). It then provides a comprehensive description of the baseline ecological environment, which is based on an appropriate level of survey work that was carried out in accordance with the most appropriate guidelines and methodologies. The EcIA then completes a thorough assessment of the impacts of the proposed development on biodiversity. Where likely ecologically significant effects are identified, measures are prescribed to avoid or minimise or compensate for such effects.

1.2 Statement of Authority

A baseline ecological survey was undertaken on the 27th of April 2023 by Kailan Mitchell (BSc. Env.) of MKO. This report has been prepared by Kailan Mitchell and reviewed by Rachel Walsh (B.Sc.). Rachel has over 3 years' experience in ecological assessment, she has extensive experience undertaking ecological surveys in a range of habitats and has worked on Appropriate Assessment and Ecological Impact Assessment for a wide range of developments.



1.3 Relevant Guidance

In addition, the guidelines listed below were consulted in the preparation of this document to provide the scope, structure and content of the assessment:

- Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial, Freshwater, Coastal and Marine (CIEEM, 2018, updated 2022).
- Guidelines on the information to be contained in Environmental Impact Statements (EPA, 2022).
- Environmental Impact Assessment of National Road Schemes –A Practical Guide (NRA, 2009).
- Guidelines for assessment of Ecological Impacts of National Road Schemes, (NRA, 2009).
- Environmental Assessment and Construction Guidelines (NRA, 2006).

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2.

DESCRIPTION OF PROPOSED WORKS

2.1

Site Location

The site in question is an existing pedestrian bridge spanning the Sligo-Dublin rail line at Maynooth rail station, Co. Kildare. The site is bordered by station car parking to the immediate north and south. The Royal Canal lies further to the north with residential estates located further south of the proposed site (ITM Grid reference: X 693822 Y 737367).

The site locations are shown in Figure 2-1.

2.2

Proposed Works

Irish Rail / Iarnród Éireann is currently undertaking an accessibility upgrade program for a number of train stations located around Ireland.

The Disability Act 2005 ('the Act') is a key part of the National Disability Strategy launched by Government in 2004. A key objective of the Act is to ensure that access for people with disabilities would become an integral part of service planning and provision. The Act stipulates that Public Bodies should make their buildings accessible to people with disabilities.

Irish Rail has commenced a significant national program of works to make all stations accessible to mobility and sensory impaired customers in compliance with the Disability Act 2005.

Features of accessible mainstreamed public transport include the following:

- Full unassisted access for wheelchair users (and for people with prams and buggies) including, where appropriate, accessible toilets and lifts.
- Features to aid people with difficulties in walking, gripping, reaching or balancing, including slip resistant surfaces, handrails and handholds.
- Facilities to aid people with vision impairments, deafness or hearing loss, and other impairments. These include the consistent use of colour contrasts, clear signage and lighting, non-reflective surfaces, audio and visual announcements, tactile and audible guidance surfaces, warning systems and induction loops.
- Facilities to aid people with learning disabilities or mental health problems. These include clear oral and written information and consistent staff training in recognizing and understanding the needs of people.

The work involved in this accessibility upgrade program includes the addition of a mobility impaired access structure (MIAS). The structure is a hybrid assembly of different concrete and steel elements including a pair of staircases (two flights each), free standing lift shafts, support portals and a walkway.

The existing Steel Footbridge, which does not have any lifts, will be removed as part of the planned works using a mobile crane from the southern car park.





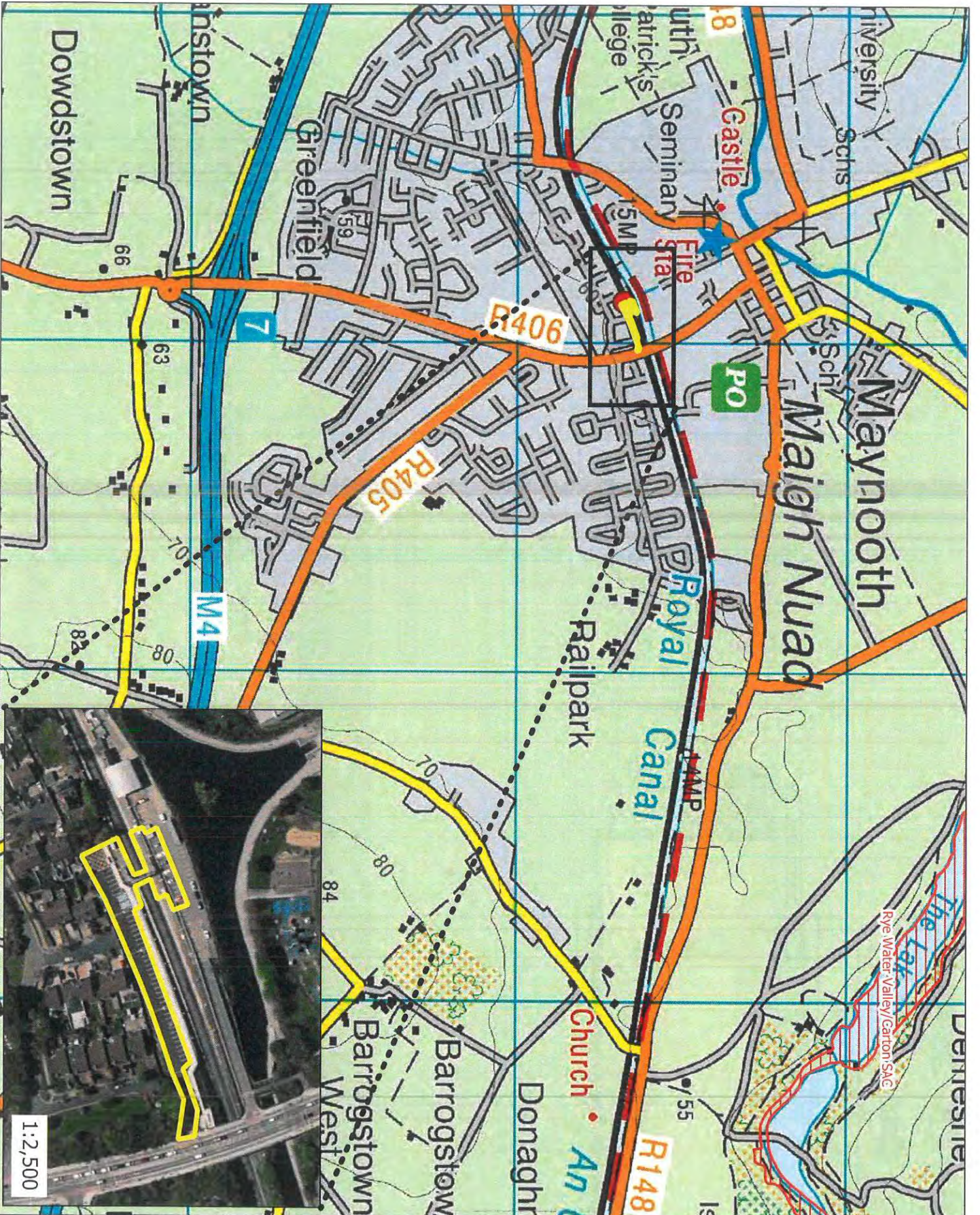
The purpose of the proposed Mobility Impaired Access Structure (MIAS) within Maynooth Station is to provide access for mobility impaired passengers. These will include passengers with a disability and wheelchair users.

The proposed Footbridge is of predominantly precast concrete construction supporting a pre-fabricated Galvanised mild steel canopy with infill woven mesh Stainless steel framed panels & Vulcalucent Glazed framed panels to the Lift Landings on both sides. These elements will be prefabricated off site & assembled on site within pre-planned scheduled periods using a mobile crane from the Southern Car Park.

The in-situ Concrete works planned are the construction of the 2 No. Lift Pits & Mini-Pile foundations for the stairs & landings. The excavation for the 2 No. lift pits are expected to be 2 metres below existing Platform Level which is approximately 915mm above track level. These local areas of excavation will be completed using Trench Boxes.

The layout of the proposed development is shown in Figure 2-2.





- Map Legend**
- Site Boundary
 - Special Area of Conservation (SAC)
 - Special Protection Area (SPA)

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Site Location

Project Title	Proposed Footbridge Maynooth Station
Drawn By	KM
Checked By	RW
Project No	200529-47
Scale	1:15,000
Date	06.06.2023
Figure	Figure 2-1

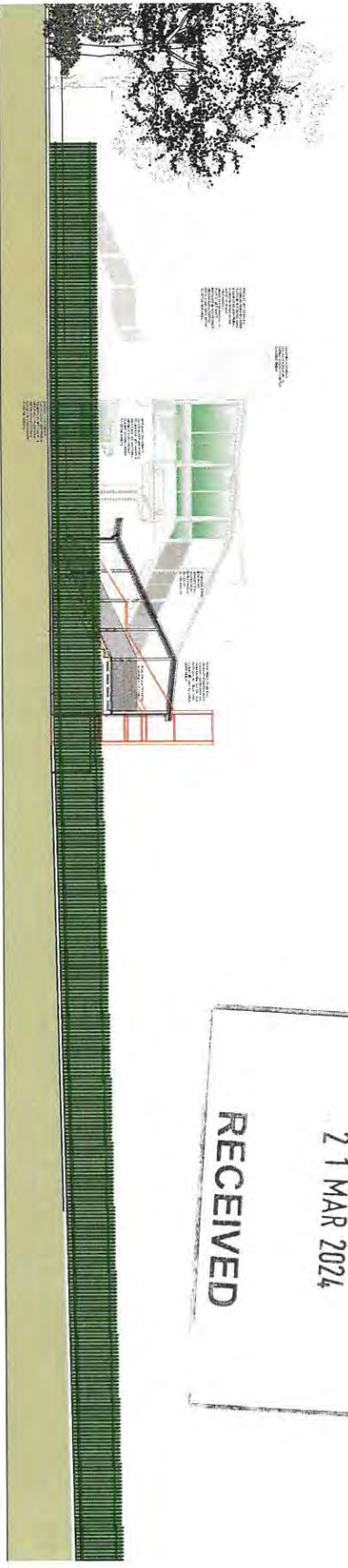


MKO
 Planning and Environmental Consultants
 Tullam Road, Galway
 Ireland, H91 W8R8
 +353 (0) 91 735611
 www.mkocorp.ie

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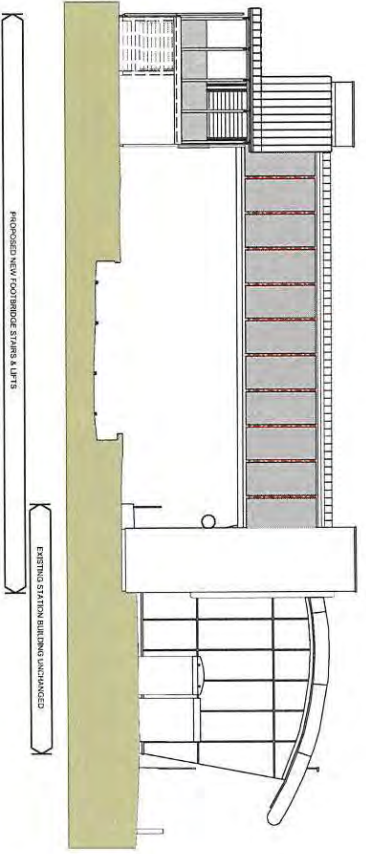
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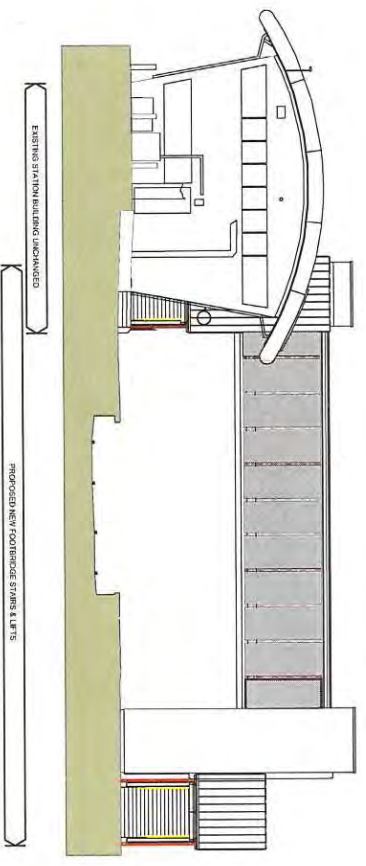
PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS

EXISTING FOOTBRIDGE TO BE DEMOLISHED



PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS

EXISTING STATION BUILDING UNCHANGED



EXISTING STATION BUILDING UNCHANGED

PROPOSED NEW FOOTBRIDGE STAIRS & LIFTS

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Bord Fáilte Éireann
 NEW WORKS DEPARTMENT
 Maynooth Railway Station
 Proposed New Lifts & Passenger Bridge
 Elevations & Sections Sheet -2
 31/3/18 - 007
 1300 @ A1

3. METHODOLOGY

The following sections describe the methodologies followed to establish the baseline ecological condition of the proposed development site and surrounding area. Assessing the impacts of any project and associated activities requires an understanding of the ecological baseline conditions prior to and at the time of the project proceeding. Ecological Baseline conditions are those existing in the absence of proposed activities (CIEEM, 2018, updated 2022).

