

# Comhairle Contae Chorcaí Cork County Council

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Rail Order/ Strategic Infrastructural Development  
Case Number ABP-310286-21

09/07/21

**Re: Railway works and all works necessary to eliminate and, where necessary, upgrade 7no. level crossings and carry out all associated and ancillary works along a 24-kilometre section of the Dublin to Cork railway line at Fanstown and Thomastown, Co. Limerick and Ballyhay, Ballycoskery (Ballyhea Village), Shinanagh and Butevant Co Cork. Application for a railway order under section 37 of the Transport (Railway Infrastructure) Act, 2001 as amended.**

Dear Sir/ Madam,

In reply to your letter dated 21<sup>st</sup> May 2021, please find attached Cork County Council's submission in relation to the proposed railway works on a 24 km section of the Dublin - Cork railway line as follows.

CIE is applying to An Bord Pleanála for a Railway Order under the Transport (Railway Infrastructure) Act 2001 as amended, to eliminate/ upgrade seven public level crossings on the Dublin - Cork Railway line, (railway works and all necessary works to enable the applicant to eliminate and where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24 km section of the Dublin – Cork railway line). The application is accompanied by a statement of the likely effects on the Environment of the proposed railway works, by way of an Environmental Impact Assessment Report (EIAR) in accordance with EIA Directive 2014/52/EU; and a Natura Impact Statement in accordance with the European Communities (Birds and Habitats) Regulations 2011 (*Habitats Directive 43/92/EEC, Birds Directive 79/409/EEC*) and the Water Framework Directive (2000/60/EC).

A suite of supporting reports includes inter alia a Planning Compliance Report which sets out the planning policy relating to the project and outlines compliance with same; an outline Construction Management Plan; and a Stakeholder and Consultation report.

Irish Rail/Iarnród Éireann, a subsidiary of CIE, developed the project in accordance with their policy to eliminate where practicable and possible all level crossings on the rail network across Ireland. This project is located on a section of the Dublin - Cork line between Limerick Junction and Mallow,

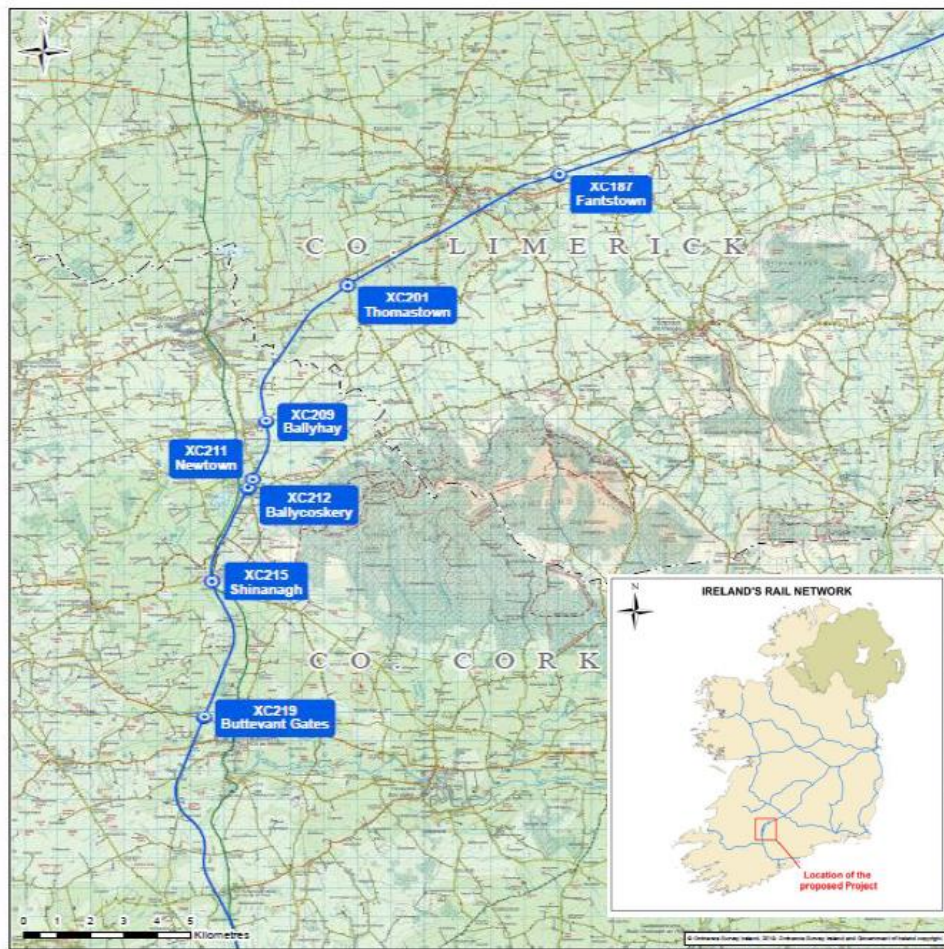
where rail speeds can reach 160km/hr. The project seeks to address the safety risks associated with the railroad interface (with road traffic) at the seven level crossings within this section of the line.

