

07th October 2020

[REDACTED]

Email: [REDACTED]

Re: Response IE_FOI_402

Dear [REDACTED]

I refer to your request dated 09th September 2020 made under the Freedom of Information Act 2014, which was received on that date, for records held by Iarnród Éireann.

Request:

1. Details of all works in the past 12 months which required the use of the car park for heavy machinery
2. Copies of all planning documentation relating to the station, including any opinion, internal notes, correspondence or minutes relating to exempted development.
3. Copies of any customer complaints relating to the use of the station car park.

Response:

Please find Response pack attached

Rights of appeal

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so by writing to the FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or by e-mail to foι@irishrail.ie. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances.

The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact the FOI Officer on 01, 7034293.

Yours sincerely,

[REDACTED],

Decision Maker,

Iarnród Éireann.

[REDACTED]

Freedom of Information Request:
Schedule of Records for IE_FOI_402 : Summary for Decision Making

Record No.	Date of Record	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable	Record Edited/Identify Deletions
1	13/08/2020 - 28/09/2020	Email Response from Joe Beardmore_Redacted	8	Part Grant	S36	Personnal information
2	06/10/2020	Response IE_FOI_402_Redacted	2	Grant		


Freedom of Information Executive

Response IE_FOI_402

Request 1:

Details of all works in the past 12 months which required the use of the car park for heavy machinery.

Use of Portmarnock as an access point for RRVs from Period (P) 11 2019 until end Period (P) 10 2020 as follows:

P11 2019 – no use

P12 2019 – no use

P13 2019 – no use

P1 2020 – no use

P2 2020 – Week 7 night 1 (10/2/20) – 1 x Road Rail Vehicle

P3 2020 – no use

P4 2020 – Week 15 night 4 (9/4/20) – 3 x Road Rail Vehicles

P5 2020 – Week 17 night 2 (21/4/20) – 1 x Road Rail Vehicle

Week 17 night 4 (23/4/20) – 2 x Road Rail Vehicles

Week 18 nights 1 & 2 (27 & 28 /4/20) – 3 x Road Rail Vehicles

Week 20 night 5 (15/5/20) - 4 x Road Rail Vehicles

P6 2020 – Week 22 nights 1 – 4 (25/5 – 28/5) - 1 x Road Rail Vehicle

Week 23 nights 2 & 3 (2/6 & 3/6) – 1 x Road Rail Vehicle

P7 2020 – Week 27 nights 2 & 3 (30/6 & 1/7) – 3 x Road Rail Vehicle

P8 2020 – no use

P9 2020 – Week 33 night 3 (12/8/20) – 2 x Road Rail Vehicle

P10 2020 – Week 37 nights 1/2/3 (7/9 – 9/9) 4 x Road Rail Vehicles

In summary, Portmarnock was used 19 nights over the course of 12 months. All of these Road Rail Vehicles travel on the back of a low loader truck so there would be trucks in the area as well.

Request 2:

Copies of all planning documentation relating to the station, including any opinion, internal notes, correspondence or minutes relating to exempted development.

All planning documentation relating to the station is available from the County Council. Regarding the other parts of this request there is a significant portfolio associated with the station. I can arrange for this information to be copied. However, to do this will take 10 days at 8 hours per day totalling a cost of €1,600 payable by requestor.

Request 3:

Copies of any customer complaints relating to the use of the station car park.

To date, there has been 3 customer complaints from residents in the St. Marnock's Bay estate:

1. The resident at X The Lawn, complained re noise from night-time track work in the area on Mon night/Tues morning 26th March 2019
2. The resident at X The Lawn, complained re noise from the track/access point on 24th April 2019. This related to the major track renewal works in the area at that time.

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-
3. A resident from the estate (no exact address) complained re noise from night-time track work in the area on Tues night/Wed morning 30th May 2018.

From: [REDACTED]
To: [IE Freedom of Information](#)
Subject: FW: Portmarnock Dart Station Disturbance
Date: Monday 28 September 2020 17:12:13

Dear [REDACTED]

[REDACTED] Can you please let me know if there was any follow up re [REDACTED]
[REDACTED] request for information under the FOI Act?

Regards [REDACTED]

From: [REDACTED]
Sent: 18 September 2020 14:01
To: [REDACTED]
Subject: Re: Portmarnock Dart Station Disturbance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

I had hoped that this issue would not become contentious, but night after night there is loud heavy machinery sitting at Portmarnock Dart station. The works are not being carried out at the station, but instead the station appears to be used as a depot. I am looking across at the station now and see two tractors, three diggers and other heavy machinery being stored in the car park during the day time.