3.1 Desk Study

A desk study was undertaken to inform this ecological impact assessment. This study includes a thorough review of available information that is relevant to the ecology of the site of the proposed development. This information provides valuable existing data and also helps in assessing the requirement for additional ecological surveys.

The following list describes the sources of data consulted:

- Review of online web-mappers: National Parks and Wildlife Service (NPWS), Environmental Protection Agency (EPA)
- Review of the publicly available National Biodiversity Data Centre web-mapper

3.2 Field Surveys

3.2.1 Multi-disciplinary ecological walkover surveys

Assessing the impacts of any project and associated activities requires an understanding of the ecological baseline conditions prior to and at the time of the project proceeding. Ecological Baseline conditions are those existing in the absence of proposed activities (CIEEM, 2018, updated 2022).

Multi-disciplinary ecological walkover surveys were undertaken on the 27th of April 2023 in accordance with NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes (NRA, 2009). This survey provided baseline data on the ecology of the study area and assessed whether further, more detailed habitat or species-specific ecological surveys were required. The multi-disciplinary ecological walkover survey comprehensively covered the entire study area.

The survey design and methodologies were derived from the following best practice guidance documents:

- TII 'Guidelines for the Assessment of Ecological Impacts of National Road Schemes'.
- Department of Environment, Heritage & Local Government 'Appropriate Assessment of Plans and Projects in Ireland'.
- TII 'Guidelines for the Treatment of Bats during the Construction of National Road Schemes'.
- TII 'Guidelines for the Treatment of Otters prior to the construction of National Road Schemes'.
- TII 'Guidelines for the Treatment of Badgers prior to the construction of National Road Schemes'.
- TII 'Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes'.
- TII 'Environmental Impact Assessment of National Road Schemes – A Practical Guide'.
- TII 'Guidance for the Protection and Preservation of Trees, Hedgerows and Scrub prior to during and post construction of National Road Schemes'.



- TII (2020) ‘The Management of Invasive Alien Plant Species on National Roads – Technical Guidance’ – GE-ENV-01105

The survey was devised to detect the potential presence of protected species with an emphasis on rare and protected flora, terrestrial mammals, birds and potential habitat features that may potentially support protected species such as reptiles, amphibians, invertebrates and aquatic species. Where encountered, features of key ecological interest were recorded using a handheld GPS (Global Positioning Satellite) device and written notes were logged using standard recording sheets. A photographic record of geo-referenced images were taken from the site of all features of interest and as examples of each habitat type, any areas of particular ecological sensitivity and evidence of mammal, bat or bird activity and any examples of other taxa, where possible.

Habitats were classified in accordance with the national habitat classification system used in Ireland - A Guide to Habitats in Ireland (Fossitt (2000)).

The survey had regard to the potential presence of problematic invasive alien species with an emphasis on those species listed on the ‘Third Schedule’ of Regulations 49 & 50 of the Birds and Natural Habitats Regulations 2011.

A full and comprehensive survey, commensurate with the nature and scale of the works, was achieved.

3.2.2 Determining Importance of Ecological Receptors

The importance of the ecological features identified within the study area was determined with reference to a defined geographical context. This was undertaken following a methodology that is set out in Chapter 3 of the ‘Guidelines for Assessment of Ecological Impacts of National Roads Schemes’ (NRA, 2009). These guidelines set out the context for the determination of value on a geographic basis with a hierarchy assigned in relation to the importance of any particular receptor. The guidelines provide a basis for determination of whether any particular receptor is of importance on the following scales:

- International
- National
- County
- Local Importance (Higher Value)
- Local Importance (Lower Value)

The Guidelines clearly set out the criteria by which each geographic level of importance can be assigned. Locally Important (lower value) receptors contain habitats and species that are widespread and of low ecological significance and of any importance only in the local area. Internationally Important sites are either designated for conservation as part of the Natura 2000 Network (SAC or SPA) or provide the best examples of habitats or internationally important populations of protected flora and fauna. Specific criteria for assigning each of the other levels of importance are set out in the guidelines and have been followed in this assessment. Where appropriate, the geographic frame of reference set out above was adapted to suit local circumstances. In addition, and where appropriate, the conservation status of habitats and species is considered when determining the significance of ecological receptors.

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3.2.3 Characterisation of Impacts and Effects

The proposed development will result in a number of impacts. The ecological effects of these impacts are characterised as per the CIEEM ‘Guidelines for Ecological Impact Assessment in the UK and Ireland (2018). The headings under which the impacts are characterised follow those listed in the guidance document and are applied where relevant. A summary of the impact characteristics considered in the assessment is provided below:

- **Positive or Negative.** Assessment of whether the proposed development result in a positive or negative effect on the ecological receptor.
- **Extent.** Description of the spatial area over which the effect has the potential to occur.
- **Magnitude** to size, amount, intensity and volume. It should be quantified if possible and expressed in absolute or relative terms e.g. the amount of habitat lost, percentage change to habitat area, percentage decline in a species population.
- **Duration** is defined in relation to ecological characteristics (such as the lifecycle of a species) as well as human timeframes. For example, five years, which might seem short-term in the human context or that of other long-lived species, would span at least five generations of some invertebrate species.
- **Frequency and Timing.** This relates to the number of times that an impact occurs and its frequency. A small-scale impact can have a significant effect if it is repeated on numerous occasions over a long period.
- **Reversibility.** This is a consideration of whether an effect is reversible within a ‘reasonable’ timescale. What is considered to be a reasonable timescale can vary between receptors and is justified where appropriate in the impact assessment section of this report.

3.2.4 Determining the Significance of Effects

The ecological significance of the effects of the proposed development are determined following the precautionary principle and in accordance with the methodology set out in Section 5 of CIEEM (2018).

For the purpose of EcIA, ‘significant effect’ is an effect that either supports or undermines biodiversity conservation objectives for ‘important ecological features’ or for biodiversity in general. Conservation objectives may be specific (e.g. for a designated site) or broad (e.g. national/local nature conservation policy) or more wide-ranging (enhancement of biodiversity). Effects can be considered significant at a wide range of scales from international to local (CIEEM, 2018).

When determining significance, consideration is given to whether:

- Any processes or key characteristics of key ecological receptors will be removed or changed
- There will be an effect on the nature, extent, structure and function of important ecological features
- There is an effect on the average population size and viability of ecologically important species.
- There is an effect on the conservation status of important ecological habitats and species.

The EPA draft guidelines on information to be included in Environmental Impact Statements (EPA, 2017) and the *Guidelines for assessment of Ecological Impacts of National Road Schemes*, (NRA, 2009) were also considered when determining significance and the assessment is in accordance with those guidelines.

The terminology used in the determination of significance follows the suggested language set out in the Draft EPA Guidelines (2017) as shown in Table 3.1 below.

Table 3-1 Criteria for determining significance of effect, based on (EPA, 2017) guidelines.

Effect Magnitude	Definition
No change	No discernible change in the ecology of the affected feature.
Imperceptible effect	An effect capable of measurement but without noticeable consequences.
Not Significant	An effect which causes noticeable changes in the character of the environment but without significant consequences.

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Effect Magnitude	Definition
Slight effect	An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.
Moderate effect	An effect that alters the character of the environment that is consistent with existing and emerging trends.
Significant effect	An effect which, by its character, its magnitude, duration or intensity alters a sensitive aspect of the environment.
Very Significant	An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.
Profound effect	An effect which obliterates sensitive characteristics.

As per TII (NRA, 2009) and CIEEM (2019) best practice guidelines the following key elements should also be examined when determining the significance of effects:

1. The likely effects on ‘integrity’ should be used as a measure to determine whether an impact on a site is likely to be significant (NRA, 2009)
2. A ‘significant effect’ is an effect that either supports or undermines biodiversity conservation objectives (CIEEM, 2019)

Integrity

In the context of EcIA, ‘integrity’ refers to the coherence of the ecological structure and function, across the entirety of a site, that enables it to sustain all of the ecological resources for which it has been valued. Impacts resulting in adverse changes to the nature, extent, structure and function of component habitats and effects on the average population size and viability of component species, would affect the integrity of a site, if it changes the condition of the ecosystem to unfavourable.

Conservation status

An impact on the conservation status of a habitat or species is considered to be significant if it will result in a change in conservation status. According to CIEEM (2019) guidelines the definition for conservation status in relation to habitats and species are as follows:

- Habitats – conservation status is determined by the sum of the influences acting on the habitat that may affect its extent, structure and functions as well as its distribution and its typical species within a given geographical area
- Species – conservation status is determined by the sum of influences acting on the species concerned that may affect its abundance and distribution within a given geographical area.

As defined in the EU Habitats Directive 92/43/EEC, the conservation of a habitat is favourable when:

- Its natural range, and areas it covers within that range, are stable or increasing
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future
- The conservation status of its typical species is favourable.

The conservation of a species is favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats



- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future
- There is and will probably continue to be, a sufficiently large habitat to maintain its population on a long-term basis.

According to the NRA/CIEEM methodology, if it is determined that the integrity and/or conservation status of an ecological feature will be impacted on, then the level of significance of that impact is related to the geographical scale at which the impact will occur (i.e. local, county, national, international).



4. DESK STUDY

4.1 Designated Sites

The potential for the proposed development to impact on sites that are designated for nature conservation was considered in this Ecological Impact Assessment.

The potential for impact on European Designated Sites is fully assessed in the accompanying AA Screening Report and is not repeated within this document.

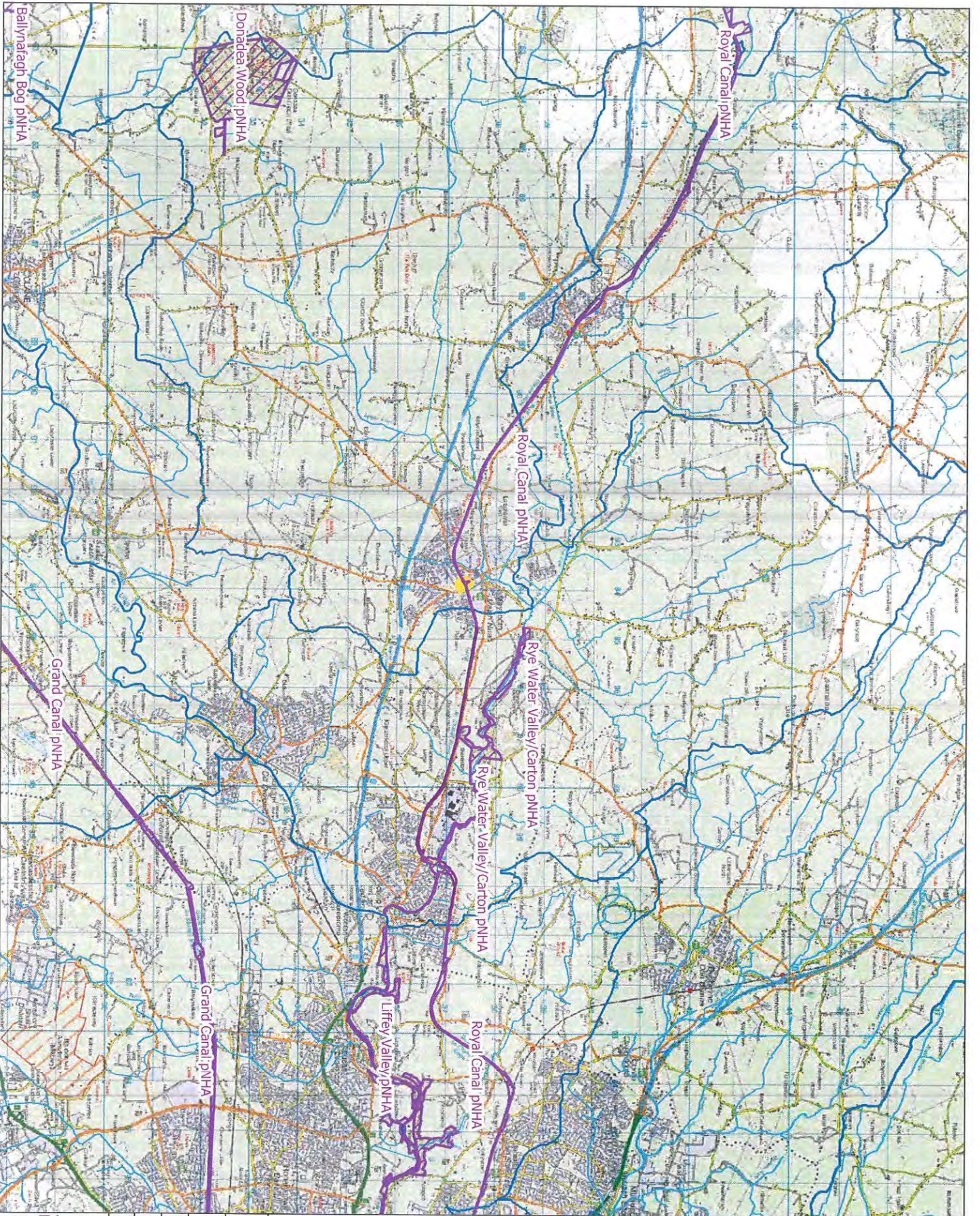
Natural Heritage Areas (NHAs) are designated under the Wildlife (Amendment) Act 2000 and their management and protection is provided for by this legislation and planning policy. The potential for effects on these designated sites is fully considered in this EcIA.