### Site Location

The proposal relates to seven level crossings, of which, two are within Co. Limerick and five are within Co. Cork near the settlements of Charleville, Ballyhea and Buttevant as follows:

Level crossing	Crossing Type	Class of Road	County
XC 187 Fanstown	C type, normally closed to road traffic	Local	Limerick C & Co
XC 201 Thomastown	C type, normally closed to road traffic	Local	Limerick C & Co
XC 209 Ballyhay	CD type*, normally open to traffic by day	Local	Cork Co Co
XC 211 Newtown	CD type, normally open to traffic by day	Local	Cork Co Co
XC 212 Ballycuskery	CD type**, normally open to traffic by day	Local	Cork Co Co
XC 215 Shinanagh	CD type*, normally open to traffic by day	Local	Cork Co Co
XC 219 Buttevant	CX type, normally open to traffic	Local	Cork Co Co

\*Signal man can also control signals at Ballyhay; \*\* operated on 24 hr basis as a CX type crossing



**Figure 1. Location of Level Crossings (Source. Planning Compliance Report, Jacobs)**

The Blackwater SAC (code 002170) is 300metres north of crossing XC 219, Buttevant, which is designated for a range of habitats and species including the freshwater pearl mussel, white clawed crayfish, sea brook, river lamprey, salmon, twaite shad and otter.

The approximate site areas (red line boundaries) for each crossing and related works is:

- XC 187 Fanstown, 0.1ha; (Co. Limerick)
- XC 201 Thomastown, 2.07ha; (Co Limerick)
- XC 209 Ballyhay, 0.098ha;
- XC211 Newtown, 2.101ha
- XC212 Ballycoskery, 2.462ha;
- XC Shinanagh, 5.716ha;
- XC Buttevant, 2.572ha.

### Proposed project

The proposed project includes the extinguishment of the existing public rights of way across six of the seven level crossings. Ballyhay will remain open and be upgraded. The following table identifies key elements.

Location	Infrastructure	Description
XC 187 Fanstown	N/A	Close existing level crossing; divert traffic on existing roads to overbridge 3km to north east.
XC 201 Thomastown	Road over rail bridge	Close existing level crossing; new road bridge. Tie into existing local road to south and new junction on regional road R515 to the north.
XC 209 Ballyhay	CCTV soluiton	Upgrade level crossing to a 4-barrier CCTV controlled level crossing.
XC 211 Newtown	New access road	Close existing level crossing. New access road east of existing bridge to the north of XC211, and tie into local road to east of XC211.
XC 212 Ballycoskery	Road over rail bridge, two retaining walls	Close existing level crossing. New road bridge to tie into local road to east and west. New carpark to school. Tie into Beechwood residential estate and Ballyhae National School to north and existing local road to south.
XC 215 Shinanagh	Tie into existing road over rail bridge Upgrade existing junction on N20, close existing N20 junction at current level	Close existing level crossing. New access road to tie into existing bridge, circa 1 km to the north.

	crossing; re surfacing of section of existing local road	
XC 219 Buttevant	Road over rail bridge, portal frame road over river bridge culvert; ditch box culvert; access road box culvert, two retaining walls	Close existing level crossing. Construct a new bridge and tie into existing regional road to the east and west.

Ancillary infrastructure including walls, fencing, car parking, traffic signage, road markings, lighting, electricity connections will be required. In the case of XC209 Ballyhay, a relocatable equipment building (REB), underground elec. cabling and the relocation of the gate keepers hut will be required.

The construction phase is planned to be 18 months, an outline Construction Management Plan has been prepared and submitted as part of the suite of documents.

### **Pre-planning Consultation**

Jacobs' representative outlined that a 10 week public consultation exercise was held between 12<sup>th</sup> November 2020 and 21<sup>st</sup> January 2021. Two public events were held at local hotels, in Charleville, (19<sup>th</sup> Nov) and Kilmallock, Co Limerick, (20<sup>th</sup> Nov).

Ongoing consultation with stakeholders included engagement with statutory bodies, including inter alia, An Bord Pleanála, National Transport Authority, Transport Infrastructure Ireland, Cork County Council and Limerick City and County Council.

