



An
Bord
Pleanála

Record of 1st Meeting ABP-305149-19

Case Reference / Description	ABP-305149-19 Replacement of seven number manned level crossings on the main Dublin to Cork Railway Line.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	17/10/19	Time	11.00-12.10

Attendees
Representing An Bord Pleanála
Anne Marie O'Connor, Assistant Director of Planning (Chair)
Pauline Fitzpatrick, Senior Planning Inspector
Josephine Hayes, Senior Executive Officer
Kieran Somers, Executive Officer
Representing the Prospective Applicant
Rory McDonnell, Jacobs
Tony Magee, Jacobs
James Kenny, Irish Rail
Diarmuid Dunne, Irish Rail

Introduction:

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board.

The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant set out the background of the project which has, as its primary objective, the proposal to eliminate/de-man seven manned level crossings along the Dublin-Cork Railway Line. The crossings occur along a 24-kilometre section of the railway line and straddle the boundary of Cork and Limerick (2 sites in County Limerick and 5 sites in County Cork). All seven crossings are currently

manned, are old and quite traditional in nature. Manned crossings of this kind have been eliminated by means of individual schemes/consents in the past and were not the subject of a Railway Order.

A feasibility study has been undertaken to investigate and appraise options; this was commenced in 2018. In 2019 a preliminary design was prepared. With respect to all seven sites, the prospective applicant emphasised that health and safety considerations are of paramount importance.

It is proposed to lodge a Railway Order application which will be accompanied by an EIAR and NIS will be prepared.

The proposed development was further elaborated upon with regard to each of the sites:

- Fantstown – proposed solution of straight closure
- Thomastown – proposed solution of new overbridge
- Ballyhay – proposed solution of 4-barrier CCTV
- Newtown and Ballycoskery – proposed solution of new access road and new overbridge. The prospective applicant noted that the alignment in this particular case runs close to a local primary school and that there is also a housing estate in the vicinity. In response to the Board's question, the prospective applicant said that traffic surveys have been conducted here in the past and that new traffic surveys are planned.
- Shinanagh – proposed solution of upgrade to existing overbridge, upgrade of junction on N20 and tie-in to existing local road to the North. The site is proximate to a historic church.
- Buttevant – proposed solution of new overbridge and tie-in to existing regional road to east and west. The Blackwater River SAC is proximate to this site.

The prospective applicant signalled its intention to request a further meeting with the Board (circa December 2019) and to lodge a Railway Order application thereafter in early 2020.

Discussion:

- **Procedural Issues:** The Board's representatives enquired as to why a Railway Order application is being pursued in this particular instance. The

prospective applicant replied that it was of the opinion that a Railway Order application under the Transport (Railway Infrastructure) Act 2001, as amended, would be the most appropriate legislative mechanism to pursue as the proposed works comprise of ancillary works necessary for a railway line. The Board noted this point but said that it would require further elaboration from the prospective applicant on this. The Board also noted that there is no precedent case where works of the scale and nature proposed were the subject of a Railway Order application. The prospective applicant replied that it had concluded a Railway Order application would be the best fit as other options such as Part 8 applications might prove to be restrictive. The prospective applicant made the point that it can only avail of CPO powers by way of a Railway Order application.

- The Board advised that the prospective applicant give careful consideration as to whether the proposed works could be considered to fall within the meaning 'railways works' which could be the subject of a railway order under the Transport (Railway Infrastructure) Act 2001. Any legal advice or submission in this regard could be submitted to aid the Board's consideration of this matter.
- The Board enquired as to whether consideration had been given to applying for a separate consent for each individual site as opposed to applying for a Railway Order application for all seven sites. It also remarked that it considered an EIAR for all seven sites as the best approach in terms of efficiency and with respect to the assessment of cumulative effects.
- **Consultation with Prescribed Bodies:** Consultation letters have issued to statutory consultees (including the two relevant local authorities). No consultations have taken place with representatives from the National Parks and Wildlife Service (NPWS) to date. Particular attention was drawn to the benefit of discussions with the NPWS and TII in relation to this project.
- **Public Consultation:** The Board advised that public consultations need to be as robust as possible and should be commenced at an early stage so as to ensure thorough and meaningful engagement. The prospective applicant noted this point and stated its intention to engage fully with local communities and other stakeholders. It added that it has met with both relevant local

authorities and that liaisons with the local community will be as thorough as possible. The prospective applicant said that a consultation strategy is in place going forward and that all feedback from members of the public and stakeholders will be taken on board. The Board reiterated the importance of consultation with both the community at large and any affected individuals at the 'options' stage of the project.

- **Design approach:** The Board's representatives commented that there is a need for a proportionate balance between the optimum engineering design and solutions which take account of planning and environmental matters. In particular, the possible solution (overbridges and roads) at Ballycoskery/Newtown needs very careful consideration in terms of the scale and extent of the works proposed and the impact on pedestrian/cycle movements and community connectivity. The relationship of the Shinanagh works to the preferred N20/M20-corridor should also be resolved in full in advance of any application.
- **Further discussion:** Given the scale of the works, a further meeting/meetings would be required to examine the planning and environmental considerations if the project is to be advanced as a Railway Order application. More detailed issues relating to EIA and AA would also need to be discussed.
- **EIA Scoping:** In response to the prospective applicant's query on the matter, the Board said that it does not respond formally to scoping reports forwarded to it during the pre-app process. A formal application for a scoping opinion may be made to the Board separate to the pre-app process.

Conclusion:

The prospective applicant said that it would forward further rationale for pursuing a Railway Order application in this particular instance to the Board in due course.

The Board's representatives said that, upon receipt of this submission, they may seek a meeting with the Board to ascertain its view on the matter. The Board will then revert to the prospective applicant following this.

The record of the instant meeting will issue in the meantime.

Anne Marie O'Connor
Assistant Director of Planning