Proposed Natural Heritage Areas (pNHAs) were designated on a non-statutory basis in 1995 but have not since been statutorily proposed or designated. However, the potential for effects on these designated sites is fully considered in this EcIA.

The following methodology was used to establish which nationally designated sites have the potential to be impacted by the proposed development:

- Initially the most up to date GIS spatial datasets for all nationally designated sites and water catchments were downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) on the 06/06/2023. The datasets were utilized to identify Designated Sites which could feasibly be affected by the proposed development.
- All Nationally Designated Sites surrounding the development site were identified and are shown in Figure 4-1.
- Catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any Nationally Designated Sites. The hydrological catchments are also shown in Figure 4-1.
- Table 4-1 provides details of all relevant Nationally Designated Sites as identified in the preceding steps and assesses which, if any, are within the likely Zone of Impact.
- The site synopses for these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report.

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Map Legend

- Site Location
- Natural Heritage Area (NHA)
- Proposed Natural Heritage Area (pNHA)
- WFD Waterways
- WFD Subcatchments

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National Designated Sites


Project Title	Proposed Footbridge Maynooth Station
Drawn by	KM
Checked by	RW
Project No.	200529-47
Figure No.	Figure 4-1
Scale	1:100,000
Date	06.06.2023




MKO
Planning and Environmental Consultants
Tull Road, Galway
Tel: 01 353 3311
+353 (0) 91 735611
Website: www.mkofire.ie

Table 4-1 Identification of Nationally Designated sites within 15km.

Designated Sites and distance from proposed works	Zone of Impact Determination
Natural Heritage Areas (NHA)	
There are no NHAs within 15km of the site and source-pathway receptor chain for effects was identified for any NHA further away.	
Proposed Natural Heritage Areas (pNHA)	
<p>Royal Canal (002103)</p> <p>Distance: 20m</p> 	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The proposed works are small scale and short term in nature. Minor excavations and concrete pouring are required for the proposed development. The site is buffered from the Royal Canal by approximately 20m of built surfaces used as an existing car park and 0.5m of Grassy verges habitat.</p> <p>A potential pathway for indirect effects on the pNHA via deterioration of water quality resulting from run-off of pollutants during the construction and phase of the development was identified.</p> <p>The potential for significant effects during the operation phase of the proposed development was considered. All new structures are to be located on existing hard-stand areas and no significant changes in surface water run-off from the site is expected, there will be also no change to the existing surface water drainage of the site. No potential for likely significant effect on the pNHA through surface water pathways during the operation phase of the proposed development was identified.</p> <p>The proposed development is located within the Dublin groundwater sub-catchment in an area that has a groundwater vulnerability of 'Moderate' (Groundwater over 10m below surface). Minor excavations of 2m required for the proposed development are unlikely to reach the water table and there will be no change to the existing drainage for the site. No potential for likely significant effect on the</p>

Designated Sites and distance from proposed works	Zone of Impact Determination
<p>Rye Water Valley/Carton (001398)</p> <p>Distance: 1.47km</p> <p>(Hydrological Distance 5.7km)</p>	<p>pNHA through ground water pathways during the construction or operation phase of the proposed development was identified.</p>
<p>Rye Water Valley/Carton (001398)</p> <p>Distance: 1.47km</p> <p>(Hydrological Distance 5.7km)</p> 	<p>The proposed works are small scale and short term in nature. Minor excavations and concrete pouring are required for the proposed development. The site is buffered from the nearest waterbody by approximately 20m of built surfaces used as an existing car park and 0.5m of Grassy verges habitat. The Royal Canal flows through the pNHA approximately 5.7km away. Due to the intervening distance and the artificial canal not supporting any faunal species for which the pNHA is designated for, no potential for likely significant effect on the pNHA through surface water pathways during the construction phase of the proposed development was identified.</p> <p>The potential for significant affects during the operation phase of the proposed development was considered. All new structures are to be located on existing hard-stand areas no significant changes in surface water run-off from the site is expected, there will be also no change to the existing surface water drainage of the site. No potential for likely significant effect on the pNHA through surface water pathways during the operation phase of the proposed development was identified.</p> <p>The proposed development is located within the Dublin groundwater sub-catchment in an area that has a groundwater vulnerability of 'Moderate' (Groundwater over 10m below surface). Minor excavations of 2m required for the proposed development are unlikely to reach the water table and there will be no change to the existing drainage for the site. No potential for likely significant effect on the pNHA through ground water pathways during the construction or operation phase of the proposed development was identified</p>
<p>Liffey Valley (000128)</p> <p>Distance: 7.1km</p>	<p>The proposed works are small scale and short term in nature. Minor excavations and concrete pouring are required for the</p>

Designated Sites and distance from proposed works	Zone of Impact Determination
	<p>proposed development. There is no surface water connectivity between the development site and the pNHA. No potential for likely significant effect on the pNHA through surface water pathways during the construction phase of the proposed development was identified.</p> <p>The potential for significant affects during the operation phase of the proposed development was considered. There is no surface water connectivity between the site of proposed development and the pNHA. No potential for likely significant effect on the pNHA through surface water pathways during the operation phase of the proposed development was identified.</p> <p>The proposed development is located within the Dublin groundwater sub-catchment in an area that has a groundwater vulnerability of 'Moderate' (Groundwater over 10m below surface). Minor excavations of 2m required for the proposed development are unlikely to reach the water table and there will be no change to the existing drainage for the site. No potential for likely significant effect on the pNHA through ground water pathways during the construction or operation phase of the proposed development was identified</p>
<p>Donadea Wood (001391) Distance: 10km</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>Due to the terrestrial nature, and the intervening distances between the proposed development site and the pNHA, no potential for likely significant effects was identified.</p>
<p>Ballynafagh Bog (000391) Distance: 14.8km</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>Due to the terrestrial nature, and the intervening distances between the proposed development site and the pNHA, no potential for likely significant effects was identified.</p>

4.2 Biodiversity Ireland Database

The National Biodiversity Data centre database was accessed on the 18th of April 2023 to search for previous records of protected flora and fauna and invasive species. Table 4-2 lists the protected faunal species recorded within the 10km square N71, which encompasses the proposed development boundaries. Table 4-3 lists Third Schedule invasive plant species recorded within the square.

Table 4-2 NBDC records for protected faunal records within 10km square N93.

Common Name	Scientific Name	Status
Birds		
Barn Owl	<i>Tyto alba</i>	Red list
Barn Swallow	<i>Hirundo rustica</i>	Amber list
Black-headed Gull	<i>Larus ridibundus</i>	Red list
Common Coot	<i>Fulica atra</i>	Annex I, Amber list
Common Grasshopper Warbler	<i>Locustella naevia</i>	Amber list
Corncrake	<i>Crex crex</i>	Annex I, Red list
Common Kingfisher	<i>Alcedo atthis</i>	Annex I
Curlew	<i>Numenius arquata</i>	Red list
Kestrel	<i>Falco tinnunculus</i>	Red list
Meadow pipit	<i>Anthus pratensis</i>	Red list
Grey Partridge	<i>Perdix perdix</i>	Red list
Grey Wagtail	<i>Motacilla cinerea</i>	Red list
Lapwing	<i>Vanellus vanellus</i>	Red list
Common linnet	<i>Carduelis cannabina</i>	Amber List
Red Kite	<i>Milvus milvus</i>	Red list
Redwing	<i>Turdus iliacus</i>	Red list
Scaup	<i>Aythya marila</i>	Red list
Snipe	<i>Gallinago gallinago</i>	Amber list
Stock Dove	<i>Columba oenas</i>	Amber list
Swift	<i>Apus apus</i>	Red list

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Common Name	Scientific Name	Status
Woodcock	<i>Scolopax rusticola</i>	Red list
Yellowhammer	<i>Emberiza citronella</i>	Red list
Amphibians and Reptiles		
Smooth Newt	<i>Lissotriton vulgaris</i>	WA
Common Frog	<i>Rana Temporaria</i>	WA, Annex V
White-Clawed Crayfish	<i>Austropotamobius pallipes</i>	WA, Annex II, AnnexV

Annex II, Annex IV, Annex V – Of EU Habitats Directive, Annex I – Of EU Birds Directive, WA – Irish Wildlife Acts (1976-2017), Amber list/ Red list – Of Birds of Conservation Concern Ireland.

Table 4-3 Third Schedule Invasive Species in 10km square N93

Common Name	Scientific Name
Giant Hogweed	<i>Heracleum mantegazzianum</i>
Japanese Knotweed	<i>Fallopia japonica</i>
American mink	<i>Mustela vison</i>
Brown rat	<i>Rattus norvegicus</i>
Eastern grey squirrel	<i>Sciurus carolinensis</i>
Harlequin Larybird	<i>Harmonia axyridis</i>
Indian Balsam	<i>Impatiens glandulifera</i>
Common Rhododendron	<i>Rhododendron ponticum</i>
Three-cornered garlic	<i>Allium triquetrum</i>
Canadian Waterweed	<i>Elodea canadensis</i>

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5. FIELD STUDY

5.1 Baseline Habitats

A multidisciplinary walkover survey was conducted on the 27th of April 2023 in line with NRA (2009) guidelines (Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes) by Kailan Mitchell of MKO. The survey was carried out within the optimum time for habitat surveys (April to September, Smith 2011). Habitats were identified in accordance with the Heritage Council's 'Guide to Habitats in Ireland' (Fossitt, 2000). Plant nomenclature for vascular plants follows 'New Flora of the British Isles' (Stace, 2019), while moss and liverwort nomenclature follow 'Mosses and Liverworts of Britain and Ireland - a field guide' (British Bryological Society, 2010).

The walkover survey was designed to detect the presence, or likely presence, of a range of protected species. Habitats considered to be of ecological significance and having the potential to correspond to those listed in Annex I of the EU Habitats Directive 92/43/EEC were not identified during the walkover survey.

The proposed site boundary is located on existing hard-stand areas classified as **Buildings and Artificial Surfaces (BL3)**, this includes the existing bridge and portions of car parking areas to the north and south to be used as a site compound (Plate 2-1, Plate 2-2, Plate 2-3).

Other habitats in the wider area outside the proposed development boundary include a **Treeline (WL2)** of Silver birch (*Betula pendula*) and Alder (*Alnus glutinosa*) (Plate 2-4) and the Royal Canal to the north categorised as **Canals (FW3)** (Plate 2-5).

The Royal canal is buffered from the site of proposed development by the approximately 20m of car park and 0.5m of **Dry meadows and Grassy verges (GS2)** habitat containing bush vetch (*Vicia sepium*), nettle (*Urtica dioica*), meadowsweet (*Filipendula ulmaria*) and rosebay willowherb (*Chamaenerion angustifolium*) to the north (Plate 2-6).

No species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded during the survey.

No evidence of Annex II protected animal species or Annex I bird species were recorded within the development site. All species recorded are common in the Irish landscape. No habitats listed under Annex I of the EU Habitats Directive were identified within the site boundary. None of the habitats within the Proposed Development site provide significant supporting habitat for any QI/SCI species associated with nearby European Sites.