Cork County Council (Roads Engineers and Planners) hosted a meeting in Cork County Hall with the Jacobs Engineering team on 22<sup>nd</sup> January 2020. A second meeting (tel-conference) was held on 3<sup>rd</sup> December 2020. It was outlined at each meeting that Cork County Council is broadly supportive of the project in terms of public health and safety and service improvements/ improvements.

Jacobs outlined detailed design proposals for each crossing, including the design rationale and alternatives that were explored. Q and A's and a broad discussion was facilitated. Cork County Council raised some issues including, the rail order process, the nature and success of the public consultation events and level/ type of feedback received, road and footpath designs, speeds, gradients, bridge design; built heritage; the location of the five Cork crossings being within the River Blackwater SAC crossing and the implications of same. Further technical detailed discussions amongst the Engineering representatives were held without the Planners involvement.

It is noted that a Stakeholder and Consultation report has been submitted as part of a suite of documents.

### **Legislation**

A railway order is deemed to be exempted development for the purposes of the Planning & Development Act (as amended).

Planning and Development Act (Strategic Infrastructure Act) 2006

The proposed project is considered Strategic Infrastructure Development (SID) under the P & D (Strategic Infrastructure Act) 2006. Section 6(c) amended the definitions section (section 2(10(g)) of

the P & D Act 2000 so that the definition of strategic infrastructure development includes inter alia any proposed railway works referred to in section 37(3) of the Transport (Railway Infrastructure) Act 2001, as amended by the P & D (Strategic Infrastructure Act) 2006.

The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI no. 298/2018) applies to applications to An Bord Pleanála for Strategic Infrastructure Developments under section 37E of the P & D Act.

Section 54 of the Planning and Development (Amendment) Act 2010 amended section 172 of the P & D Act and refers to carrying out of an environmental assessment by An Bord Pleanála in respect of an application for consent for proposed development including a railway order granted under section 43 of the Transport (Railway Infrastructure) Act 2001.

An application for a Rail Order under section 37 of the Transport (Rail Infrastructure) Act 2001 shall be accompanied by: a draft of the Rail Order; a plan of the proposed railway works; a book of reference to a Plan indicating the identity of the owners and of the occupiers of the lands described in the Plan; and a statement of the likely effects on the environment of the proposed railway works.

Section 49 of the Planning and Development (Strategic Infrastructure) Act 2006 amended the railway order process, (under the Transport (Railway Infrastructure) Act 2001) whereby applications are made to An Bord Pleanála as opposed to the Minister for Transport.

Environmental Impact Assessment Directive 2014/52/EU

The initial Directive 85/337/EEC, amended by Directive 2011/92/EU, which in turn was amended by Directive 2014/52/EU and came into force in May 2014 are referred to as the EIA Directive. The proposed project is accompanied by an EIAR (complied under the 2014 Directive and relevant guidelines) and a statement of likely effects on the environment of the proposed railway works, as is required under the EU Directive and 2001 Act.

The submission appears to be in accordance with the statutory requirements set out.

## **Planning Policy Context**

### **National Planning Framework**

Project Ireland 2040 - The National Planning Framework (NPF) is a region focussed strategy for managing growth linked to a 10year investment plan, or National Development Plan 2018-2027, using state lands for certain strategic purposes and more environmentally focussed planning at local level. From an administrative and planning point of view, the State is divided into three Regions, Cork is within the Southern Region. More balanced growth between the regions is needed to counter the over-concentration of growth in Dublin and the mid-east region. The five cities with a population of greater than 50,000 persons have been identified as the target of 50% of national growth over the plan period. Cork and Limerick are within the Southern Region and are connected by the N22 road and the Dublin - Cork railway via Limerick Junction.

The vision of the NPF is set out in the 10no. National Strategic Outcomes (NSOs) and 10no. Priorities of the National Development Plan.

These NSOs include NSO 2 Enhanced Regional Accessibility, NSO 3 Strengthened rural economies and communities, NSO 4 Sustainable Mobility, and NSO 8 Transition to a low carbon and climate resilient society.

The proposed project is considered to accord with the NPF and the above listed NSOs, in particular, NSO2 Enhanced Regional Accessibility, where the priority is to enhance accessibility between key urban centres and their regions... ensuring that all regions and urban areas have a high degree of accessibility to Dublin as well as to each other.

Furthermore, one of the Key Future Growth Enablers identified for Cork is improved rail journey times to Dublin and consideration of improved onward direct network connections.

#### **National Development Plan 2018 - 2027**

The National Development Plan states that “the funding priority for the inter-urban rail network is to protect the investment already made in our national railway system by funding maintenance and safety projects needed to maintain safety and service levels in railway operations. This requires a significant level of spending directed toward maintenance and rehabilitation expenditure to prevent further degradation of the existing capital stock in order to regain and maintain at a steady-state” (p40) and

“Over the period of the National Development Plan it will be very important to examine the role the inter-urban rail network can play in enhancing regional connectivity. This has a particular significance in an all-island context, in developing the wider economic and societal potential of the island by strengthening linkages between Belfast, Dublin and Cork.

