

**DART UNDERGROUND – ORAL HEARING**

**Proof of Evidence of**

**Mr. Gerard Meehan, B.L.**

**on behalf of**

**Dublin City Council**

**In respect of Strategic Planning Context**

# Dart Underground Oral Hearing

## Dublin City Council – Opening Address

Gerard Meehan B.L.

### **1. Introduction:**

- 1.1.** My name is Gerard Meehan B.L. I am a Barrister instructed by Terence G. O’Keefe, the Law Agent in Dublin City Council (DCC) to represent Dublin City Council at this oral hearing.
- 1.2.** As set out on page i of Volume 1 of the Environmental Impact Statement (the Non-Technical Summary) dated June 2010, Coral Iompair Eireann (CIE), has applied to An Bord Pleanala for a Railway Order pursuant to the provisions of the Transport (Railway Infrastructure) Act 2001, as amended by the Planning and Development (Strategic Infrastructure) Act 2006.
- 1.3.** This forum then is an oral hearing convened by An Bord Pleanala (the Board) to consider an application by CIE for a Railway Order. This application is made pursuant to Part 3 of the Transport (Railway Infrastructure) Act 2001 as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act, 2006.
- 1.4.** It is important to note that DCC is not the applicant in this process, nor is it the decision making authority in relation to this application. DCC
- 1.5.** DCC is supportive of the proposed Dart Underground Scheme. The proposal complies with the hierarchy of plans set out for Dublin including;
  - 1.5.1.** The National Spatial Strategy
  - 1.5.2.** The National Development Plan 2007-2013, Transforming Ireland
  - 1.5.3.** Platform for Change, Dublin Transportation Office
  - 1.5.4.** Transport 21
  - 1.5.5.** Regional Planning Guidelines for the Greater Dublin Area 2004-2016 (Implementing the National Spatial Strategy)
  - 1.5.6.** Dublin City Development Plan 2005-2011
  - 1.5.7.** Dublin City Development Plan 2011-2017

## **2. Dublin City Council's Role under the Legislation**

### **2.1. Consultation**

**2.1.1.** DCC is the Local Government Authority for the entire area to which this application relates, as set out in the Environmental Impact Statement (EIS). The amended Act requires the applicant (in this case CIE) to consult with DCC before the making of an application for a railway order. The Act further requires both the Applicant and the Board to furnish DCC with certain documents throughout the process. DCC is therefore a statutory consultee. Section 40 (1) (c) of the amended Act provides:

**2.1.2.** *40.— (1) Before an application is made for a railway order, the applicant shall—*  
*(c) serve on the planning authority in whose functional area (or any part thereof) the proposed railway works are proposed to be carried out, on the Minister and on such other persons (if any) as the Board may direct a copy of the draft order and accompanying documents and the notice referred to in paragraph (b),*

**2.1.3.** CIE furnished DCC with the required documents including the Environmental Impact Statement on or about June 2010. Dublin City Council then carried out a thorough, multi-disciplinary review of that documentation and made a submission to the board dated the 17<sup>th</sup> of August 2010.

**2.1.4.** Section 40 (3) of the Act provides: *A person may, during the period specified in the notice referred to in subsection (1)(b), make submissions in writing to the Board in relation to the proposed railway order or the likely effects on the environment of the proposed railway works.*

**2.1.5.** Dublin City Council presented a detailed submission to the Board on the 17<sup>th</sup> of August 2010.

### **2.2. Further Consultation with DCC required by Statute**

**2.2.1.** Section 41 permits the Board to require further information from the Applicant where it is of the opinion that the EIS does not comply with the statutory provisions. Where it does request such information, it is mandatory for the Applicant to comply. If this documentation contains significant data in relation to the likely effects of the proposed railway works, the Board must require the Applicant to serve the relevant extracts to DCC. DCC then has at least a further 3 weeks to make another submission.