Plate 5-1 Existing Bridge at Maynooth Station to be replaced



Plate 5-2 Car park to the South of the existing bridge where the main compound will be located

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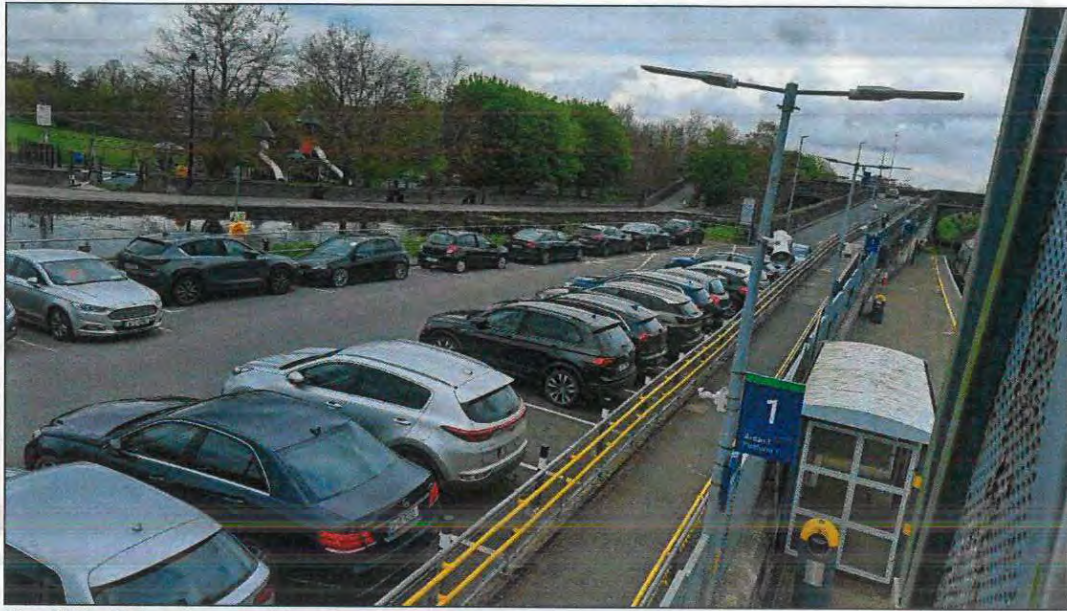


Plate 5-3 Car Park to the north of the existing bridge

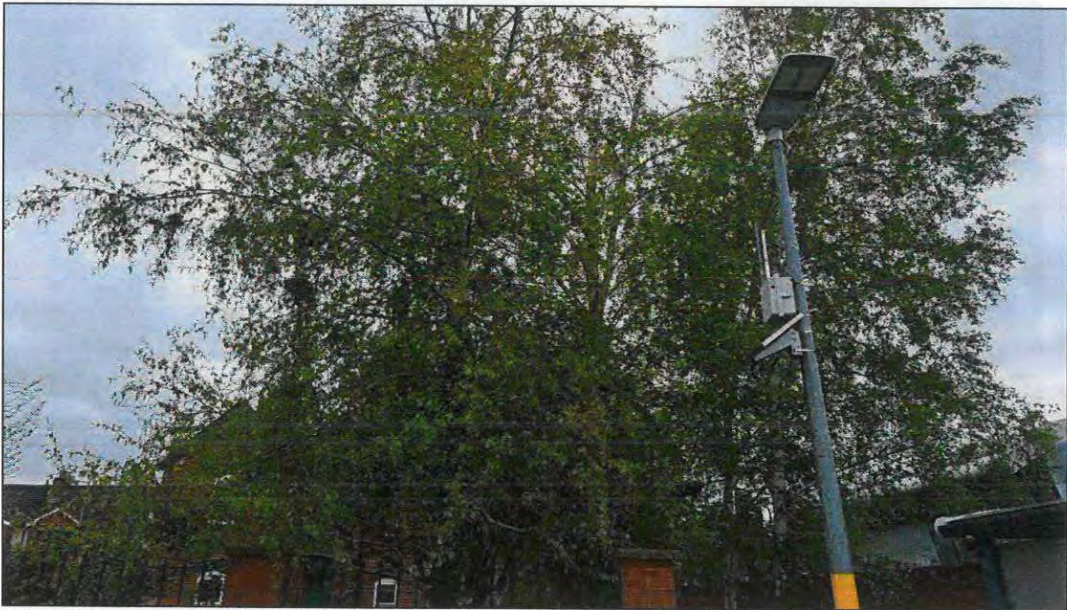


Plate 5-4 Treeline located to the southwest and outside the development boundary

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Plate 5-5 Royal Canal located to the north of the proposed development site



Plate 5-6 Car Park and Grassy verges habitat between the proposed development site and Royal canal to the north

5.1.1 Significance of Habitats

Ecological evaluation follows a methodology that is set out in Chapter 3 of the ‘Guidelines for Assessment of Ecological Impacts of National Roads Schemes’ (NRA, 2009). The habitats within and adjacent to the development site were evaluated in accordance with the criteria developed by the NRA (2009b), which classifies sites in terms of their ecological importance, *i.e.* ‘international importance’, ‘national importance’, ‘county importance’, ‘local importance (higher value)’ or ‘local importance (lower value)’.

None of the habitats recorded within the study area correspond to those listed on Annex I of the EU Habitats Directive.

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The Buildings and Artificial Surface habitats within the site, including the existing bridge to be replaced, are assessed as Local Importance (*lower value*) as these areas are man-made structures that are of no ecological significance.

The Treeline habitat located outside of the development footprint is assessed as Local Importance (*lower value*) as these areas are small areas of semi-natural habitat that are of some local importance for wildlife.

The grassy verges habitat along the edge of the Royal Canal is assessed as Local Importance (*lower value*) as these areas are small areas of semi-natural habitat that are of some local importance for wildlife.

The Royal Canal located to the north of the site is assessed as National Importance as this is a site designated as a proposed National Heritage Area (pNHA).

5.2 Fauna

5.2.1 Birds

Birds observed during the site visit included rook (*Corvus frugilegus*), wood pigeon (*Columba palumbus*), herring gull (*Larus argentatus*) and robin (*Erithacus rubecula*) were observed commuting in the area. Mute swan (*Cygnus olor*) and mallard (*Anas platyrhynchos*) were observed foraging in the canal. The site of proposed development consists of built surfaces that do not provide suitable foraging or breeding habitat for birds.

5.2.2 Non-volant Mammals

A Badger survey was conducted to determine the presence or absence of Badger signs within and outside (areas of identified suitable habitat) the site. This involved a search for all potential Badger signs as per NRA (2009) (latrines, badger paths and setts).

No signs of badger, including setts, latrines or snuffle holes were observed during the site visit. The site of proposed development consists of hardstand areas that do not provide suitable habitat for breeding or foraging badger.

The site of proposed development does not possess any hydrological features and no suitable habitat for otter. The nearest waterbody is the Royal Canal approximately 15m to the north of the proposed site. The site of proposed development consists of hardstand areas that do not provide suitable habitat for breeding or foraging otter.

A dedicated otter survey was carried out along the bank of the Royal Canal closest to the site of proposed development. The survey was undertaken following NRA (2006) *Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes*. No evidence of otter, including holts, couches, slides, spraints, prints or feeding remains was recorded 150m upstream and downstream during the course of these surveys. No evidence of otter was recorded and the grassy verge habitat along the bank of the canal does not provide suitable resting habitat for otter.

No other signs of mammal activity was recorded within or surrounding the proposed development site.



5.2.3 Bats

During the walkover survey, landscape features on the sites were visually assessed for potential use as bat roosting habitats and commuting/foraging habitats using a protocol set out in BCT *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn.) (Collins, 2016). Table 4.1 of the 2016 BCT Guidelines identifies a grading protocol for assessing structures, trees and commuting/foraging habitat for bats. The protocol is divided into four Suitability Categories: *High, Moderate, Low and Negligible*.

Hardstand areas were assessed as having *Negligible* habitat features on site likely to be used by roosting, commuting or foraging bats.

The existing bridge proposed to be replaced was inspected for its potential to support roosting bats. No evidence of roosting bats was observed, and the bridge itself does not provide suitable roosting habitat for bats (Plate 5-6).



Plate 5-7 Underside of existing bridge, which does not provide suitable habitat for roosting bats

The treeline to the southwest was assessed as *Low* suitability for commuting and foraging bats due to possessing suitable, but isolated habitat that could be used by a small number of foraging bats. The treeline was assessed as having *Negligible* habitat features on site likely to be used by roosting bats.

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5.2.4 Significance of Fauna

There is no suitable habitat within or adjacent to the site boundary for QI species associated with any SAC in the wider area, the populations of which are of *International Importance*. All fauna recorded during the walkover survey are common and widespread in the wider environment.

There is no suitable habitat within the works areas for SCI species or birds of greater than *local Importance (higher value)*. Birds which may use vegetated areas outside the works areas would be of *local importance (higher value)*.

Linear landscape features in wider area to the works are likely to be utilised by a bat population of *local importance (higher value)* for commuting and foraging. All bat species are listed on Annex IV of the Habitats Directive.



5.3 Invasive Species

No invasive species listed on the third schedule of the EC (Birds and Natural Habitats) Regulations 2011 S.I. 477/2011 were recorded within or in the vicinity of the development footprint during the ecological survey.

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6. IMPACT ASSESSMENT

6.1 Do Nothing Impact

The existing pedestrian bridge and hardstand areas would continue to be used for pedestrians to cross the existing rail track and would continue to be inaccessible to mobility and sensory impaired persons.

6.2 Impacts to Habitats

6.2.1 Habitat Loss

The construction of the proposed development will involve the like-for-like replacement of existing hard stand areas with new hardstand areas.

There will be no loss of any habitat of ecological significance during the construction or operation of the proposed development.

Mitigation

No mitigation is required.

Residual effects

No significant effects are predicted.



6.3 Impacts to Fauna.

6.3.1.1 Loss of Faunal Habitat

The construction of the proposed development will involve the like-for-like replacement of existing hard stand areas that do not provide any suitable breeding or foraging habitat for any Faunal species.

There will be no reduction in bat foraging/commuting habitat as there will be no loss of linear features.

No loss of faunal habitat is anticipated at any geographic scale as a result of the proposed development.

Mitigation

No mitigation is required.

Residual effects

No significant effects are predicted.

6.3.1.2 Disturbance & Displacement of Fauna

The proposed development is highly localised and focused on existing low-value habitats. No evidence of otter or badger was found within the site boundary or in the wider area. The proposed development boundary does not provide suitable habitat for any faunal species. An assemblage of birds species were

observed commuting and foraging in the wider area of the proposed development. But there is no suitable roosting or breeding habitat for any species of bird within the development footprint.

The development is located adjacent to a busy rail station with existing lighting in place. Any additional disturbance caused by the proposed development is deemed imperceptible to faunal species. There is no vegetation clearance required for the proposed development. The type of lighting required to carry out the works will be decided by the appointed contractor. The below best practice as regards to disturbance and lighting is recommended.

In the absence of best practice measures, effects via disturbance to fauna as a result of lighting and noise is considered a temporary, slight effect.

Best Practice

- Works will be carried out during normal, daytime working hours.
- Artificial lighting required in order to carry out the works will be limited where possible.
- Lighting will be downward facing, and lighting will be directed away from
- ecologically sensitive features including treelines, hedgerows or watercourses, including the Royal Canal.
- All plant and equipment for use will comply with Statutory Instrument No 359 of 1996
- “European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations 1996”.
- Operating machinery will be restricted to the designated site limits.
- All vehicles and mechanical plant will be fitted with effective exhaust silencers and maintained
- in good working order for the duration of the works.
- Machines, which are used intermittently, will be shut down during those periods when they are not in use.

Residual effects

After the above measures are implemented, significant effects as regards disturbance to fauna are not anticipated.

6.4

Impacts to Water Quality

The proposed development is highly localised and focused on built surfaces. There are no watercourses located within the development site. The nearest watercourse is the Royal Canal located approximately 20m to the North of the proposed development site. The site is buffered from the Royal Canal by approximately 20m of built surfaces used as an existing car park and 0.5m of Grassy verges habitat. The construction of the proposed development will involve minor excavations and concrete pouring which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery. Taking a precautionary approach, potential pathway for indirect effects on the pNHA via deterioration of water quality resulting from run-off of pollutants during the construction phase of the development was identified.

In the absence of best practice measures, effects via pollution to waterbodies via surface water run-off is considered a temporary, slight effect.

Best Practice

Site Set-up

- Prior to the commencement of works, the construction footprint will be fenced off with a barrier to protect adjacent habitats and to prevent any egress of machinery outside of the site during construction activities.



- A designated section of the site will be fenced off as the construction compound and will be located at least 30 meters away from any nearby watercourse. Any construction materials should be stored in this defined area.