The Dublin–Galway and Dublin–Limerick Junction/Cork rail lines will also be subject to an examination to move to higher speeds leading to improved connectivity to regional cities through improved rail journey times. An evaluation of the economic benefits of high speed rail between Dublin-Belfast, Dublin-Limerick Junction and Dublin-Cork against improvements to existing line speeds will also be carried out against relevant appraisal processes and value-for-money tests required under the Public Spending Code by 2020,” (p42).

It is considered that the proposed project is aligned with the NDP.

#### **Smarter Travel - A Sustainable Transport Future, New Transport Policy for Ireland 2009 - 2020.**

The Government’s sustainable transport policy document sets out key goals for sustainable transport including, to “improve economic competitiveness through maximising the efficiency of the transport system and alleviating congestion and infrastructural bottlenecks.”

The proposed project is considered to accord with transport policy, as it will facilitate improved travel times on the Dublin - Cork line and as such will encourage a shift to public transport.

#### **Regional Planning Policy**

##### **Regional Spatial & Economic Strategy for the Southern Region (2020)**

The Regional Spatial & Economic Strategy (RSES) sets out the long-term spatial planning and economic framework for the Southern Region. The principal purpose is to support the implementation of the NPF set out at a regional/ sub-regional level of objectives (Regional Planning Objectives) within the defined Strategic Planning Areas (SPAs) of Mid-West, South-East and South-West. Co Cork lies within the South West SPA and Limerick within the Mid-West SPA.

RPO 151 seeks “to ensure that existing networks are maintained to a high level to ensure quality levels of safety, service, accessibility and connectivity to transport users.”

RPO 162 seeks “to strengthen investment in the maintenance, improvement and strengthening of rail networks in the region.”

In short, the RSES recognises and supports the need for investment in rail and other communications modes to serve the needs of the region and achieve a more sustainable, accessible, competitive and socially inclusive region and identifies the opportunity to improve the Limerick - Cork rail link.

It is considered that the proposed project is in accordance with the Southern Regional Assembly RSES 2020.

### **Local Planning Policy**

*The Draft Cork County Development Plan 2021 has been prepared in accordance with the provisions of the Planning and Development Act 2000 (as amended). It has recently been on public display for 10 weeks from the 22<sup>nd</sup> April to 1<sup>st</sup> July 2021. The current Development Plan is the Cork County Development Plan 2014 - 2020. The relevant chapters are set out below.*

### **Cork County Council Development Plan 2014 - 2020**

The vision for this plan is “to provide for the development of County Cork as an attractive, competitive and sustainable place to live, visit and do business.”

### **Chapter 2. Core Strategy**

The key aims of the plan are set out in the Core Strategy and include

- a) enhanced quality of life for all based on high quality... environments and sustainable transport patterns
- b) sustainable patterns of growth in urban and rural areas... reflecting the need to reduce energy consumption and green house gas emissions, reduce use of non-renewable resources... to plan for the effects of climate change
- c) sustainable and balanced economic investment... with wise management of the County’s environmental, heritage and cultural assets.
- d) an effective physical and community infrastructure
- e) a quality built environment
- f) a network of enhanced natural resources
- g) responsible guardianship of the County

The Plan recognises the main issues facing Cork within a National and Regional context, including Transport and Infrastructure and the need to combine the emerging spatial patterns for the Cork Region arising from implementation of Government Policy with the key requirements of the infrastructure providers to create a plan that is capable of delivering sustainable growth.

The Core Strategy Diagrammatic Map (Fig 2.7) illustrates the (Dublin - Cork) Intercity Railway, the Atlantic Corridor and respective Greenbelts around the settlements of Buttevant and Charleville. The CDP sets out four strategic planning areas within the County. The proposed project lies within the North Cork Strategic Planning Area.

It is considered that there is no significant interaction between the planned NM20 and the proposed project and I note there is continuing engagement between the applicant and the NM20 design team.

Buttevant and Charleville are categorised as County towns under the CDP’s network of settlements (Objective CS3-1), with the strategic aim “to provide better balance of development between each town and its rural hinterland and further fulfil their role as economic and employment centres providing for the needs of their extensive rural hinterlands, so that they can become the location of choice for most people especially those with an urban employment focus.”