- 2.3.** Section 43 (1) (e) requires the Board to consider any application made to it by DCC before deciding whether to grant the order.
- 2.4.** Section 46 provides that: *46.— As soon as may be after the making of a railway order, the railway undertaking shall—*  
*(b) serve a copy of relevant extracts from the railway order and the plan referred to therein on every planning authority for the area (or any part thereof) to which the order relates and to every (if any) occupier and every (if any) owner of land referred to in the railway order.*
- 2.5.** It is important to note from the above that DCC is not a primary party to this oral hearing. The legislation requires that the documentation associated with the application be sent to DCC and that DCC is notified of any substantial change to the application. DCC is not required to either support or oppose an application for a railway order. Neither is DCC required to decide whether or not the railway order is granted.
- 2.6.** It is therefore submitted that the role of DCC at this oral hearing is consultative. Dublin City Council is present at the hearing in order to facilitate the Board and CIE/Iarnrod Eireann.
- 2.7.** Dublin City Council is not the applicant in this process. Dublin City Council was not required to prepare the EIS (nor did it in fact prepare it) and it is not Dublin City Council's role to either defend or criticise the application.
- 2.8.** Section 42 specifically provides that section 135 of the Planning and Development Act 2000 will apply to this oral hearing. Under that section the Inspector may require any officer of a planning authority to give to him any information which he reasonably requires for the purposes of the appeal or referral.

### **3. DCC Submission to An Bord Pleanala 17<sup>th</sup> August 2010**

- 3.1.** Dublin City Council carried out a thorough, multi-disciplinary review of the EIS and presented a comprehensive submission to the Board on the 17<sup>th</sup> of August 2010. DCC included 114 draft conditions in the submission which it requested the Board to attach to any Railway Order it may consider granting. These conditions covered areas of concern to Dublin City Council including:
- 3.1.1.** Planning / Architecture
  - 3.1.2.** Archaeology
  - 3.1.3.** Road Works and the Quality Bus Network
  - 3.1.4.** Noise, Vibrations, Settlements and Air Quality

- 3.1.5.** Water Services
  - 3.1.6.** Drainage Services
  - 3.1.7.** Flora and Fauna
  - 3.1.8.** Parks and Landscape Services
  - 3.1.9.** Traffic
  - 3.1.10.** CPO issue
  - 3.1.11.** Supervision
  - 3.1.12.** Development Contributions
- 3.2.** In the Dublin City Council submission dated the 17<sup>th</sup> of August 2010, those departments and divisions primarily involved with the impacts set out in the EIS commented thereon. Those departments and divisions then formulated the 114 conditions mentioned in the preceding paragraph. These conditions set out to clarify matters and procedures which Dublin City Council did not consider to be sufficiently clear or to be dealt with in sufficient detail in the EIS.
- 3.3.** These matters have now been agreed between DCC and CIE and if the Railway Order is granted, CIE must carry out and operate the scheme in accordance with the agreement. The agreement is set out in the document "Dart Underground Iarnrod Eireann Response to DCC Submission to An Bord Pleanala Agreed Position version – FINAL" dated the 30<sup>th</sup> November 2010. Iarnrod Eireann has agreed to include these draft conditions in their main contract with the PPPCo as set out in the Agreed Position and DCC is no longer requesting the Board to attach these conditions to the Railway Order<sup>1</sup>.
- 3.4.** The DCC submission of the 17<sup>th</sup> of August 2010 set out that the proposed Dart Underground scheme is consistent with the development strategies of Dublin City Council. Mr Dick Gleeson will give evidence to the oral hearing in this regard. This evidence will explain the strategic planning context of Dart Underground in the future development of the city region.
- 3.5.** In relation to architecture, the DCC submission identifies four broad areas to be addressed by the applicant<sup>2</sup>. They are; public realm infrastructure affected by the proposed works, protected structures and buildings of architectural merit, the final urban design of the proposed stations and archaeological assessment and

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<sup>1</sup> See *Dart Underground Railway Order Application* presented to Dart Underground Oral Hearing by Mark Conroy on the 22<sup>nd</sup> November 2010. Paras. 7.5 to 7.8

<sup>2</sup> DCC Submission paras. 9.1 – 9.4 and 12.1 - 12.4

provisions. The DCC submission outlined specific concerns regarding the design of the proposed stations. It is important that a high degree of architectural and design excellence is incorporated into the station design from inception. Dublin City Council included a number of draft conditions in its submission in relation to this matter. These matters are now contained in the DCC / Iarnrod Eireann Agreed Position and DCC is satisfied with the evidence of the CIE/Iarnrod Eireann witnesses Mr Lezek Dobrovolsky, Ms Claire White, Mr Hugh O'Neill, Mr Thomas Burns and Mr David Slattery in this regard.

