



An  
Bord  
Pleanála

## Inspector's Report 04.HC0001

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| <b>Proposed Development:</b> | M28 Cork to Ringaskiddy Motorway Scheme.        |
| <b>Location:</b>             | Bloomfield Interchange to Ringaskiddy, Co.Cork. |
| <b>Applicant:</b>            | Cork County Council                             |
| <b>Planning Authority:</b>   | Cork County Council                             |
| <b>Date of Site Visit:</b>   | 29 <sup>th</sup> December 2016                  |
| <b>Inspector:</b>            | Ciara Kellett                                   |

## 1.0 Introduction

- 1.1. Cork County Council (the applicant) requested Pre-Application Consultations under Section 51A of the Roads Act 1993, for the development of a new Motorway Scheme “M28 Cork to Ringaskiddy Project” (the scheme). Three Pre-Application Consultation meetings have taken place between An Bord Pleanála (the Board) and the applicant: 24<sup>th</sup> July 2015, 17<sup>th</sup> November 2016 and 12<sup>th</sup> January 2017.
- 1.2. This Report is prepared following the request by the applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, a summary of meetings, the legislative provisions, and the advice provided by the Board.

## 2.0 Background

- 2.1. The scheme forms a part of the TEN-T Core Network (Trans-European Transport Network). The scheme objectives are to provide enhanced access to the Port of Cork, reduce congestion and delay on the N28 corridor, provide a safer national road, and provide improved route access to improve economic development, by upgrading approximately 12.5km of the N28 National Primary Route from its junction with the N40 South Ring Road at Bloomfield to the Port of Cork in Ringaskiddy.
- 2.2. The National Ports Policy categorises ports into Ports of National Significance (Tier 1), Ports of National Significance (Tier 2) and Ports of Regional Significance. The Port of Cork has been identified as a Tier 1 Port of National Significance. This requires that the Port is served by a high quality road, either a motorway or expressway. The N28 corridor is part of the TEN-T Core Network accessing the Tier 1 Port of Cork at Ringaskiddy. The existing N28 is predominantly a single carriageway road with a short length of dual carriageway.
- 2.3. The project has been under consideration by the applicant for a significant amount of time – since 2002. Consultants were appointed in early 2014 to review the original route selection and bring the scheme to EIS/Motorway Order publication.

### **3.0 Proposed Development**

3.1. The proposed scheme has been subject to a number of changes over the course of the Pre-Application meetings, following public consultation. The proposed scheme:

- comprises approximately of 12.5km motorway or expressway road;
- commences at the Bloomfield Junction on the N40;
- terminates to the east of Ringaskiddy village;
- includes an online upgrade for the initial 2km south of Bloomfield Junction to Carr's Hill;
- from Carr's Hill to Shanbally will be dual carriageway with 100km/hr design speed;
- east of Shanbally comprises single carriageway connecting to the proposed new eastern access to the Port of Cork; and
- comprises a Motorway Service Area in the Port of Cork.

Over the course of the meetings, the applicant advised that: 5 no. alternative options have been assessed; a Local Road Traffic Impact Assessment was prepared; an upgrade of the Mount Oval diverge has been retained; amendments to the design of Carr's Hill Interchange have been made; a 2-way link road from Maryborough Hill to proposed Carr's Hill interchange has been included; more compact dumbbell interchanges proposed (smaller footprint); a revised vertical alignment at the Old Post Office Road to accommodate a pedestrian/cyclist underpass included; modifications to Rochestown Road; and, changes made to the original design of the Shannonpark and Shanbally Interchanges.

### **4.0 Pre-Application Consultation Meetings**

4.1. As noted above, three Consultation Meetings were held in July 2015, November 2016 and January 2017. As provided for in the legislation, the Board may give advice to the applicant regarding the procedures involved, what considerations relating to the effects of the proposed development on the environment or the proper planning and sustainable development may have on its decision in relation to the application.

4.2. At each meeting, the applicant described in detail the progress of the design and changes to the project since the previous meeting, following public consultation, as well as work carried out in support of the EIS. The representatives of the Board commented on issues that the EIS should address. The file which includes the record of each meeting as well as the applicant's submissions is attached.

4.3. Matters raised include:

- Reasons for option chosen and changes to existing roads and layouts which are part of the project.
- Noise mitigation on the online upgrade section of the road and on the offline section.
- Air Quality.
- Human Health.
- The severance of the Castlewarren Complex.
- Relocation of pylons to be addressed in the application.
- Address the Raffeen Quarry and the quarry's permission.
- Any noise surveys/information should be consistent with that provided by the Port of Cork.
- The submission dates for the various approvals or permissions required for the proposed development should be co-ordinated e.g. CPO.

4.4. The applicant now seeks to close the Consultation Meetings. Advice was provided at the third meeting with respect to the procedures involved in closing the Consultation Meetings.

4.5. In seeking to close the consultations, the applicant has stated that the scheme will be submitted under the title of "M28 Cork to Ringaskiddy Project" and that the project will comprise of a motorway scheme, a protected road scheme and a service area scheme for which application for approval will be sought under Section 49 and Section 51 of the Roads Act.

4.6. Procedures for Road Applications under Section 51 of the Roads Act 1993 are attached as Appendix 3 to this Report.

4.7. A list of Prescribed Bodies, who the Board consider should be sent copies of application documentation, is attached as Appendix 1 to this Report.