#### CDP Policy CS4-3 North Cork Strategic Planning Area

- a) Recognise(s) the importance to the area of the Atlantic Gateways Initiative, to acknowledge the potential of the towns located within the corridor to act as a focus for new investment in jobs and housing and to recognise the value of such investment to the area as a whole;
- b) Establish an appropriate balance in the spatial distribution of future population growth so that (inter alia) Charleville, Buttevant can accelerate their growth, in line with this Core Strategy and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport.
- f) Prioritise the adequate provision of water services and transport infrastructure to meet current needs and future population targets while protecting the areas environment,
- g) Protect and enhance the natural heritage of the Backwater catchment.

In terms of economic strategy, the Plan allows for the concentration of new economic and employment development primarily within the main towns, including Mallow, Charleville and Buttevant; and to implement this strategy, in tandem with the provision of transport infrastructure to reduce the need for commuting and ensure a sustainable pattern of economic development.

It is considered that the Vision and Core Strategy of the County Development as per Objectives set out above both supports and aligns with the objectives of the proposed project.

### **Chapter 10 Transport & Mobility**

#### Public Transport Network

The CDP recognises that “for medium and longer journeys, well integrated public transport provision is critical to the overall transportation strategy and enhancing the competitiveness of the county. (section 10.2.17) As addressed above, Government policy is set out in the “Smarter Travel”

Although the Plan recognises that the greatest potential for modal split is within the Metropolitan Cork area, Under Objective TM 2-5 Rail Transport, “the Council will support and prioritise the following key rail transport initiatives: a) encourage the enhancement of service provision in tandem with planned population and employment growth.”

#### Road Network

CDP Objective TM 3-1 National Road Network a) “Seek the support of the National Roads Authority in the implementation of the following major projects: (including) the M20 Blarney - Mallow - Limerick” which is a Key NSS project. b) “Support and provide for improvements to the national road network, including reservation corridors for proposed routes, free of inappropriate development, so as not to compromise future road schemes.”

Given the national and regional policy context of planned compact growth within the 5 designated cities, including Cork, Limerick and Dublin and that sustainable socio - economic growth is dependent on improving communications and integrated transport provision, the proposed project (upgrade works) resulting in improved safety and service provision (speed) is considered to align with and support the objectives of the Plan, as set out above.

The proposed project traverses the Strong Rural Area of the north of the County and Greenbelt Strong Rural Areas to the north of the County have traditionally had a strong agricultural base with a generally stable population.



## **Chapter 11 Green Infrastructure and Environment**

### **Landscape Character Assessment of County Cork**

Cork County Council has prepared a draft Landscape Strategy and categorised a 'general' set of 16no. landscape character types based on similarities evident across 76no. distinct character areas of Cork. The landscapes assessed on landscape value (cultural and environmental), sensitivity (low, medium, high or very high) and importance (local, county or national). Landscapes with a high or very high landscape value and high or very high sensitivity and of county or national importance are considered the most valuable landscapes and are designated as High Value Landscapes. The proposed project lies within a High Value Landscape broadly covering the towns and hinterlands of Charelvieille, Buttevant, Mallow to the west and Mitchelstown and Fermoy to the east.

The Plan recognises (section 13.6.9) that within High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive and would generally be supported by an assessment which would involve an evaluation of visibility and prominence in the immediate environs and the wider landscape.

### **CDP Objective GI 6-2 Draft Landscape Strategy**

"Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the County Cork Draft Landscape Strategy and its recommendations, in order to minimise the visual and environmental impact of development, particularly the areas designated High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required."

The County Cork crossings are located within Landscape Character Type 5 - Fertile Plain with Moorland Ridge, which is generally flat or gently undulating along the River Blackwater, surrounded by low ridges and occupying a large proportion of north-east cork. This landscape is fertile ground, often referred to as the 'Golden Vale' suitable for intensive farming and contains historic Demesnes, dispersed farmsteads and agricultural infrastructure. Crossings at Balyhay, Newtown, Ballycoskery and a northern section of the Shinanagh proposal lies within a High Value Landscape Designation.

Chapter 13 - Landscape and Visual, of the EIAR sets out mitigation and finds that the crossings and roads/ bridges would not give rise to any significant residual impacts. It sets out in detail a desktop study and survey work for the project, and the methodology employed in the landscape and visual impact assessment undertaken. The baseline view was identified, and the receptor (receiving environment) sensitivity, visual impact magnitude and significance of visual impact were quantified/ categorised pre-mitigation. Mitigation measures were design on principles of minimising footprint of works and elevated, engineered structures as far as possible, by retaining hedgerows as far as possible, and if not possible, to offset by new planting, under planting, inter planting to ensure dense screenings.