- 3.6.** The DCC submission also identifies a number of issues relating to Archaeology and Cultural Heritage. In general it is considered that the information supplied in relation to archaeology and the methodology to mitigate any negative impacts is considered satisfactory. These matters have been the subject of ongoing discussions between DCC and CIE/Iarnrod Eireann and are dealt with in the DCC / CIE/Iarnrod Eireann Agreed Position. DCC is satisfied with the evidence presented by Ms Margaret Gowan in this regard.
- 3.7.** The DCC submission considers in some detail matters relating to Road Works and the Quality Bus Network. These matters have been the subject of ongoing discussions between DCC and CIE/Iarnrod Eireann and are dealt with in the DCC / CIE/Iarnrod Eireann Agreed Position.
- 3.8.** The DCC submission considers in some detail matters relating to noise, vibration, settlement and air quality. There are a number of issues identified in relation to the methodology adopted by CIE/Iarnrod Eireann in the preparation of the EIS. A number of requested conditions were included in the DCC submission to deal with issues such as nuisance or potential damage to high conservation value buildings. These matters have been the subject of ongoing discussions between DCC and CIE/Iarnrod Eireann and are dealt with in the DCC / CIE/Iarnrod Eireann Agreed Position. DCC is satisfied with the evidence presented by Mr Richard Greer, Ms Jennifer Harmon, Mr Simon Fricker and Ms Sinead White in this regard.
- 3.9.** The DCC submission sets out that the Dart Underground scheme requires the diversion of critical drainage infrastructure including arterial sewers and pumped rising mains. The scheme will also require amendments to the water main infrastructure. Since the publication of the DCC submission, DCC drainage division and DCC water division have been in constant communication with CIE/Iarnrod Eireann and the parties reached an Agreed Position as regards the requested conditions. Ongoing consultation is continuing in the Joint Utilities Group meetings. DCC notes the evidence provided by Mr Ross Kinsella in this regard.
- 3.10.** The DCC submission sets out issues relating to flora and fauna. The requested conditions have now been modified and are contained in the DCC / CIE/Iarnrod Eireann Agreed Position.

**3.11.** The DCC submission sets out issues relating to parks and landscape Services. The requested conditions have now been modified and are contained in the DCC / CIE/Iarnrod Eireann Agreed Position.

**3.12.** The DCC submission identified a number of issues in relation to traffic. The issues identified by DCC and the requested conditions have been dealt with in the DCC / CIE/Iarnrod Eireann Agreed Position. DCC accepts the evidence given by Mr Donal McDaid in this regard.

#### **4. DCC / CIE/Iarnrod Eireann Agreed Position**

**4.1.** Following the presentation of the Dublin City Council Submission dated the 17<sup>th</sup> of August 2010, CIE/Iarnrod Eireann and Dublin City Council engaged in intense, technical meetings and discussions, with a view to addressing and resolving all of the issues of concern to DCC as set out in the 114 requested conditions.

**4.2.** The DCC submission identified 114 conditions that DCC initially requested the Board to attach to any railway order it might grant to CIE/Iarnrod Eireann in respect of this application. DCC and CIE/Iarnrod Eireann continued their dialogue and formulated an agreed position in relation to these conditions. DCC can confirm that its request for the attachment of 114 conditions is hereby withdrawn.

**4.3.** DCC is not seeking any conditions to be attached to any Railway Order that the Board might grant to CIE/Iarnrod Eireann pursuant to the application the subject matter of this oral hearing.

#### **5. Proposed DCC Submission to Dart Underground Oral Hearing.**

**5.1.** An Bord Pleanála has not requested submissions from Dublin City Council to this oral hearing. Dublin City Council intends to provide evidence from Mr Dick Gleeson: City Planner on the Planning Policy and Context of Dart Underground.

**5.2.** As outlined above, DCC and CIE/Iarnrod Eireann have adopted an agreed position in relation to the 114 draft conditions suggested by Dublin City Council in its submission dated 17<sup>th</sup> August 2010. Dublin City Council has thoroughly examined the EIS and attached documents. Dublin City Council is not recommending the attachment of any conditions to any Order issued by the Board pursuant to this process. Dublin City Council expects CIE/Iarnrod Eireann to honour and meet its commitments in the Agreed Position document of 30<sup>th</sup> November 2010.

