



An
Bord
Pleanála

Inspector's Report ABP 305149-19

Development	Replacement of 7no. manned level crossings on the Dublin to Cork rail line.
Location	Between Limerick Junction and Mallow Station, Co. Limerick and Co. Cork
Prospective Applicant	CIE
Planning Authority	Limerick City and County Council Cork County Council
Type of Application	Pre-application consultation, Section 47B of the Transport (Railway Infrastructure) Act 2001 as amended
Date of Site Inspection	16/09/19
Inspector	Pauline Fitzpatrick

1.0 Introduction

The Board received a request on 13/08/19 from Jacobs on behalf of CIE to enter into pre-application consultations under section 47B of the Transport (Railway Infrastructure) Act, 2001 (as amended) (inserted by Section 50 of the Planning and Development (Strategic Infrastructure Act) Act 2006) .

The works pertain to the replacement of 7 no. manned level crossings on the Dublin to Cork railway line between Fantstown Co. Limerick and Buttevant Co. Cork.

The Board's representatives met with the prospective applicant on 17/10/19, 09/07/20 and 04/02/21 (latter two meetings via Microsoft TEAMS). The prospective applicant formally requested closure of the pre-application consultation process in correspondence received 15/02/21.

2.0 Proposed Development

The works entail the replacement of 7 no. manned level crossings along a 24km section of the Dublin-Cork line which straddles the Cork/Limerick County boundary.

In summary:

Level Crossing	Crossing Type	Proposed Works (summary)
XC187 Fantstown	C – gates normally closed to road traffic	Closure. Divert traffic along existing roads.
XC201 Thomastown	C – gates normally closed to road traffic	New overbridge. Tie in to existing local road to south and new junction on regional road.
XC209 Ballyhay	CD – gates normally open to road traffic by day and normally closed at other times	4 barrier CCTV
XC211 Newtown	CD – gates normally open to road traffic by day and	New access road. Tie in to existing local roads

	normally closed at other times	
XC212 Ballycoskery	CD * – gates normally open to road traffic by day and normally closed at other times	New overbridge. Tie into local roads.
XC215 Shinanagh	CD * – gates normally open to road traffic by day and normally closed at other times	Upgrade existing overbridge and tie in to existing local roads, upgrade of junction on N20.
XC219 Buttevant	CX – gates normally open to road traffic	New overbridge. Tie into existing regional road to east and west.

**Operated on a 24 hour basis as a CX – Type level crossing*

Some of the works will necessitate the acquisition of land and extinguishment of rights of ways.

3.0 Prospective Applicant's Case

- Significant investment by the prospective applicant has been put into eliminating manned level crossings on the nationwide rail network. Previous works were advanced under different legislative codes and were not subject of Railway Orders.
- The 7 no. crossings in question are the only remaining manned crossings on the Dublin-Cork rail line. Their proximity to each other has impacts on the line's efficiency with issues also arising in terms of safety.

4.0 Legislative Provisions

Following the submission of a legal opinion by the prospective applicant in February 2020 the Board's opinion was sought as to the suitability of the legislative mechanism proposed by which to seek consent for the works. The Board in a

Direction dated 08/06/20 stated that the proposed works can be considered to be 'railway works' as defined in the Transport (Railway Infrastructure) Act 2001, as amended, and can be appropriately dealt with under a single Railway order, on the basis that the works at the 7 locations identified pertain to the operation of the Dublin to Cork railway line.

The application for the Railway Order is being made pursuant to section 37 of the Transport (Railway Infrastructure) Act, 2001, as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act, 2006.

5.0 Issues Arising

The following were issues that arose at the pre-application consultations with the prospective applicant:

- Justification of the proposed options
- Proportionate balance between the optimum engineering designs/solutions and the planning and environmental impacts.
- Public consultation
- Appropriate Assessment
- Archaeological impacts

6.0 Serving of a Copy of the Draft Railway Order

The provisions of section 40(1)(c) of the Transport (Railway Infrastructure) Act, 2001, as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act, 2006, indicate that the Board may direct the prospective applicant as to what persons, in addition to the planning authority and the Minister for Transport, should be so served with a copy of the Draft Railway Order, accompanying documents and public notice.

Having due regard to this, I recommend that the Board considers that the persons and bodies listed hereunder be so served:

- Limerick City and County Council,
- Cork County Council
- Minister for Transport
- Department of Housing, Local Government and Heritage
- Southern Regional Assembly
- Transport Infrastructure Ireland
- Commission for Railway Regulation
- Inland Fisheries Ireland
- Office of Public Works
- An Chomhairle Ealíon
- Fáilte Ireland
- An Taisce
- Health Service Executive

Pauline Fitzpatrick
Senior Planning Inspector

February, 2021