Of particular note is crossing XC 212 at Ballycoskery, it identified as the most sensitive and having the potential for greatest visual impact due to proximity to the residential estate and school and nature of works including new bridge and retaining wall. Ballycoskery works are identified as having a high-medium visual impact prior to mitigation and the applicants' assessment judges post mitigation visual impact to be medium and residual impact to be moderate - slight.

As a whole, the proposed mitigation is considered to be acceptable in principle. Appropriate planting (of native and pollinator friendly species) and maintenance plans including follow-on planting in subsequent autumn and / or spring season should be clearly set out and adhered to, to ensure successful and timely maturity of these important visual screens and ecological corridors.

## **Chapter 12 Heritage**

### **Natural Heritage and Biodiversity**

#### **County Development Plan Objective HE 2-1 Site Designated for Nature Conservation**

Provide protection to all natural heritage sites designated under National and European legislation and international agreement, and to maintain or develop linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar sites.

### **Archaeological Heritage**

#### **County Development Plan Objective HE 3-1 Protection of Archaeological Sites**

a) Safeguard sites and settings, features and objects of archaeological interest generally,  
b) Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) and the Record or Monuments and Places as established under section 12 of the National Monuments (Amendment) Act 1994, as amended and of sites features and objects of archaeological and historical interest generally.

### **Architectural Heritage**

#### **Industrial and Post medieval Archaeology 12.3.12**

Other important elements of our archaeological heritage are the later remains of structures and features associated with industrial, agricultural, cultural, military, docks and harbours, religious, social activities. These Industrial and postmedieval items of built heritage include penal chapels, limekilns, houses, mass paths, stepping-stones, mills, bridges, railway features and famine burial grounds. They can make a valuable contribution to the local historic landscape and have potential to add to our understanding of the past. Whilst some of these are Archaeological Monuments and/ or Protected Structures, the vast majority have no such protection and are consequently very vulnerable items of our heritage.

#### **County Development Plan Objective HE 3-4 Industrial and Post Medieval Archaeology**

Protect and preserve the archaeological value of industrial and post medieval archaeology such as mills, limekilns, bridges, piers, harbours, penal chapels and dwellings. Proposals for refurbishment, works to or redevelopment/conversion of these sites should be subject to careful assessment.

#### **County Development Plan Objective HE 4- Protection of Structures on the NIAH**

Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

As per the Conservation Officer's report, the proposed project does not result in loss /injury to any protected structure or architectural conservation area and as such is considered to accord with objectives set out above; and in its favour, the project appears to attempt to limit the impact and damage to historic features when considering the scale and scope of the intervention proposed.

However, the project entails the loss or alteration of several architectural historic features within the area of intervention, which collectively, represents a system of diffuse heritage which, when considered at a larger scale, acquires relevance and significance as part of the industrial archaeological heritage of the County. The loss of buildings and features associated with this system, has the potential to entail, over the years, the erosion of its significance resulting in a cumulative negative impact on the cultural landscape.

It is recommended that the mitigation measures proposed by the Conservation Officer are incorporated into a revised scheme or pending decision to grant by way of condition. In failing that, it is recorded in accordance with method specified in the EIAR and secondly, that any permitted works to historic structures within the area of intervention be specified and supervised by a suitably qualified conservation engineer.

## **Chapter 13 Green Infrastructure and Environment**

### **Soil**

#### **County Development Plan GI 9 -1 Protection of Soils**

Ensure the protection and conservation of the soils in County Cork by encouraging sustainable management practices and the reuse of brownfield lands.

### **Water Quality**

#### **County Development Plan Objective GI 10-1 EU Water Framework Directive and River Basin Management Plan**

- a) Protect and improve the Country's water resources and ensure that development permitted meets the requirements of the relevant River Basin management Plan and does not contravene the objectives of the EU Water Framework Directive,
- b) Facilitate the implementation of the River Basin Management Plans for Ground, surface, estuarine, coastal and transitional waters in the Plan area as part of the implementation of the EU water framework directive.

#### **County Development Plan Objective GI 10-2 Surface Water Protection**

Protect and improve the status and quality of all surface waters throughout the County, including transitional and coastal waters.

#### **County Development Plan Objective GI 10-3 Ground Water Protection**

Preserve and protect groundwater and surface water quality throughout the County.

### **Air Quality**

#### **County Development Plan Objective GI 12-1 Air Quality**

Monitor air quality trends in accordance with EU policy directives and take appropriate action where required including the provision of additional air quality monitoring infrastructure.

### **Noise Emissions**

#### **County Development Plan Objective GI 13-1 Noise Emissions**

- a) Seek to minimise and control of noise pollution associated with activities or development, having regard to relevant standards, published guidance and the receiving environment.
- b) Support the implementation of Noise Action Plans prepared for the Cork County area,

The proposed project addresses potential impacts on soil, water, air and noise qualities as set out in the EIAR. No significant effects are predicted due to design and mitigation measures.