Pollution Prevention

- All site plant equipment will be inspected at the beginning of each day prior to use. Defective plant shall not be used until the defect is satisfactorily fixed. All major repair and maintenance operations will take place off site.
- Vehicles will never be left unattended during refuelling. Only dedicated trained and competent personnel will carry out refuelling operations and plant refuelling procedures shall be detailed in the contractor's method statements.
- Fuels, lubricants and hydraulic fluids for equipment used on the site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment.
- Potential impacts caused by spillages etc. during the construction phase will be reduced by keeping spill kits and other appropriate equipment on-site.
- In all circumstances, excavation depths and volumes will be minimised.
- Where possible, excavated material will be reused for landscaping works or backfill of excavations. Alternatively, spoil will be transported off site to a designated waste facility.
- Where stockpiling of excavated spoil is necessary, it will be stockpiled and contained entirely within the confines of the works site boundary, at a minimum distance of 30m away from any waterbodies. A silt fence will be erected around the stockpile to prevent any sediment-laden run-off occurring.
- No washing out of any plant used in concrete transport or concreting operations will be allowed on-site.
- Where concrete is delivered on site, only chute cleaning will be permitted, using the smallest volume of water possible. No discharge of cement contaminated waters to the construction phase drainage system or directly to any artificial drain or watercourse will be allowed.
- Use weather forecasting to plan dry days for pouring concrete.
- Ensure pour site is free of standing water and plastic covers will be ready in case of sudden rainfall event.

Residual effects

After the above measures are implemented, significant effects as regards to deterioration of water quality are not anticipated.

6.5

Biosecurity

No Third Schedule Invasive Species were identified within or in the vicinity of the development footprints during the ecological survey. There is no importation of soils proposed. The works are small scale and short term and therefore no potential for likely significant impacts to biosecurity were identified.

Mitigation

No mitigation is required.

Residual effects

No significant effects are predicted.



6.6

Impacts on Nationally Designated Sites

The potential for impacts on European Designated Sites is assessed in the accompanying AA Screening Report.

As detailed in Section 6 where the potential for effects were identified for the Royal Canal pNHA (002103), following the best practice measures prescribed, no significant effects are anticipated.

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7.

CONCLUSION

Following consideration of the residual effects (post incorporation of best practice measures) it is noted that the proposed developments will not result in any significant effects on the biodiversity, flora and fauna of the existing environment.

Provided that the proposed works are carried out in accordance with the design and best practice that is described within this report, significant effects on biodiversity are not anticipated at any geographical scale.



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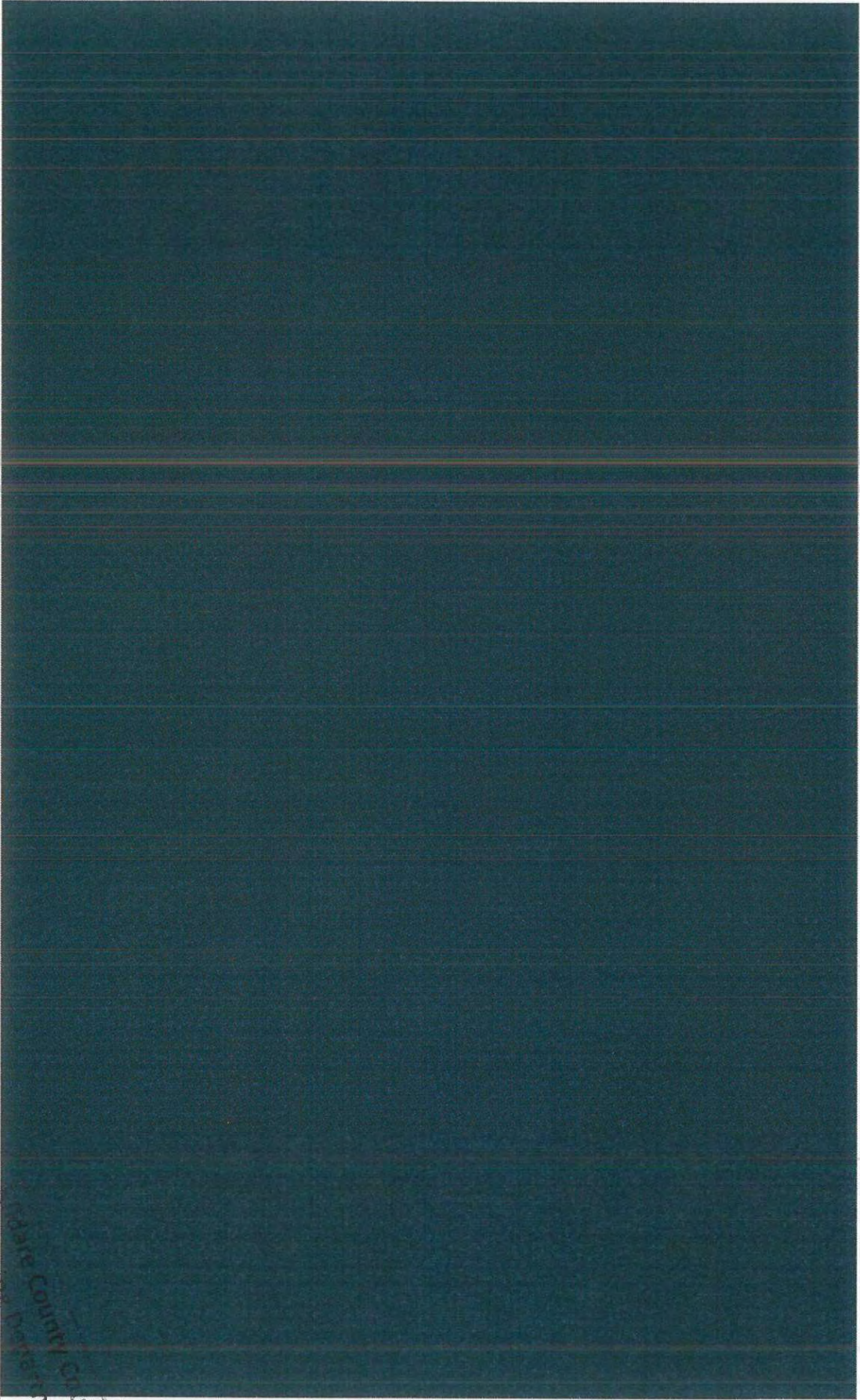
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OPINION

QUERIST: Iarnród Éireann

AGENT: Rita Monaghan, Solicitor

RE: Mobility Impaired Access Structure (MIAS) at Dalkey
Railway Station

DATE: 21st April 2020



CONTENTS

I. Introduction

II. The approach to interpretation

III. The elements of Class 23

IV. The proposed development

V. Screening & Other Assessments

VI. Conclusion



I. INTRODUCTION

1. Querist seeks advices in relation to a proposal to add a new mobility impairment access structure (hereafter also referred to as 'MIAS') in Dalkey Dart/Railway Station, County Dublin.
2. While the description of the MIAS is set out in more detail later in these advices, in summary, it consists of an assembly of different elements including lifts, shafts, staircases and a covered walkway linking both lifts and staircases.
3. The indicative design of this proposed mobility impaired access structure (MIAS) and lift access structure confirms that same will be contextualised specifically for Dalkey with a honey coloured concrete and Dalkey Granite for the portals carrying the structure itself. This is addressed further in the report of Querist's Conservation Architect.
4. The proposed development has the objective of allowing passengers move safely from each platform within the railway station at Dalkey.
5. Querist seeks advices as to whether or not the proposed development comes within Class 23 of the Planning & Development Regulations, 2001 to 2019 (hereafter also referred to as the '2001 to 2019 Regulations').

Class 23 of the 2001 to 2019 Regulations

6. Class 23 of the 2001 to 2019 Regulations applies to development by statutory undertakers as follows:

CLASS 23

The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—

- (a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for

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manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or (b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.

7. Querist is a statutory undertaker and railway undertaking.
8. Class 23, therefore, refers to the carrying out by Querist of development required in connection with the movement of traffic by rail in, on, over or under Querist's operational land except – (a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or (b) the re-construction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.
9. The restriction in class 23 to “any car park provided or constructed shall incorporate parking space for not more than 60 cars” is not relevant to the question raised by Querist.

II. THE APPROACH TO INTERPRETATION

10. The general approach as to how the question raised by Querist should be considered was addressed by the High Court (Clarke J.) in his judgment in *Coras Iompair Éireann & Anor v. An Bord Pleanála* [2008] IEHC 295.
11. The decision of the High Court, for example, referred to the fact that the provisions in section 57(1) of the Planning and Development Act 2000 (as amended)¹ – relating to the carrying out of works to a protected structure - need to be seen in the context of section 4 of the PDA 2000.
12. In that case, for example, reference was made to the (then) provisions contained in section 57, section 4(1)(h) and section 4(2) of the PDA 2000 and

¹ Also referred to herein as “the PDA 2000.”

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the High Court observed as follows at paragraphs 4.2 and 4.3 of the judgment:

"...4.2 Section 57(1) of the 2000 Act, provides as follows:-

"Notwithstanding s. 4(1)(h), the carrying out of works to a protected structure or a proposed protected structure shall be exempted development only if those works would not materially affect the character of;

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest"

The provision needs to be seen in the context of s. 4 of the 2000 Act, which sets out various categories of exempted development. Included in those categories is s. 4(1)(h) which is in the following terms:-

"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."

4.3 Section 4(2) permits the relevant Minister to make regulations providing for any class of development to be exempted development for the purposes of the Act. **It is under that section that the Regulations are made and the general exemption provided to railway undertakings in Class 23 is, therefore, exempted development under s. 4(2).**² There are, thus, certain types of development which are directly exempted by statute under one or other of the various sub-clauses of s.

² Emphasis added.

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4(1). There are also other categories of development which are exempted by reason of regulations made by the Minister under s. 4(2). It is also relevant to consider the provisions of the 2000 Act concerning protected structures. Part IV, Chap. 1, of the 2000 Act sets out the development controls for protected structures and proposed protected structures. The structures concerned are those which have been included (or are proposed to be included) in a development plan of a planning authority..."

13. Accordingly, the High Court in *Coras Iompair Éireann & Anor v. An Bord Pleanála* referred to the fact that Class 23 was the general exemption provided to railway undertakings and was, therefore, exempted development under section 4(2) of the PDA 2000.

14. As mentioned Class 23 of 2001 to 2019 Regulations has a sub-title "*Development by Statutory Undertakers*".

15. The nature of the exemption is set out in the left-hand column, that is Column 1 which provides for "*Description of Development*". Column 2 on the right-hand side then sets out the "*Conditions and Limitations*". All of these are contained in Schedule 2, Part 1, which refers to Article 6. Thus, Column 1 of Class 23 provides as follows:

"...The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except: (a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situate wholly or within the interior of a railway station, or (b) the reconstruction or alteration of any of the aforementioned structures so as materially to effect the design or external appearance thereof..."

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16. Column 2 addressing "Conditions and Limitations" provides as follows:-

"...Any car park provided or constructed shall incorporate parking space for not more than 60 cars..."

III. THE ELEMENTS OF CLASS 23

"...Railway Undertaking..."

17. Querist comes within the definition of Railway Undertaking as referred to in Class 23.

18. For example, on 12th June, 2015, the Minister for Transport, Tourism and Sport approved S.I. 249/2015, namely the European Union (Regulation of Railways) Regulations 2015. These Regulations give effect to EU Directive 2012/34. Querist (Iarnród Éireann) is designated as the Infrastructure Manager for the purpose of these Regulations and references in the Directive and Regulations to the Infrastructure Manager are references to Iarnród Éireann.

19. Under S.I. 249/2015 any Railway Undertakings shall be granted access, subject to meeting safety and licensing requirements to the State's railway infrastructure for the purposes of operating:- international passenger services; international freight services; domestic freight services; international combined goods services. The purpose of S.I. No. 249/2015 was to transpose Directive 2012/34/EU establishing a single European Railway Area and the Regulations provide for railway infrastructure, management and access, the assignment of an Essential Functions Body, provisions for an Infrastructure Management Agreement and for a Framework Agreement between Infrastructure Manager and a Railway Undertaking, the functions of the Infrastructure Manager and the Railway Undertaking and the designation of a

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Regulatory Body with monitoring appeals complaints and compliance functions.

20. The Regulations also provide for the licensing of Railway Undertakings by a Licensing Authority.

21. Regulation 2 of S.I. No. 249/2015 defines a "Railway Undertaking" as meaning: *"Any public or private Undertaking licensed according to the Directive, and in the State, licensed according to Part 4, the principal business of which is to provide services for the transport of goods or passengers or both by rail with a requirement that the undertaking ensure traction; this also includes undertakings which provide traction only."*

22. There are other references to Railway Undertakings in S.I. no. 249/2015 which include references to Querist. By way of further analogy, from an EU perspective, Railway Undertaking is defined as *"Any public or private Undertaking licensed according to applicable community Legislation, the principal business of which is to provide services for the transport of goods and/or passengers by rail."*

"...Development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking..."