## 6. Enforcement and Monitoring

**6.1.** The Inspector has asked for the Planning Authority's views in relation to the enforcement of the terms of the Railway Order. DCC does not consider that it will have any extra responsibility placed on it in this respect by the making of the proposed Railway Order. As previously set out, the entity applying for the Railway Order is Iarnrod Eireann/CIE and it is only that entity and its servants or agents that can be placed under a duty as a result of the making of such a Railway Order. Notwithstanding the foregoing, Dublin City Council's interests are protected by a number of different mechanisms.

### 6.1.1. Dublin City Council Statutory Powers

**6.1.1.1.** Dublin City Council has certain statutory powers under various legislative provisions including the Road Traffic Act 1961<sup>3</sup>. Section

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<sup>3</sup> Section 101D of the Road Traffic Act 1961 as inserted by Section 9 of the Dublin Transport Authority (Dissolution) Act 1987 provides:

... (2) (a) Notwithstanding any other enactment, a local authority may give a direction in writing to any person in relation to the carrying out of roadworks in its functional area.

(b) A local authority may, by a direction in writing given to the person to whom a direction was given under this subsection, revoke or amend the latter direction.

(c) A direction given to a person under this subsection may apply to all roadworks undertaken by the person or to specified roadworks undertaken by him.

(3) A direction under subsection (2) of this section may specify:

(a) the periods during which and the times at which roadworks shall or shall not be carried out,

(b) the period within which roadworks shall be completed,

(c) the manner in which roadworks shall or shall not be carried out,

(d) requirements and standards in relation to the temporary or permanent reinstatement of a public road following the carrying out of roadworks,

(e) requirements in relation to the giving of security for satisfactory reinstatement of a public road following the carrying out of roadworks,

(f) requirements in relation to the control of traffic in the vicinity of roadworks.

...(7) (a) A person who contravenes a direction or regulation under this section shall be guilty of an offence and shall be liable:

(i) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine not exceeding £50,000 or, at the discretion of the court, to imprisonment for a term not exceeding 5 years or to both the fine and the imprisonment.

(b) Where an offence under this subsection has been committed by a body corporate and is found to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(c) [Section 13](#) of the [Criminal Procedure Act, 1967](#), shall apply in relation to an offence to which paragraph (a) of this subsection relates as if, in lieu of the penalties provided for in subsection (3) of the said section, there were specified therein the penalties provided for in the said paragraph (a) and the

101D (2) of that Act permits a local authority to give a direction in writing to any person in relation to the carrying out of roadworks in its functional area. The effect of such a direction is to specify the manner and times in which roadworks can be carried out. Section 13 (10) of the Roads Act 1993 provides that damaging or excavating a public road without road authority consent is an offence, as is the doing of anything, without road authority consent, which creates a hazard or potential hazard or obstructs or interferes with the safe use or maintenance of a public road<sup>4</sup>.

**6.1.1.2.**Section 50 of the Transport (Railway Infrastructure) Act 2001 provides that the railway undertaking can carry out road works if the purpose of those road works is incidental to the purpose of carrying out the railway works. The railway undertaking must first get consent in writing from the road authority in whose functional area the road is situate however the consent cannot be withheld unreasonably. The consent can be subject to such conditions, restrictions or requirements as the local authority thinks fit. Such conditions, restrictions or requirements must be reasonable because the effect of attaching an unreasonable condition would be to unreasonably withhold consent. This provision constitutes a dilution of Dublin City Council's statutory powers because it requires Dublin City Council to grant consent to the carrying out of road

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reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

<sup>4</sup>Section 13 (10) of the Roads Act 1993 provides:

( 10 ) ( a ) A person who, without lawful authority or the consent of a road authority—

(i) defaces a public road by writing or by any other means,

(ii) damages a public road,

(iii) excavates a public road,

(iv) (I) places or deposits any material or thing on a public road,

(II) permits dung or urine from an animal owned by him or any material or thing which falls from a vehicle owned or used by him, to be left on a public road, or

(III) does any other thing,

such that the material, thing, dung or urine or the doing of such other thing is a hazard or potential hazard to persons using a public road or obstructs or interferes with the safe use of a public road or the maintenance of a public road, shall be guilty of an offence.

( b ) A consent under *paragraph (a)* may be given by the road authority subject to such conditions, restrictions or requirements as it thinks fit and any person who fails to comply with such conditions, restrictions or requirements shall be guilty of an offence.