## **Local Area Plans**

The proposed project lies within the remit of the Kanturk - Mallow Fermoy Municipal District Local Area Plan 2017 and the Fermoy Municipal District Local Area Plans 2017.

### **Kanturk - Mallow MD LAP 2017**

The Kanturk-Mallow plan sets out the detailed planning strategy and land-use zoning for the towns and villages of the district including Buttevant. Level crossing XC 219 Buttevant is located within this plan area, circa 0.3km west of the town boundary. One of the key policy areas concerns the water quality of the River Blackwater Special Area of Conservation, (SAC). The Council's Heritage team has assessed the proposal in relation to water quality and species and habitat protection.

The site of same is within the Greenbelt surrounding Buttevant. Within these greenbelts, the LAP will generally reserve land for agriculture, open space or recreation uses. (section 1.9.2). It is an objective of the LAP "to discourage strongly new individual housing from being located within the greenbelts around the main towns in each MD."

The population of Buttevant is 945 as per 2011 Census. The target population is 1,501 persons. The proposal does not affect this target or ability to meet it. I would content that the upgrade works will have a positive impact on the surrounding area and the town in socio- economic terms by way of increased safety and improved service rail provision to the nearest stations at Charleville and Mallow.

It is considered that there is no conflict between the proposal and the LAP's policy objective for the greenbelt.

#### **Fermoy Municipal District Local Area Plan 2017**

The Fermoy plan sets out the detailed planning strategy and land-use zoning for the towns and villages of the district including Charleville and Ballyhea. Level crossings XC 215 Shinanagh, XC 212 Ballycoskerry, XC 211 Newtown and XC 209 Ballyhay are located within this plan area. One of the key policy areas concerns the water quality of the River Blackwater Special Area of Conservation, (SAC). The four level crossings lie within this catchment. The Council's Heritage team has assessed the proposal in relation to water quality and species and habitat protection.

The vision for Charleville is to expand its population and encourage the expansion and diversification of the employment and service base of Charleville, promoting its potential as an important node on the Atlantic Corridor... whilst providing employment, commercial and industrial services for its surrounding hinterland. The population of Charleville is 3,646 (Census 2011) with a target of 4,925.

Level crossings XC 215 Shinanagh, XC 212 Ballycoskerry, XC 211 Newtown and XC 209 Ballyhay are located south of the town outside the settlement boundary. The proposed upgrades do not affect this growth target or ability to meet it. I consider that the upgrade works will have a positive impact on the surrounding area and the town in socio- economic terms by way of increased safety and improved service rail provision.

Direct access to Dublin and Cork is available through the rail line running to the East of the town. Level Crossing XC 209 Ballyhay lies within the Charleville Greenbelt, whereas crossings XC 215 Shinanagh, XC 212 Ballycoskerry, XC 211 Newtown lie within the Stronger Rural Area of North Cork. Within the greenbelt, the LAP will generally reserve land for agriculture, open space or recreation uses. (section 1.9.2). It is an objective of the LAP "to discourage strongly new individual housing from being located within the greenbelts around the main towns in each MD." Flood Zones A and B encroaches upon lands and the approach road to the east of the level crossing, and as such these lands are potentially susceptible to flooding.

Ballyhea is a designated village under the LAP and will cater for a modest level of development, proportionate to its existing size and sensitive to the high landscape value of the area. The settlement boundary of the village encompasses the site of the level crossing. Lands to the north of

the crossing are zoned C-01 which is an objective for community facilities, namely, use for school expansion. There is a roads objective ref U-01 for a road reservation positioned south of the level crossing. This will result in the creation of a new carpark and turning area to serve the school.

It is considered that the proposed project would achieve the LAP objectives set out above.

### Description and analysis of works to the Level Crossings:

#### XC 209 Ballyhay

Works include the removal of existing gates, and replacement with a 4 barrier cctv controlled crossing comprising a single storey REB building measuring 2.4metres x 9metres. Replacement gates measuring 6.1metres wide; 4no. traffic lights and 1no. advanced warning traffic light, 2no. 10metre high lighting tower, 2no. 8metre high cctv towers, relocation of gate keepers hut, Allen key fencing, road resurfacing, underground electricity cable ducting, undergrounding of ESB overhead electricity line, 2no. cattle grids, associated fencing, drainage surfacing, signage and all ancillary works.

It is considered that the proposed works to Ballyhay level crossing is minor in nature and footprint, and will not have a significant visual impact.