23. In considering the aforesaid requirement in Class 23, Querist (Iarnród Éireann) was formed under the Transport Act, 1986, and Coras Iompair Éireann (a Statutory Body wholly owned by the Government of Ireland) holds 100% of the issued share capital of the Company. Iarnród Éireann owns, operates and maintains the railway infrastructure in Ireland.

24. Presently, the Iarnród Éireann network currently extends to approximately 2,400 km of operational track, approximately 4,440 bridges, approximately 1,100 point ends, approximately 970 level crossings, 144 stations, over 3,300 cuttings and embankments, 372 platforms and 13 tunnels.

25. The network includes main line, Dublin suburban and commuter passenger routes, together with freight-only routes.

IV. THE PROPOSED DEVELOPMENT

26. In assessing the question raised, as the High Court (Clarke J.) did in *Coras Iompair Éireann & Anor v. An Bord Pleanála* [2008] IEHC 295, it is necessary to assess the elements of Class 23 of the Regulations in the context of the facts that arise with regard to the proposed MIAS in Dalkey Dart/Railway Station, Dalkey, County Dublin.

27. The provisions of section 5 of the PDA 2000 have also been considered in a large number of cases. For example, in *Grianán an Aileach Interpretative Centre Company Limited v. Donegal County Council* [2004] 2 I.R. 625, Keane C.J. observed that "...it would seem to follow that the question as to whether planning permission is required in this case necessarily involves the determination of the question as to whether the proposed uses would constitute a 'development', i.e., a question which the planning authority and An Bord Pleanála are empowered to determine under s. 5 of the Act of 2000."

28. In my view, the new mobility access structure or MIAS to be located in Dalkey Dart/Railway Station, Dalkey, which is comprised of an assembly or arrangement of different elements, including lifts, shafts, staircases and a covered walkway linking both lifts and staircases comprises either (i) the carrying out by Querist of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, and/or in the alternative (ii) the carrying out by Querist of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking situated wholly within the interior of a railway station and does not amount to the alteration of the railway station so as materially to affect the design or external appearance thereof.

29. On either interpretation, and for the reasons set out below, the proposed development of a MIAS in Dalkey Dart/Railway Station is, in my view, exempted development by virtue of Class 23 of the 2001 to 2019 Regulations.

30. In this regard and from a planning perspective it is important to have regard to (i) the elements which make up the proposed MIAS structure in the environs in which it is to be located and (ii) its purpose in Dalkey Dart/Railway Station.

MIAS structure

31. First, the mobility impaired access structure (MIAS) comprises an assembly of different elements including lift(s), shafts, staircases, and a covered walkway linking both lifts and staircases.

32. The steps of the structure are designed to be 350 mm long which means that each and every step (and not just landings) can be used by passengers to rest while using the steps.

33. Similarly, lifts are provided for not only for passengers using wheelchairs but also passengers with luggage, buggies and those who are ambulant but do not wish or cannot to climb the stairs.

34. Thus, the proposed MIAS structure is more than just the sum of its parts and comprises the carrying out by Querist, as a railway undertaking, of development required in connection with the movement of traffic by rail in, on, over or under Querist's operational land.

35. The description of the works involved are detailed in the Stage 1 Screening for Appropriate Assessment carried out by Querist with paragraph 4.2 setting out the construction timeframe, foundations, access structure, paragraph 4.3 dealing with a general description of earthworks and construction phasing, paragraph 4.4 dealing with excavation and spoil management. They are also described in section 3 of the Screening for EIA carried out by Querist.

36. No works will be carried out to the building structure which has protected structure status within the Dart/Railway station. The station is presently used for railway related activities. Also, no demolitions are required as part of the development works.

Purpose of MIAS structure

37. Second, the purpose of the proposed mobility impaired access structure (MIAS) within Dalkey Railway Station, Dalkey, County Dublin is to provide access for mobility impaired passengers. These will include passengers with a disability and wheelchair users.

38. Importantly, Dalkey Dart/Railway station is a functioning station but presently restricts the type of passengers who can easily avail of the rail service to able bodied passengers in the main. As described in the EIA Screening Report, the proposed development is being progressed as part of Iamród Éireann's Accessibility Programme, involving works to make the station "un-assisted wheelchair accessible" and, as is set out later, by doing so Querist is implementing national government policy.

As mentioned earlier, it is noted that no works are being proposed to the existing covered building which is a protected structure.

40. Further, and separately, there is already a footbridge at Dalkey and the use of the proposed mobility impaired access structure (MIAS) has a different purpose than the existing footbridge. Consequently, the intended use of the MIAS is to address a different use requirement to that of the footbridge. The MIAS is aimed at facilitating mobility impaired passengers within the station environs. I am also instructed, for example, that in the UK, MIAS are built to replace pedestrian level crossings in some instances.

41. Accordingly, having regard to (i) the structure of the MIAS and (ii) the purpose of the proposed MIAS at Dalkey Railway/Dart Station, it is in my view exempted development within Class 23 and does not engage any of the

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exceptions to Class 23. Later in these advices I refer to Querist's 'section 57 Report' which also confirms that the design of the entire proposal to construct a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station, County Dublin had express regard to the provisions of section 57 of the PDA 2000 and complies with the provisions of section 57 of the PDA 2000 and Class 23 of the 2001 to 2019 Regulations.

42. Equally, and/or in the alternative, the proposed mobility impaired access structure (MIAS) within Dalkey Railway Station comprises the carrying out by Querist of development which is required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking situated wholly within the interior of a railway station and does not amount to the alteration of the railway station so as materially to affect the design or external appearance thereof. Thus, in terms of the wording of Class 23(a) and Class 23(b) of the Regulations it is noted that this structure is not a bridge in the sense described below, in relation to 'overbridges' and 'underbridges', but is designed to improve the access for mobility impaired passengers within the Station, as already point out.

43. From the perspective of adopting the correct approach to the interpretation of Class 23 of the 2001 to 2019 Regulations it is helpful, by analogy, to summarise the principles which have arisen from the leading case law in relation to statutory interpretation. I also note that the following decisions or principles do not appear to have been considered in the Board's decision in relation to Howth junction decision³ (which is referred to later in these advices).

44. For example, the starting point in terms of the 'approach to interpretation' is the application of the ordinary and natural meaning of the words used by the Oireachtas: *Howard v. Commissioners of Public Works* [1994] 1 I.R. 101. In assisting the construction or interpretation of particular words used by the Oireachtas, the courts may look to the scheme and purpose of the provisions

³An Bord Pleanála Referral Reference No. RL25280:- Howth Junction Dart Station dated the 24th April 2010

in issue as disclosed by the statute or a relevant part: *McCann Limited v. Ó Culacháin (Inspector of Taxes)* [1986] 1 I.R. 196, 201. The purpose and policy of the Act may be informed by the pre-Act law but reliance upon this is limited by the words used by the Oireachtas in the provision under consideration: *B v. Governor of the Training Unit Glengarriff Parade Dublin* [2002] IESC 16 and *A.B. v. Minister for Justice Equality and Law Reform* [2002] 1 I.R. 296. It is to be presumed that words are not used in a statute without a meaning and, accordingly, effect must be given, if possible, to all the words used: *Goulding Chemicals Limited v. Bolger* [1977] I.R. 211, 226. In terms of the Board's decision in relation to Howth injunction (referred to below), I have also had regard to the principle "*that a point not argued is a point not decided*": *Laurentiu v. Minister for Justice* [1999] 4 IR 26; *The State (Quinn) v Ryan* [1965] IR 70.

45. Thus, having regard to Class 23 of the 2001 to 2019 Regulations, it is clear that if it was intended to exclude the construction of bridges, stations and other structures associated with the function of the railway, there would have been no requirement for the inclusion of the qualifying term "*which is not situated wholly within the interior of a railway station*" within the Regulations.

46. Further, having regard to the aforesaid case law, by analogy, I do not see how the term "*interior*" in the regulations could be intended to refer to an "enclosed volume" or the "station building" alone. The Cambridge English Dictionary offers examples of where the term "*interior*" is used to refer to the internal region of a bounded area and in my view this is the correct interpretation.

47. Furthermore, section 5(1) of the Interpretation Act 2005 provides that in construing a provision of any Act⁴ (a) that is obscure or ambiguous, or (b) that on a literal interpretation would be absurd or would fail to reflect the plain intention of— (i) in the case of an Act to which paragraph (a) of the definition of "Act" in section 2 (1) relates, the Oireachtas, or (ii) in the case of an Act to which paragraph (b) of that definition relates, the parliament concerned,

⁴ Other than a provision that relates to the imposition of a penal or other sanction.

provision shall be given a construction that reflects the plain intention of the Oireachtas or parliament concerned, as the case may be, where that intention can be ascertained from the Act as a whole.

48. Section 5(2) of the Interpretation Act 2005 provides that in construing a provision of a statutory instruments — (a) that is obscure or ambiguous, or (b) that on a literal interpretation would be absurd or would fail to reflect the plain intention of the instrument as a whole in the context of the enactment (including the Act) under which it was made, the provision shall be given a construction that reflects the plain intention of the maker of the instrument where that intention can be ascertained from the instrument as a whole in the context of that enactment.”

49. In my view, Class 23 of the Regulations is clear in its application and is not either “absurd” or “fails to reflect” its plain intention. Class 23 is, as a matter of interpretation, is clearly applicable to the new mobility impairment access structure (MIAS) which is proposed to operate in Dalkey Dart/Railway Station, County Dublin.

50. In this regard both the platforms and the proposed mobility access structure and lift access structure are within Dalkey Railway Station. Indeed, in this regard, it is noted that the maximum length of passenger trains is governed by the length of platforms at railway stations which the trains serve. Platform lengths are measured from Top of Ramp to Top of Ramp where usable length may actually be less.

51. In railway law, the two key types of bridges are ‘overbridges’ and ‘underbridges’. An ‘overbridge’ carries a road ‘over’ the railway and an ‘underbridge’ carries the railway over the road. Somewhat interchangeably, where a railway crosses over a road the bridge can be described as either a road underbridge or a rail overbridge. In contrast, footbridges over railways are usually provided either as *internal* passageways in railway stations or also

⁵ Other than a provision that relates to the imposition of a penal or other sanction.

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as a means of providing a right of way over the line, where it was not necessary to accommodate non pedestrian traffic.

52. It is also noted that Regulation 12(1) of the European Union (Regulation of Railways) Regulations 2015 (contained in S.I. No.249/2015) *inter alia* provides that "railway undertakings shall, in the course of an international passenger service, have the right to pick up passengers at any railway station in the State located on the international route and set them down at another railway station in the State, subject to the determination regarding the purpose of the proposed service by the regulatory body under Regulation 33. That right shall include access to infrastructure connecting service facilities referred to in paragraph 2 of Schedule 2."

53. I also note the definition in the Transport (Railway Infrastructure) Act, 2001 (as amended) which defines, for example, "Railway Infrastructure" as meaning any land, buildings, structures, equipment, systems, vehicles, services or other thing used in connection with, or necessary or incidental to, the movement of passengers or freight by railway". Also within the same 2001 Act "Railway Works" is defined as meaning any works required for the purpose of a railway or any part of a railway, including works ancillary to the purposes aforesaid, such as parking by buses or by persons using vehicles who intend to complete their journey by railway, and relocation of utilities, and in this definition "Works" includes any act or operation of construction, excavation, tunnelling, demolition, extension, alteration, reinstatement, reconstruction, making good, repair or renewal."

New Railway Station at Howth Junction

54. I have also reviewed the two reports of the planning inspector, the Order of the Board and the Direction of the Board on the referral in relation to a question arising from works at Howth Junction Dart Station contained in Referral Reference No. RL25280:- Howth Junction Dart Station, off St. Donagh's Road, Kilbarrack, Dublin 5 which I have briefly referred to earlier.



55. In considering the general approach a planning authority should adopt to a request under section 5 of the PDA 2000, I have also had regard to the recent decisions of the High Court (Simons J.) in *Krikke v. Barrannafaddock Sustainability Electricity Limited* [2019] IEHC 825 (Unreported, High Court, Simons J., December 6, 2019) and of the High Court (Heslin J.) in *Narconon Trust v. An Bord Pleanála* [2020] IEHC 25 (Unreported, High Court, Heslin J., January 24, 2020). However, while both High Court decisions involved a discussion of section 5 of the PDA 2000 (the *Krikke* case was an application for an injunction under section 160 of the PDA 2000) they were limited to the situation where you have decisions of the Planning Authority and An Bord Pleanála which relate precisely to the same development at the same location where the same question arose. That, of course, is not the situation here.