I have videos of vehicles loudly reversing, horns beeping, workmen shouting and engines running/revving all between the hours of midnight and 2am. This has happened nearly every night for the past two weeks. The works are not being carried out at the dart station - the machinery leaves and goes somewhere else.

I am not confident that any real steps have been taken to ensure that noise levels are kept down, or to keep residents informed, as you had previously promised.

Irish rail may have had free reign to do what it wanted with the car park and station when there were no houses in the area, but things have changed now. If these issues have not been brought to the attention of senior management yet, I suggest that it is done so now.

I note that documentation relating to my FOI request is being prepared. In the meantime, I am asking now for someone from Irish Rail to engage with me properly on this issue. I am amenable to a phone call or meeting. I want to understand why Irish Rail thinks it can cause or permit heavy machinery to cause a nuisance night after night, at a car park for which it does not have planning permission to operate as a depot. If things cannot be improved, I will have no other choice but to contact Fingal County Council, and to consider further action as appropriate. For now, I have kept this matter private, but if left with no alternative, I have no problem raising this with public representatives of the area and the media.

I am happy to share select copies of the evidence I have gathered.

Again, I am disappointed that this needs to escalate so fast, but it is clear to me that no consideration of the local residents is taking place.

Regards

■

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From: ■
Sent: Tuesday, September 8, 2020 6:24:41 PM
To: ■
Subject: RE: Portmarnock Dart Station Disturbance

Dear ■

We are carrying out vegetation control works between Portmarnock and Malahide this week and had to access at Portmarnock last night, and will also be using the area to access tonight and tomorrow night. I have spoken to the supervisor involved and requested him to keep noise levels as low as possible.

I have forwarded your request for further information to our FOI Officer.

Regards

■

From: ■
Sent: 08 September 2020 10:30
To: ■
Subject: Re: Portmarnock Dart Station Disturbance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi ■

Further to the email I sent yesterday, please include all details of the activities which took place at Portmarnock Dart station last night between 11pm and 1am in my FOI request.

For the avoidance of doubt, in respect of the documents I requested yesterday, I am not requesting any commercially sensitive information - such information can be redacted - only documentation which sets out the dates and times for scheduled construction activities at the dart station, details of what the activities are, who carried them out, who authorised them and any internal discussion in respect of noise, disturbance of residents. Please also include any internal correspondence, emails, notes or memos on the subject matter of my complaint or which refer to the complaint I have raised.

Finally, can I note my dissatisfaction and disappointment that my complaint to you has

fallen on deaf ears. Your Regional Manager has clearly done nothing about the noise activities at the Dart station. There were a number of flat bed trucks sitting in the car park with the engines running for two hours last night, there was a forklift speeding around the car park, and there was numerous bangs from metal objects being dropped. I was fortunate to capture some of this on video.

I recommend that a review of the activities at this Dart station is carried out, in light of the fact that there is now residential development beside it. My preference would be for us to engage in a constructive dialogue and, outside any maintenance of the actual railway line, for Irish Rail to cease using the car park as a construction compound. The fact that this matter was brought to your attention last week and continues to occur does not fill me with confidence.

I look forward to the receipt of this documentation within the statutory time period of 4 weeks.

Finally, now that you have my address and email, you might notify me in advance of any future nighttime use of the car park.

Kind regards

█

Ps This email or any of my previous correspondence should not be circulated to any third party outside of Irish Rail without my written consent.

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From: █
Sent: Monday, September 7, 2020 1:38:15 PM
To: █
Subject: Re: Portmarnock Dart Station Disturbance

Hi █

Many thanks for your response dated 3 September. █
█ I have never received any communication from Irish Rail, so I'm not sure have it has been "endeavouring" to notify residents.

Your comments are all noted. I understand that from time to time repair needs to be carried out on the rail way line. However, my complaint and previous email have nothing to do with this. My issue is with the use of the car park as an area for heavy machinery to congregate in late at night. I don't know where all of the machinery is typically stored, but I know it isn't at the Dart station. It appears to me that machinery and trucks come from elsewhere, sit in the car park with their engine's running for 30 min, and then head off to wherever it is they are going. As you know, any historical use of the car park for loading, unloading and associated construction works (i.e. before the construction of residential development in the vicinity) does not grant a carte blanche right to create a nuisance. The windows on our house are triple glazed, but we can still hear the engines running.

refer to on the 12th/13th August. The area adjacent to the car park at Portmarnock is used from time to time to marshal machinery/materials and to gain access to the track, and this has been the situation for many years. Most of the use consists of the access/egress of on-track machines for general maintenance works, and on some occasions involves the loading of ballast or other materials.

