

**DIRECTION IN THE MATTER OF SECTION 31A
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy
2019 - 2031**

“Regional Spatial and Economic Strategy” or “RSES” means the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019 - 2031

WHEREAS the Minister for Housing, Planning and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that -

(i) The Eastern and Midland Regional Assembly in making the RSES has ignored or has not taken sufficient account of the submissions made by the Minister on 23 January and 12 April 2019,

and

(ii) the RSES is not in compliance with the requirements of sections 23(7)(a) and 23(7)(c) of the Planning and Development Act 2000 (as amended)

and therefore the Minister is of the opinion that section 31A(1)(a), (b), (c) & (d) of the Planning and Development Act 2000 (as amended) apply;

NOW, THEREFORE, in exercise of the powers conferred on him by section 31A of the Planning and Development Act 2000 (as amended), the Minister for Housing, Planning and Local Government hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019 - 2031) Direction 2019.

(2) The Eastern and Midland Regional Assembly is hereby directed to take the following steps with regard to the RSES.

(i) Amend Section 5.6 Integrated Land use and Transportation, page 108, Key transport infrastructure in the metropolitan areas as set out in national policy, by deletion of the text below:

“Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and
- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50.”

And revert to text in the box below as per the Draft RSES, January 2019, page 72, Section 5.6 Integrated land use and Transportation;

Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda on the Northern Line, Celbridge-Hazelhatch on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the SouthEastern Line as far south as Greystones;

- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Reappraisal of the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy, see also Chapter 8 Connectivity;
- Complete construction of Metrolink from Swords to Sandyford;
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and
- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, and Poolbeg.

(ii) Amend Table 8.2 Rail projects for the Region, page 190, by deletion of the text below:

“Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- Provide for an appropriate level of commuter rail service in the Midlands and South-East;
- Complete the construction of the National Train Control Centre;
- New stations to provide interchange with bus, LUAS and Metro network at including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink
- Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50”

And revert to text in the box below, as per the Draft RSES, January 2019, page 148, Table 8.2: Rail Projects for the Region;

Rail;

- Delivery of DART Expansion Programme – delivery of priority elements including investment in new train fleet, new infrastructure and electrification of existing linesection Provide fast, high-frequency electrified services to Drogheda on the Northern Line, Celbridge-Hazelhatch on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to improve DART services on the South-Eastern Line as far south as Greystones
- Provide for an appropriate level of commuter rail service in the Midlands and South-East
- Complete the construction of the National Train Control Centre
- New stations to provide interchange with bus, LUAS and Metro network at including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook
- A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out
- Reappraisal of the extension of the Dunboyne/ M3 Parkway line to Dunshauglin and Navan
- Support construction of Metrolink (from Swords to Sandyford)
- LUAS Green Line Capacity Enhancement in advance of Metrolink
- Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg.

For the purposes of clarity, changes introduced at material amendment stage and which are now being deleted by virtue of this Direction, are underlined above.

STATEMENT OF REASONS

The Department of Housing, Planning and Local Government (DHPLG) made a submission, dated 12 April 2019, to the Regional Assembly outlining concerns relating to a number of the proposed material amendments regarding various topics. The Assembly incorporated a number of the suggestions made in the Department’s submission on the proposed material

amendments to the Draft RSES. However, concerns were raised in relation to Chapter 5 (Dublin MASP) and Chapter 8 (Connectivity).

In making the EMRA RSES, the Regional Assembly has adopted two material amendments (MA 69 and MA 113) that incorporate additional proposals for rail, metro and luas infrastructure projects. The RSES is required by legislation to be consistent with the National Transport Authority's (NTA) *Transportation Strategy for the Greater Dublin Area 2016-2035* (herein referred to as the GDA Transport Strategy), which is reiterated in RPO 8.4 of the Regional Strategy.

The adoption of MA no. 69 and MA no. 113, as amended, is not consistent with the GDA Transport Strategy as required under Section 23 (7) (c) of the Planning & Development Act 2000, as additional rail, metro and luas infrastructure has been identified which falls outside the scope of the current GDA Transport Strategy.

These amendments are also not in compliance with section 23(7)(a) of the Planning & Development Act 2000 (as amended), which is designed to ensure that RSESs shall take account of any relevant policies or objectives for the time being of the Government or of any Minister of the Government, including any national plans, policies or strategies. The NPF and NDP have not been taken into account as MA no. 69 and MA. No.113, as made, directly conflict with National Strategic Outcome 4 within both the NPF and NDP, which state that objectives and projects are to be in line with the NTA's GDA Transport Strategy.

The additional proposals included through MA 69 and MA 113 also create internal inconsistencies within the RSES between the effect of the amendments and wider objectives of the RSES including Regional Policy Objective 8.4 (RPO 8.4).