56. In my view the decision of the Board in relation to the new station at Howth junction has no relevance to the question of whether or not the proposed mobility impaired access structure (MIAS) within Dalkey Railway Station comes within Class 23 of the 2001 to 2009 Regulations. Indeed, having regard to the above case law it would, in my view, be entirely incorrect to apply a decision which had a different factual matrix to that which applies here.

57. For example, the development at Howth junction comprised the construction of an entirely **new station** (which included a replacement footbridge); the size and bulk of **the new station** construction at Howth was an increase over what was there previously by several orders of magnitude and extended to each side of the railway; the replacement footbridge comprised a separate, segregated walkway across the railway for non-Irish Rail passengers seeking access to the Baldoyle Industrial Estate; the area connected, included, among others, the FÁS training centre as well as an industrial estate and suburban housing to the station; in addition an unusual feature of the new station at Howth was the fact that the new station straddled the local authority boundary between Dublin City Council and the Fingal County Council functional areas and the second was that if a new Station building was to be built on the Dublin

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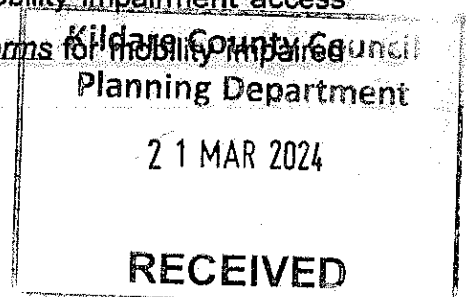
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City Council side, new and additional land was needed to be acquired from Dublin City Council to provide the necessary footprint of the new station.

58. Indeed a rationale of the decision in Howth appears to be that the Fingal side of the new station which is in the functional area of Fingal County Council was not disaggregated or decoupled from that part of the new station which was in the functional area of Dublin City Council and which therefore included a new station built on new or additional lands and it is noted that the Inspectors reports expressly refers to the new footbridge being part of the new station which was seen as one project. The new station at Howth junction therefore involved (i) the construction of an entirely new station (ii) the new station was larger than that which it replaced and was outside of the boundary of the previous station that it replaced.

59. In addition, while the new station at Howth decision was dated 16th April, 2010, there is no reference in the Board's direction or decision to the approach set out in the judgment of the High Court (Clarke J.) in *Coras Iompair Éireann & Another v. An Bord Pleanála* [2008] IEHC 295 (or the approach set out in the case law referred to earlier) notwithstanding the fact that much of the analysis of the Board's decision centres on issues of statutory interpretation.

60. Class 23 is not – as was argued in the context of the **new station** proposed at Howth junction - limited to what is in fact the "passenger building" within a railway station. Indeed such a construction or interpretation would be entirely incongruous with the main exemption in Class 23 which was referred to in the decision of the High Court in *Coras Iompair Éireann v. An Bord Pleanála* [2008] IEHC 295 as being described as follows: "Class 23 of the Planning and Development Regulations 2001 ("the Regulations") which confers exempted status on "works required in connection with the movement of traffic by rail on, in, over or under the operational land..." of a railway entity such as Irish Rail. In this regard the purpose of the proposed mobility impairment access structure (MIAS) is to provide access *between platforms* for mobility impaired passengers within Dalkey Railway/Dart Station.



V. SCREENING & OTHER ASSESSMENTS

61. In terms of the "statutory de-exemptions" in section 4 of the PDA 2000 and the "regulatory de-exemptions" in Article 9 of the 2001 to 2019 Regulations I note that Querist has carried out screening for EIA and AA.

62. Querist has also addressed, from a planning and conservation architectural perspective, section 57 of the PDA 2000 in relation to protected structures and Class 23 (a) and (b) of the Planning and Development Regulations 2001 to 2019 and has confirmed that no issue arises which would result in the application of any statutory or regulatory de-exemption.

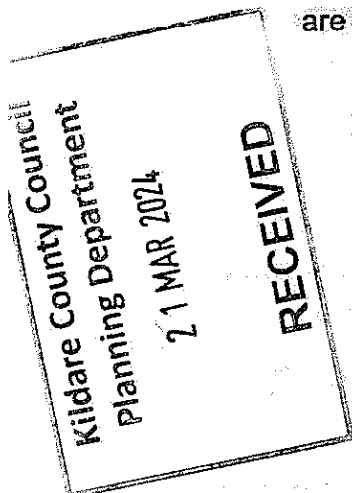
63. I will address each of these matters in turn.

Screening for AA

64. I am of the view that the screening exercise carried out by Querist complies with the legal requirements which have been set out in the following cases: the High Court (McDonald J.) in *Sweetman v. An Bord Pleanála & Others* [2020] IEHC 39 analysed the judgments of the CJEU in Case C-323/17 *People Over Wind v. Coillte Teo*, the High Court (Barniville J.) in *Kelly v. An Bord Pleanála* [2019] IEHC 84, the High Court (Simons J.) in *Heather Hill Management Company v. An Bord Pleanála* [2019] IEHC 450 and the High Court (Quinn J.) in *Uí Mhuilín v. Minister for Housing, Planning & Local Government* [2019] IEHC 824.

65. The main principles which arise from this case law in relation to AA screening are as follows:

- Screening for AA may be necessary even where 'a claim' of exempted development (as distinct from a 'pipeline project' where development consent for a project had been sought prior to the expiry of the time-



limit for transposing the Directive) is being relied upon: *Bulrush Horticulture Ltd v. An Bord Pleanála*.

- Only plans and projects directly connected with the conservation management of a European site, either individually or as components of other plans and projects, are generally excluded from the provisions of Article 6(3) of the Habitats Directive because, for example, the process involved in appropriate assessment would be duplicative of that involved in conservation management: see the comments of AG Kokott in *Case 241/08 Commission v. France*; see *Case C-441/17 Commission v. Poland* where the CJEU held that the amendment of forest management plan for the Forêt de Bialowieża which authorised an increase in the volume of harvestable timber for the purposes of reducing the spread of the spruce bark beetle did 'not' constitute a plan or a project directly connected with or necessary to the management of the forest.
- The probative standard involved in the screening exercise which is the catalyst or 'trigger' for both assessing and determining whether an AA is necessary is whether the plan or project, either individually or in combination with other plans or projects, is likely to have a significant effect on the European site. The standard is a light one and has been explained as 'the mere probability' or the 'risk' that a plan or project might have a significant effect: see *Case C-127/02 Mechancial Cockle Fishing* at paragraphs 41 to 43; see also the comments of AG Sharpston in *Case C-258/11 Sweetman* at paragraphs 47 to 49 which also confirmed that the requirement of a *likely significant* effect provided a *de minimis* threshold which excluded plans or projects which had no appreciable effect. The word 'likely' should be read as being less than a balance of probabilities standard and there need not be any hard and fast evidence that such a significant effect was likely.

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it merely has to be a possibility that this significant effect was likely:
*Allen-Buckley v. An Bord Pleanála (No.2)*⁷.

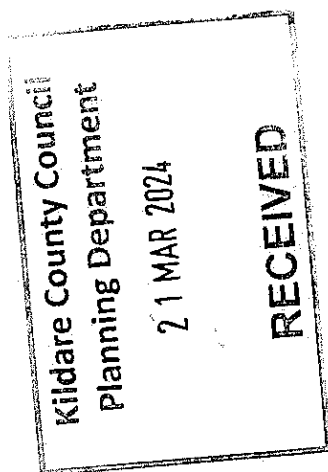
- The screening exercise should not make any reference to the phrase “mitigation measures”. The Habitats Directive makes no mention of the phrase “mitigation measures”. The measures at issue are, rather, the measures which are intended to avoid or reduce the harmful effects of the proposed project on the site concerned: *Case C-323/17 People Over Wind*.
- The screening for AA should not take account of the measures intended to avoid or reduce the harmful effects of the plan or project on the European site: *Case C-323/17 People Over Wind*.
- Arising from the decision of the CJEU in *Case C-323/17 People Over Wind*, the decisions of the High Court (Haughton J.) in, for example, *Ratheniska Timahoe and Spink (RTS) Substation Action Group & Another v. An Bord Pleanála*⁸ and *Rossmore Properties Ltd. v. An Bord Pleanála*⁹ must now be in doubt. For example, in the application for a certificate for leave to appeal pursuant to s. 50A(7) and s. 50A(11) of the Planning and Development Act, as inserted by s. 13 of the Planning and Development (Strategic Infrastructure) Act 2006, the High Court in *Rossmore Properties Limited v. An Bord Pleanála*¹⁰ refused to certify at that point the following question: “...To what extent is the Competent Authority entitled to take account of mitigation measures in the Stage One screening decision in determining that there would be no likely significant effect on an SAC?...”
- Thus, in the context of carrying out a screening for AA and assessing any “likely significant effect”, assumptions cannot be made that, for example, best practice construction management techniques, would prevent harmful effects to a European site.

⁷ [2017] IEHC 541 (Haughton J.)

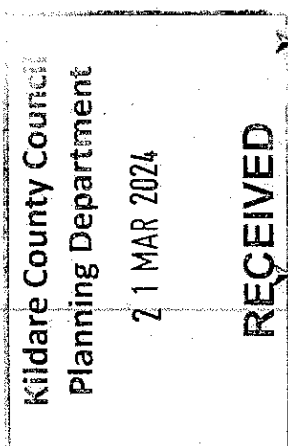
⁸ [2015] IEHC 18.

⁹ Unreported, High Court, (Hedigan J.), August 28, 2014.

¹⁰ [2014] IEHC 557; unreported, High Court (Hedigan J.). November 24, 2014.



- In light of the precautionary principle, a "risk" will be found to exist if it cannot be excluded on the basis of objective information that the particular development will have significant effects on the protected site. By virtue of section 177U(4) of the PDA 2000 an appropriate assessment will be required if, on the basis of objective information, a significant effect on a European site cannot be excluded. Under section 177U(5) of the PDA 2000, an appropriate assessment will not be required if, on the basis of objective information, a significant effect on a European site can be excluded.
 - Where there is doubt as to the absence of significant effects an AA must be carried out. The requirement to conduct an AA will arise where, at the screening stage, it is ascertained that the particular development is capable of having any significant effect.
 - The possibility of there being a "significant effect" on the European site will give rise to a requirement to carry out an AA for the purposes of Article 6(3). There is no need to establish such an effect and it is merely necessary to determine that there "may be" such an effect.
 - In order to meet the threshold of likelihood of significant effect, the word "*likely*" in Article 6(3) and S. 177U(1) should be read as being less than the balance of probabilities. Thus the requirement is that there is a "*possibility*" that this significant effect is likely.
 - The assessment of whether there is a risk of "significant effect" on the European site must be made in light of the characteristics and specific environmental conditions of the site concerned by the relevant plan or project.
- Plans or projects or applications for developments which have "no appreciable effect" on the protected site are excluded from the requirement to proceed to AA. In this regard, if all applications for permission for proposed developments capable of having any effect whatsoever on the protected site were to included "activities on or near the site would risk being impossible by reason of legislative overkill".



Screening for EIA

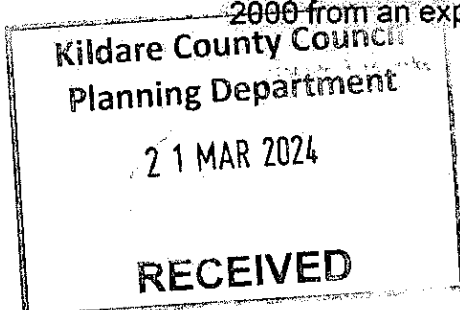
66. I have also been furnished with EIA Screening Report prepared on behalf of Querist (and referred to earlier).

67. The Screening for EIA assessed the mandatory and sub-threshold requirement for an EIA and the potential impact of the proposed development on the environment. The EIA Screening considered the statutory and site specific aspects of the proposed development, with specific regard to significance of environmental impacts and the Report concluded as follows: the proposed development of the MIAS was small and of low construction intensity; the proposed development will be located within the existing railway station on hardstand base; the proposed development was below the threshold requiring an EIA, as defined under Schedule 5 of the 2001 to 2019 Regulations; therefore there was no mandatory requirement for preparation of an EIA Report.

68. The Screening Report stated that the proposed development of the MIAS had been assessed to determine if there are any factors that would necessitate the preparation of an EIA Report as a sub-threshold development. It found that there are no environmental effects that are considered of such significance that would require the preparation of an EIA Report and no significant effects on the environment had been identified during the construction phase or operational phase of the proposed development. The overall conclusion and recommendation of this assessment is that there was no requirement for environmental impact assessment in relation to a proposal to add a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station.