( c ) Where a person does anything in contravention of *paragraph (a)*, a road authority may remove any defacement, repair any damage, fill in any excavation, remove any material, thing, dung or urine or remove or reduce any hazard, potential hazard, obstruction or interference and may recover from such person, as a simple contract debt in any court of competent jurisdiction, any costs reasonably incurred by it.

works if the road works are incidental to the carrying out of railway works under a railway order.<sup>5</sup>

**6.1.1.3.**In the absence of consent from DCC, the carrying out by the PPPCo of the works referred to in Section 50 or the doing of anything which creates a hazard or potential hazard or obstructs or interferes with the safe use or maintenance of a public road would constitute an offence under section 13 (10) of the Roads Act 1993.

**6.1.1.4.** The DCC Direction for the Control and Management of Roadworks in Dublin City (September 2007) governing road closure applications, notices, permits to work on roads, their excavation, barriering, signage, restoration etc will apply throughout the works the subject matter of the proposed Railway Order.

**6.1.1.5.** Dublin City Council; as the Water Services Authority in its functional area has can bring a prosecution under the Water Services Act 2007 for any of the offences set out in that Act. Section 104 of the Act provides that a person shall not, except with the consent of a relevant water services authority and following an application for the purposes of this section to that authority, erect or commence to erect or cause to be so erected any structure over or so close as to cause risk to, or interfere with the structural integrity of or access to, a sewer, drain, water main, distribution system, service connection or related accessories, which are owned, controlled or used by another person. Section 104 (12) provides that contravention of the provision constitutes an offence punishable by a fine not exceeding €5,000.

**6.1.1.6.**The same Act gives Dublin City Council extensive powers in relation to water, sewage and drainage. A person who obstructs or

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<sup>5</sup> Section 50 of the Transport (Railway Infrastructure) Act 2001 provides:

**50.**—(1) Upon the commencement of a railway order, the railway undertaking shall thereupon be authorised for the purpose of carrying out railway works or the operation, maintenance, repair or improvement of a railway or for any purpose incidental to the purposes aforesaid to—

- (a) open, break up and, if necessary, alter the level or route of any public road, or
- (b) construct a new road.

(2) The railway undertaking shall not open, break up or alter the level or route of any public road or construct a new road without the prior consent in writing (which shall not be unreasonably withheld) of the road authority in whose functional area the road is situate or, in the case of a new road, to be situate.

(3) A consent under *subsection (2)* may be given by the road authority subject to such conditions, restrictions or requirements as it thinks fit and specifies in the consent and the railway undertaking shall comply with such conditions, restrictions or requirements (if any).

interferes with the exercise by a water services authority of powers vested in it by the act commits an offence punishable with a fine of up to €15,000 or imprisonment for a term not exceeding 5 years.

**6.1.2.** The Main Contract between CIE/Iarnrod Eireann and the PPPCo

**6.1.2.1.** It is proposed that CIE/Iarnrod Eireann will enter into a contract with the PPPCo (i.e. the successful tenderer) for the design, construction, commission, delivery, completion and maintenance of the infrastructure of the Dart Underground. Clearly, the Contract cannot alter the statutory powers of Dublin City Council.

**6.1.2.2.** CIE/Iarnrod Eireann and DCC anticipate that DCC's interests will be protected by the insertion into the Contract of several terms. These provisions were outlined to this oral hearing when the document "Dart Underground Iarnrod Eireann Response to DCC submission to An Bord Pleanala Agreed Position version – FINAL" which was presented by CIE/Iarnrod Eireann's Mark Conroy, Conor Lavery and Peter Muldoon on the 13<sup>th</sup> of January 2011.

**6.1.2.3.** CIE/Iarnrod Eireann has given a number of further undertakings to DCC regarding consultation and liaison between the PPPCo, CIE/Iarnrod Eireann and DCC during the construction and operation of the proposed scheme. These undertakings are contained in the Agreed Position. These include the establishment of monitoring regimes and the submission of results therefrom to DCC. It is envisaged that a collaborative approach to the works will be adopted by the PPPCo, Iarnrod Eireann/CIE and DCC.

**6.1.2.4.** CIE/Iarnrod Eireann has agreed that the detailed architectural design of stations, surface structures and public domain elements shall be agreed with DCC<sup>6</sup>. That involvement by DCC should ensure compliance with the Railway Order in respect of the design of these aspects of the Works.

**6.1.2.5.** CIE/Iarnrod Eireann has agreed that the final designs and finishes for all ventilation and intervention shaft structures shall be agreed with DCC<sup>7</sup>.