## **5.0 Roads Act – Legislative Provisions**

5.1. The Roads Act of 2015 inserted Section 51A into the Roads Act of 1993. Section 51A provides for consultations with An Bord Pleanála before making an application under Section 51. The consultation in relation to this road scheme is the first to be carried out by the Board.

5.2. Section 51A of the Roads Act is copied in full in Appendix 2 of this Report. The Act provides that the Board may give advice in relation to the procedures involved in making the application, and what may have a bearing on its decision in relation to the application in respect of the effects of the proposed road development on the environment, or an area, site or land, and proper planning and sustainable development.

5.3. Section 51A of the Roads Act consultations differ from other strategic infrastructure legislation, for example Seventh Schedule type development. The Act does not require the Board to provide an opinion on whether the project is strategic infrastructure or not. Following the completion of any consultations between the Board and the applicant, the Roads Act states that the applicant may apply to the Board for the approval in relation to a proposed road development.

## 6.0 Conclusion

Following the insertion of Section 51A into the Roads Act, a Road Authority or Authority as the case may be, can enter into consultations with the Board prior to submitting an application under Section 51(2) in relation to a proposed road development.

The Board may give advice to the Authority regarding the procedures involved, what considerations relating to the effects of the proposed development on the environment or the proper planning and sustainable development may have on its decision in relation to the application.

Over the course of the three meetings held, advice was provided as noted on the file attached.

The applicant now wishes to close the consultation stage and following the completion, the applicant may apply to the Board for the approval of the roads project.

A list of Prescribed Bodies, who in the opinion of the Board should be forwarded copies of the application documentation is attached (Appendix 1), the full wording of Section 51A of the Roads Act (Appendix 2), as well as the procedures for Road Applications under Section 51 of the Roads Act 1993, as amended (Appendix 3).

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Ciara Kellett  
Senior Planning Inspector  
27<sup>th</sup> April 2017

## **Appendix 1: List of Prescribed Bodies:**

Section 51(3)(b) lists the following bodies:

- (i) The Commissioners of Public Works in Ireland,
- (ii) Bord Fáilte Éireann,
- (iii) An Taisce – the National Trust for Ireland,
- (iv) Any other prescribed body or person.

The Board consider that the following prescribed bodies should also be notified:

- (i) An Chomhairle Ealaíon
- (ii) Cork City Council
- (iii) South-West Regional Authority
- (iv) Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- (v) Transport Infrastructure Ireland
- (vi) National Transport Authority
- (vii) Health Service Executive
- (viii) Minister for Communications, Climate Action and Environment.
- (ix) Minister for Transport, Tourism and Sport

## **Appendix 2: Section 51A of the Roads Act**

### ***Consultations with An Bord Pleanála before making of application under section 51***

*“51A. (1) Where a road authority or the Authority, as the case may be, proposes to make an application for approval to An Bord Pleanála pursuant to section 51(2) in relation to a proposed road development, it may, before making the application, make a request to An Bord Pleanála to enter into consultations in relation to the proposed road development.*

*(2) An Bord Pleanála shall—*

- (a) accede to a request under subsection (1) as soon as possible, and*
- (b) ensure that consultations held are completed as expeditiously as is consistent with proper planning and sustainable development and, for that purpose, take all such steps as are open to it to ensure that, in so far as is practicable, there are no avoidable delays at any stage in the holding of those consultations.*

*(3) In any consultations, An Bord Pleanála may give advice to the road authority concerned or the Authority regarding the proposed application for approval under section 51(2) and, in particular, regarding—*

- (a) the procedures involved in making such an application and in considering such an application, and*
- (b) what considerations, relating to—*

*(i) the effects of the proposed road development on the environment, or an area, site or land, referred to in section 50(1)(d), or*

*(ii) proper planning and sustainable development,*

*that may, in the opinion of An Bord Pleanála, have a bearing on its decision in relation to the application.*

*(4) A road authority or the Authority, as the case may be, shall, for the purposes of consultations, supply to An Bord Pleanála sufficient information in*



*relation to the proposed road development so as to enable An Bord Pleanála to assess that development.*

*(5) An Bord Pleanála may consult with any person who may, in the opinion of An Bord Pleanála, have information which is relevant for the purposes of consultations in relation to the proposed road development.*

*(6) The holding of the consultations shall not prejudice the performance by An Bord Pleanála of any other of its functions under this Act or regulations under this Act and shall not be relied upon in an application for approval under section 51(2) or in legal proceedings.*

*(7) An Bord Pleanála shall keep a record in writing of any consultations, including the names of those who participated in the consultations, and a copy of any such record shall be placed and kept with the documents to which any application for approval under section 51(2) in respect of the proposed road development relates.*

*(8) An Bord Pleanála shall provide a copy of any record kept in accordance with subsection (7) to the road authority concerned or the Authority.*

*(9) Following the completion of any consultations between An Bord Pleanála and the road authority concerned or the Authority, as the case may be, the road authority or the Authority may apply to An Bord Pleanála for the approval referred to in section 51(2) in relation to a proposed road development.*

*(10) In this section, 'consultations' means the consultations referred to in subsection (1)."*

## **Appendix 3: Procedures for Road Applications under Section 51 of the Roads Act**