Section 57 Report

69. Querist has also prepared a detailed report addressing section 57 of the PDA 2000 from an experienced Conservation Architect.



70. It will be recalled that section 57(1)(a) and(b) of the PDA 2000 provides that:

"...Notwithstanding section 4(1)(a), (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of -

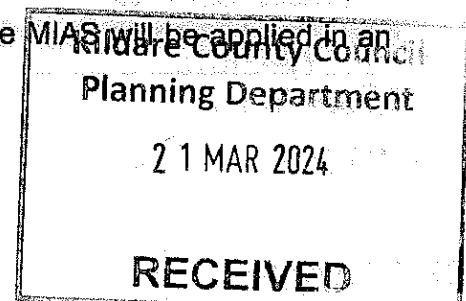
(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest..."

71. Section 57(2) of the PDA 2000 also provides that an owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element, referred to in section 57(1)(b) of that structure and section 57(3) of the PDA 2000 provides that within 12 weeks after receiving a request under section 57(2) or within such other period as may be prescribed, a planning authority shall issue a declaration under this section to the person who made the request.

72. Querist's 'section 57 Report' confirms that the design of the entire proposal to construct a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station, County Dublin had express regard to the provisions of section 57 of the PDA 2000 and complies with the provisions of section 57 of the PDA 2000.

73. The report is detailed and refers to the requirements in relation to 'architectural' and 'historical'. As mentioned earlier in these advices, the materials used, for example, include the use of the honey coloured Dalkey Granite for the platform walls as well as the use of Ashlar dimension stone with render in the main station building. A total of nine figures (photographs and montages) used in the report confirm that the



extremely sensitive manner, preserving all of the historic material and has no impact on the character of the station locally or globally.

74. The architectural report prepared on behalf of Querist addressed the proposed MIAS in the context of the provisions of both section 57(1)(a) and (b) of the PDA 2000 and Class 23 (a) and (b) of the Planning and Development Regulations 2001 to 2019.

75. Querist's architectural advice, therefore, is that the works comprising of a new mobility impaired access structure (MIAS) in Dalkey Station comprise works which would not materially affect the character of the structure of the building which has the protected structure status in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and comprise works which would not materially affect the character of any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

76. To recap, Class 23(a) and (b) refers to "the carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—(a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or (b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof."

77. Having regard to this architectural report, as set out previously, the proposed new mobility impaired access structure (MIAS) is, in my view, exempted development under Class 23.

78. Second, and in the alternative, the proposed new mobility impaired access structure (MIAS) is also, in my view, exempted under Class 23(a) being

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development of a type contemplated within Class 23(a) and situated wholly within the interior of a railway station.

79. Third, the carrying out by Querist of development consisting of a new mobility impaired access structure (MIAS) in Dalkey Station which is required in connection with the movement of traffic by rail in, on, over or under its operational land does not involve the reconstruction or alteration of any of any of the structures referred to in Class 23 so as materially to affect the design or external appearance thereof. Class 23 (b) – being as it is – an exception to Class 23 has therefore no application to the development consisting of a new mobility impaired access structure (MIAS) in Dalkey Station.

80. Separately, I note that Appendix 4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 at Appendix 4 sets out the "Record of Protected Structures/Record of Monuments and Places/Architectural Conservation Areas". Table 4.1 refers to Structure Dalkey Dart Station, Railway Road/Sorrento Drive, Dalkey, Glenageary, Co. Dublin, Description: Railway Station, RPS No. 1517 Map no. 4. The Building ID is 50,493, 931.00.

Extract from Table 4.1

Structure Name	Address Number	Location	Description	RPS No.	Map No.
Dalkey Dart Station		Railway Road/Sorrento Drive, Dalkey, Glenageary, Co. Dublin	Railway Station	1517	4

81. I note that paragraph 7.2.2 under the subheading "Protected Structures" in a report entitled "*Dalkey Village – Architectural Conservation Area*" (which referred to the previous Dun Laoghaire Rathdown County Development Plan 2004-2010) refers to the building that is within the railway station as being the "train station" and the protected structure and states that: "*The train station is an attractive single-storey building with a central open loggia. Its simple architectural character is enhanced by granite quoins, sprocketed*

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overhanging eaves, a centrally placed projecting porch and a bow-ended side elevation."

82. The protected structure status applies to the structure of the building within the railway station as described above and no works are proposed to this building.

VI. CONCLUSION

83. Importantly, section 69 of the Local Government Act 2001 (as amended) provides that a local authority, in performing the functions conferred on it by or under this or any other enactment - for example a planning authority dealing with a request for declarations under section 5 and section 57 of the PDA 2000 - shall have regard to policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate to its functions. Querist's 'section 57 Report' confirms that the rationale behind the development of the proposal to construct a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station, County Dublin is in compliance with the Disability Act 2005 which was a key part of the National Disability Strategy launched by the Government in 2004.

84. The Disability Act 2005 required that public bodies, such as Querist, were required to make their public buildings accessible to people with disabilities by 2015 and the report also refers to the Department of Transport, Tourism and Sport "Transport Access for All" (2012, edition).

85. Accordingly, applying the case law (as set out earlier) which deals with the approach to interpretation, I am of the view that the development comprising the proposal to construct a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station, County Dublin is exempted development within the meaning of Class 23 of the 2001-2019 Regulations. I am also of the view that the proposed development of a new mobility impairment access structure (MIAS) in Dalkey Dart/Railway Station does not come within the

exceptions to this exemption or the provisions that disapply the exempted status set out in the PDA 2000 and the 2001 to 2019 Regulations.

86. Having regard to the observations of the High Court in *Coras Iompair Éireann v. An Bord Pleanála* [2008] IEHC 295 in terms of the difference between making planning judgments (which is a matter for expert planning officials in the Planning Authority) on the one hand, and statutory interpretation (which is a legal matter for the courts) on the other hand, it is, I believe, appropriate that Querist seek formal declarations from the Planning Authority pursuant to section 5 and section 57(2) of the PDA 2000.

87. Nothing further occurs.


CONLETH BRADLEY SC

April 21, 2020



Verified Photomontage:
PROPOSED FOOTBRIDGE AT MAYNOOTH TRAIN STATION

Current View from Camera Location 1, Meadowbrook Road / R408



Photograph Coordinates ITM:

X (Easting) 693395.084,
Y (Northing) 737177.228,
Elevation: 65.443,m

Distance (approx) to footbridge centre: 448m
Camera Bearing to Site: 68°

Camera: Canon 5DMK2
Lens Type: fixed lens full-frame 50mm prime

Camera Height above ground level: 1.55m
Optimal Viewing: Printed on A3 held c. 300mm from eyes
Date of Photography: 17 Jan 2023



Apple Maps extract © Apple 2023

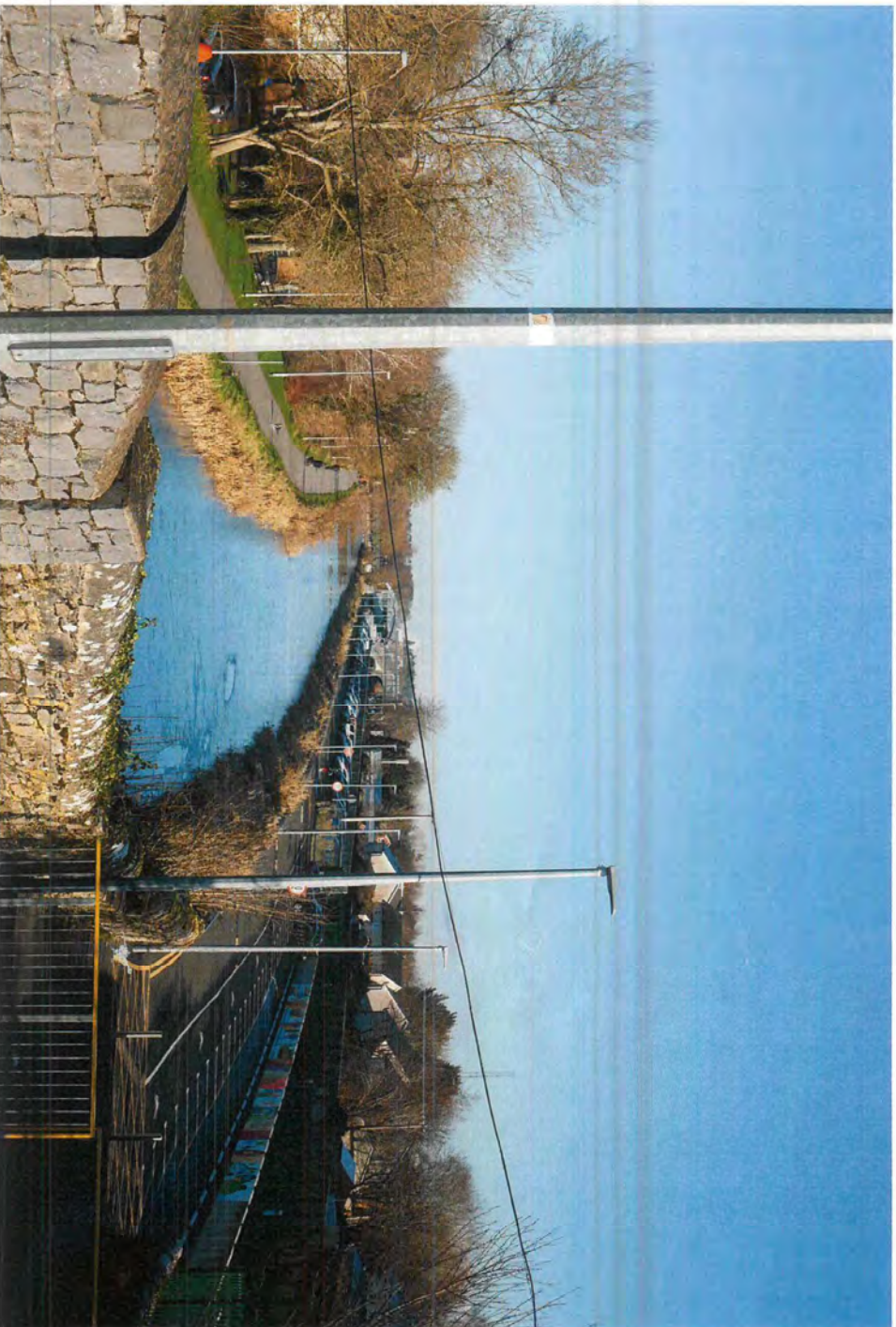
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Verified Photomontage:
PROPOSED FOOTBRIDGE AT MAYNOOTH TRAIN STATION

Current View from Camera Location 2, Royal Canal Way



Photograph Coordinates ITM:
X (Easting) 693605.277,
Y (Northing) 737297.282,
Elevation: 61.122m

Distance (approx) to footbridge centre: 218m
Camera Bearing to Site: 74°

Camera: Canon 5DMK2
Lens Type: fixed lens full-frame 50mm prime

Camera Height above ground level: 1.55m
Optimal Viewing: Printed on A3 held c. 300mm from eyes
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Verified Photomontage:
PROPOSED FOOTBRIDGE AT MAYNOOTH TRAIN STATION

Current View from Camera Location 3, Royal Canal Way



Photograph Coordinates ITM:

X (Easting) 693746.470,

Y (Northing) 737465.210,

Elevation: 60.645m

Distance (approx) to footbridge centre: 122m

Camera Bearing to Site: 147°

Camera: Canon 5DMK2

Lens Type: fixed lens full-frame 50mm prime

Camera Height above ground level: 1.55m

Optimal Viewing: Printed on A3 held c. 300mm from eyes

Date of Photography: 17 Jan 2023



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Proposed View from Camera Location 3, Royal Canal Way



* Red outline indicates portion of footbridge that is obscured from view by foliage

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Y (Northing) 737465.210,
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Lens Type: fixed lens full-frame 50mm prime

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PROPOSED FOOTBRIDGE AT MAYNOOTH TRAIN STATION

Current View from Camera Location 4, Royal Canal Way



Photograph Coordinates ITM:
X (Easting) 693897.178,
Y (Northing) 737434.038,
Elevation: 60.870m

Distance (approx) to footbridge centre: 111m
Camera Bearing to Site: 231°

Camera: Canon 5DMK2
Lens Type: fixed lens full-frame 50mm prime

Camera Height above ground level: 1.55m
Optimal Viewing: Printed on A3 held c. 300mm from eyes
Date of Photography: 17 Jan 2023



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Naas
Co. Kildare
21/03/2024 12:41:40

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COLIN GRIMES

PLANNING EXEMPT DEVELOP FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Money Order 80.00

Change : 0.00

Issued By : Margaret Jordan Finance Cash Office
From : Financial Lodgement Area
Vat reg No.0440571C