Any issues relating to planning permissions are a matter for the local authority, and during the planning application process in 2013 for the new housing development adjacent to the car park, Iarnrod Eireann did make a submission which included a reference to undertaking maintenance activities i.e.

The applicant should be made aware of the normal vibrations and noise emanating from railway operations and maintenance. These developments including the boundary treatment should be so designed to withstand such vibrations and noise. Applicants in this regard should be aware that the railway has the capacity to operate 24 hours a day, 7 days a week.

If you let me know your address, we will try to ensure that you and your neighbours are advised in advance of any future planned night-time use of the access point. I have also requested our Regional Manager for the area to ensure that all staff and contractors reduce their preparation time at the area to a minimum and keep noise levels as low as possible.

Regards

■

<https://www.irishrail.ie/en-ie/news/iarnrod-eireann-night-time-track-works>

From: ■
Sent: 31 August 2020 18:01
To: ■
Subject: RE: Portmarnock Dart Station Disturbance

Dear ■

Thanks for your email and we will get back to you later this week.

Regards

■
■
■

From: ■
Sent: 31 August 2020 17:51
To: ■
■
Cc: ■
Subject: Re: Portmarnock Dart Station Disturbance

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All

Further to my emails of 13 August and 27 August, could someone please confirm to me that my request for information has been received and is being reviewed, and give an indicative timeline as to when I can expect a substantial response.

Regards

[REDACTED]

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From: [REDACTED]
Sent: Thursday, August 27, 2020 2:32:12 PM
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: Fw: Portmarnock Dart Station Disturbance

[REDACTED]

I trust that my query raised on 13 August which [REDACTED] forwarded to you has found you well. I would be grateful if you either of you could get back to me on my query relating to Portmarnock Dart station below. I have copied and pasted it into the body of this email in case you have issues viewing the thread on a smart phone:

"Dear Sirs

I am a resident of Portmarnock since September 2019 and am regularly disturbed by diggers and trucks being unloaded and stored at Portmarnock Dart Station between midnight and 1am during the week. The engines are left running and are quite loud. On Tuesday night we were woken with an almighty noise, where a digger appears to have dropped a large pipe or piece of metal when unloading from the back of a flat bed truck. On one occasion a couple of months ago, there was a fleet of about ten diggers, all sitting in the car park with engines running. Fleets of vans, trucks, flat beds, diggers and dumpers all regularly make an appearance. The machinery is used in the parking area and is then either stored in a fenced off section of the Dart station, or the machinery is simply left in the car park (as is the case today).

I have photographic and video evidence, all time stamped, of these activities.

I would be grateful if you could let me know what the machinery is being used for and why is it being stored beside a residential area after midnight. Are construction works being carried on the in locality after midnight? Is the Dart Station being used as a construction machinery storage site? Has the public, or local residents been consulted about this?

You might also forward me details of the relevant planning permissions or consents which

authorise the use and storage of this machinery in the middle of the night, next to a residential area. Please also forward me a copy of any construction management plans which are relevant.

Yours faithfully

[REDACTED]

Regards

[REDACTED]

From: [REDACTED]
Sent: Thursday 13 August 2020 16:48
To: [REDACTED]
Subject: FW: Portmarnock Dart Station Disturbance

Dear [REDACTED]

Your email to CIE Enquiries refers.

This is a matter for Irish rail. I have forwarded your email to [REDACTED] and [REDACTED] [REDACTED] Irish Rail. [REDACTED] is on annual leave until Monday 24th August next. I have requested that they contact you on the matter.

Their direct email addresses are –

[REDACTED]

[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday 13 August 2020 10:16
To: [REDACTED]
Subject: FW: Portmarnock Dart Station Disturbance

From: [REDACTED]
Sent: Thursday 13 August 2020 10:09
To: [REDACTED]
Subject: Portmarnock Dart Station Disturbance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs

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Yours faithfully

[REDACTED]

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Iarnrod Eireann Irish Rail, cuideachta ghníomhaíochta ainmnithe, faoi theorainn scaireanna, claraithe in Eirinn ag Staisiun Uí Chonghaile, Baile Átha Cliath 1, Úr. 119571 Úr. CBL: IE 4812851 O
Iarnrod Eireann Irish Rail, a designated activity company, limited by shares, registered in Ireland at Connolly Station, Dublin 1, No. 119571 VAT No. IE 4812851 O