In failing to be consistent with the GDA Transport Strategy, the NPF and NDP, MA no. 69 and MA no. 113 as made on 28 June 2019 are not in compliance with Sections 23(7)(a) and 23 (7) (c) of the Planning and Development Act 2000 (as amended). This requires Regional Assemblies to take account of any national plans, policies or strategies and regional areas or

part thereof within the Greater Dublin Area to be consistent with the GDA Transport Strategy of the NTA. The Director's report on the material amendments was in agreement with the DHPLG, NTA and Department of Transport, Tourism and Sport (DTTAS) submissions that there is a statutory requirement for the RSES to be consistent with the GDA Transport Strategy of the NTA.

DHPLG received advice from DTTAS and the NTA on this matter via correspondence dated 25 July and 24 July 2019, respectively. The DTTAS and NTA have advised that the additional rail, metro and luas projects included in the proposed MAs should be rejected and not included in the RSES. The DTTAS and NTA both refer to the following three areas:

- The incorporation of the objective to *"implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy"*;
- The incorporation of the metro *"underground extensions to UCD and Knocklyon from Charlemont"*; and
- The objective for the *"appraisal, planning and design of LUAS network expansion to Hazelhatch, Booterstown and Blessington"*.

In the case of the first bullet point the NTA has advised that the extension of the commuter rail line to Navan has been previously assessed and based on that assessment there were insufficient population and employment forecasts to justify the development of a high-capacity rail link. This is to be re-assessed as part of the cyclical review of the GDA Transport Strategy. However, the RSES in its current iteration seeks to pre-judge the outcome of that review and require the implementation of a heavy rail line to Navan irrespective of that review.

The inclusion of *"extensions to UCD and Knocklyon from Charlemont"* effectively adds an additional two metro lines. One metro line would extend from Charlemont to Knocklyon and the second metro would extend from Charlemont to UCD.

The third bullet point incorporates an objective into the RSES that adds three additional luas lines to Hazelhatch, Booterstown and Blessington, which do not form part of the GDA Transport Strategy.

The DTTAS also notes that the proposal included in the *RSES* to provide electrified services further north of Drogheda on the Northern Line is not consistent with the priorities set out in the *NDP*, while the reference to "*Celbridge-Hazelhatch or further south on the Kildare Line*" does not reflect the *NDP's* priority to electrify as far as Hazelhatch.

These additional projects are not supported by any evidence-based assessment, which is essential for any major transport intervention, particularly so given the multi-billion euro cumulative cost of these interventions, nor do these additions align with proper transport planning principles. The GDA Transport Strategy was developed using an evidence-based approach, involving comprehensive data sets, extensive analysis and input from public consultation. Underpinning it was a sophisticated transport model that facilitated forecasting and evaluation of likely travel demand and travel patterns.

The NTA have strongly recommended that the Minister for Housing, Planning & Local Government issue a direction to EMRA to remove the above referenced items. The DTTAS notes that the RSES contains references to projects which are not consistent with the *NPF*, the *NDP* and/or the *GDA Transport Strategy*.

To this end, **it is the opinion of the DHPLG that a breach of legislative requirements has occurred with material amendments: MA no. 69 and MA no. 113**, as made on the 28 June 2019, due to the following:

- (1) These adopted MAs represent a significant departure from the advices contained in submissions made by the Minister at Draft and Material Amendment stages.
- (2) The adopted material amendments are not consistent with the *Transport Strategy for the Greater Dublin Area 2016-2035*, as required under Section 23 (7) (c) of the Planning & Development Act 2000 (as amended) as additional rail, metro and luas infrastructure and wording have been included which fall outside the scope of the current Transport Strategy.

- (3) These amendments also go beyond the scope of the *National Planning Framework* and the *National Development Plan 2018 – 2027*, specifically National Strategic Outcome 4 (NPF) and National Strategic Outcome 4 (NDP), as required under Section 23 (7) (a) of the Planning & Development Act 2000 (as amended) as additional rail, metro and luas infrastructure have been included which fall outside the scope of the current Transport Strategy.
- (4) These adopted MAs conflict with objectives as contained within the RSES, particularly RPO 8.4.
- (5) No overall evidence-based rationale has been put forward for the inclusion of the additional rail, metro and luas projects, which would require billions of euro of investment and cause significant time delays to other projects that are set out in the GDA Transport Strategy.

Advice received from the Office of the Planning Regulator (OPR) dated 30 July 2019 also concurs with this Department's assessment.

In light of the above the Minister is of the opinion that the EMRA RSES 2019-2031 is not in compliance with Sections 23(7)(a) and 23 (7)(c) of the Planning and Development Act 2000 (as amended) and insufficient grounds have been stated for such departures as required under Section 25(4)(b) of the Planning & Development Act 2000 (as amended). The strategy is therefore in breach of Section 31A(1)(a), (b), (c) and (d) of the Planning & Development Act 2000 (as amended).

GIVEN under my hand,

Minister for Housing, Planning and Local Government

This day XX of [YYYYYY] 2019