**6.1.2.6.** Iarnrod Eireann/CIE has agreed that a Scheme Traffic Management Plan will be developed by the PPPCo in consultation with DCC Roads and Traffic Department. The STMP is a live

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<sup>6</sup> *Dart Underground – Iarnrod Eireann Response to DCC Submission to An bord Pleanala – Agreed Position.* Condition 3 p. 3

<sup>7</sup> *Dart Underground – Iarnrod Eireann Response to DCC Submission to An bord Pleanala – Agreed Position.* Condition 4 p. 3

document and may change to adjust to specific circumstances or where further improvements to traffic operations are deemed necessary by DCC.

**6.1.2.7.** Iarnrod Eireann/CIE have also agreed that the PPPCo must establish and participate in a Traffic Management Committee along with CIE, DCC, An Garda Siochana, NRA, RPA, Dublin Bus and any other Relevant Authorities. This group will meet frequently and initiate day to day traffic management measures and interventions that may be required within the framework of the overall Scheme Traffic Management Plan.

### **6.1.3.** CIE/Iarnrod Eireann Supervision of the PPPCo

**6.1.3.1.** Certain aspects of a proposed supervisory regime have been negotiated between DCC and CIE/Iarnrod Eireann. This is set out in the Agreed Position document which was presented to the oral hearing on the 13<sup>th</sup> of January 2011. This includes undertakings by CIE/Iarnrod Eireann to appoint an Independent Environmental & Archaeological Monitor, a team of engineers and environmental scientists and a Project Archaeologist to review data submitted by the PPPCo, liaise with authorities and interested parties, and monitor the performance (technically and environmentally) by the PPPCo<sup>8</sup>. The Applicant best placed to set out the extent of the proposed supervision of the PPPCo by CIE/Iarnrod Eireann.

**6.1.3.2.** In addition, the PPPCo will be required to appoint a Conservation Architect who will be required to ensure that all development works within ACAs are carried out in accordance with the specific guidelines and standards developed for each area by the Local Authority.

### **6.1.4.** Possible Enforcement by DCC

**6.1.4.1.** In the event of a breach of the Railway Order by the PPPCo it is unclear what enforcement mechanisms are available to DCC. It may be the case that once the PPPCo is in breach of the Railway Order, the works being carried out do not constitute “*development consisting of the carrying out of railway works...authorised...and specified in a railway order...*” within the meaning of section 38 (a) of the Transport (Railway Infrastructure) Act, 2001<sup>9</sup>. If that is the

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<sup>8</sup> *Dart Underground – Iarnrod Eireann Response to DCC Submission to An bord Pleanala – Agreed Position.* Condition 20 p. 10

<sup>9</sup> Section 38. of the Transport (Railway Infrastructure) Act 2001 provides:

Each of the following shall be exempted development for the purposes of the Act of 2000—

case, then the development being carried out by the Infraco is not exempted development for the purposes of the Planning and Development Act 2000. The works then would constitute unauthorised development and the local authority could take the usual enforcement action.

#### **6.1.5. Other Enforcement and Monitoring entities**

**6.1.5.1.**The Transport 21 Implementation Working Group is chaired by the Dublin City Manager with participants from the Department of Transport, An Garda Siochana, the RPA, Dublin Bus, Bus Eireann, Irish Rail, Dublin City Business Association, Dublin Chamber of Commerce, Dublin City Council, South Dublin County Council and Fingal County Council. Sub-groups have been formed dealing with Contingency Planning and Joint Communications. It is hoped that this regular liaison will facilitate the early resolution of potential disputes between the stakeholders. DCC's own in-house, multi-discipline, co-ordination group will continue in existence, through to the completion of the scheme, to ensure a single point of contact and corporate response.

**6.1.5.2.**DCC will continue to liaise with CIE/Iarnrod Eireann and discuss these matters. DCC will aim to co-operate so as to ensure a robust and durable monitoring and enforcement regime is in place that all parties will have confidence in when the works commence.

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(a) development consisting of the carrying out of railway works, including the use of the railway works or any part thereof for the purposes of the operation of a railway, authorised by the Minister and specified in a railway order or of any incidental or temporary works connected with such development;

(b) development consisting of the carrying out of railway works for the maintenance, improvement or repair of a railway that has been built pursuant to a railway order.