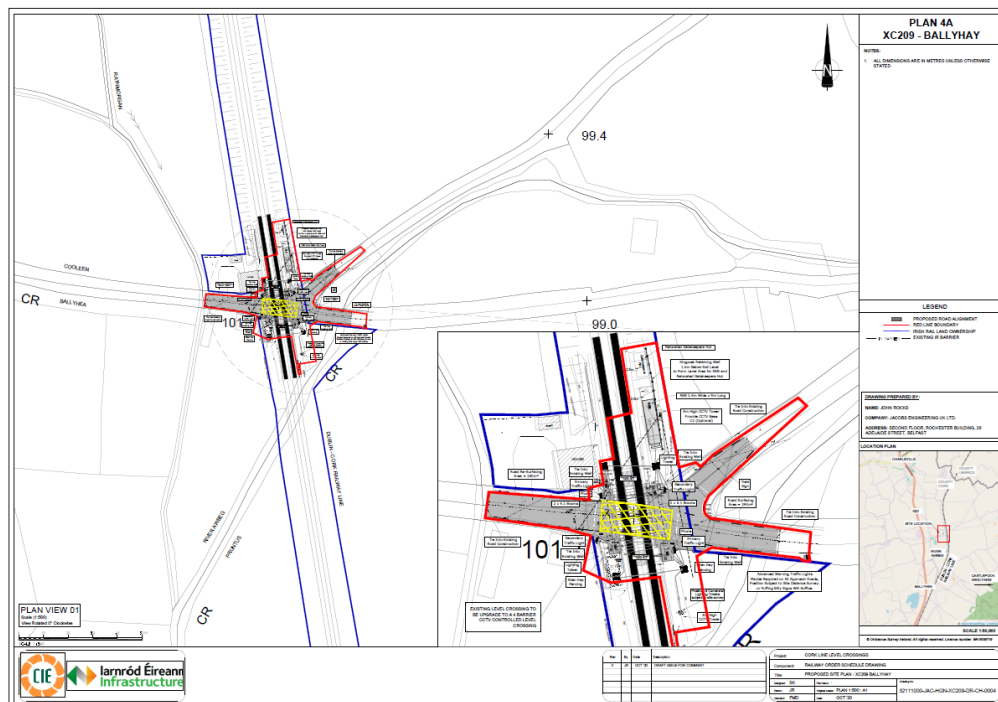


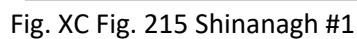
Fig. XC 209 Ballyhay

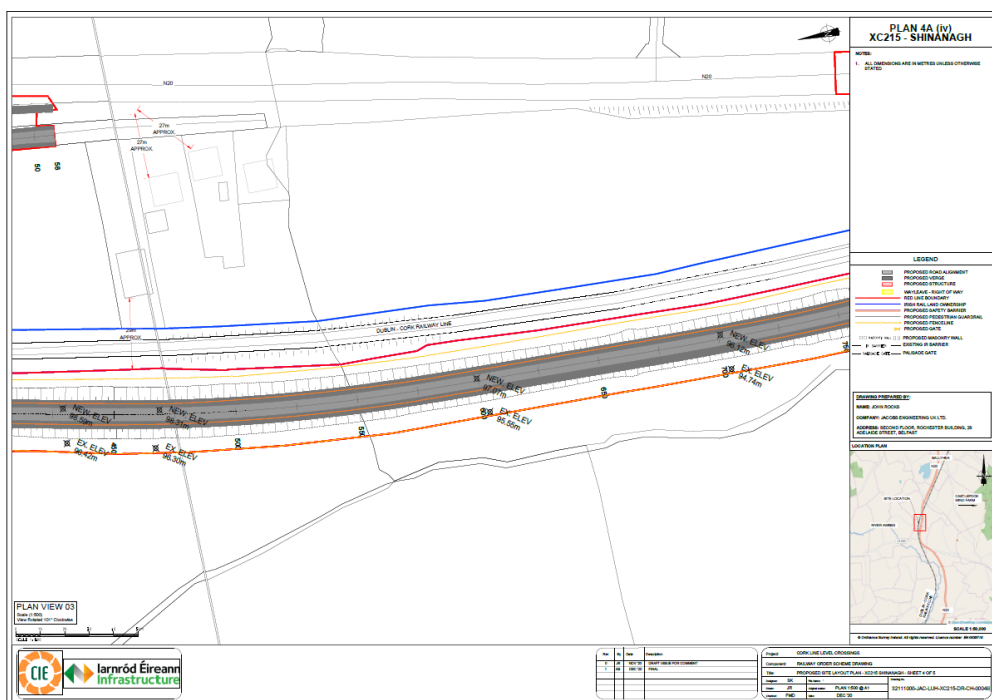
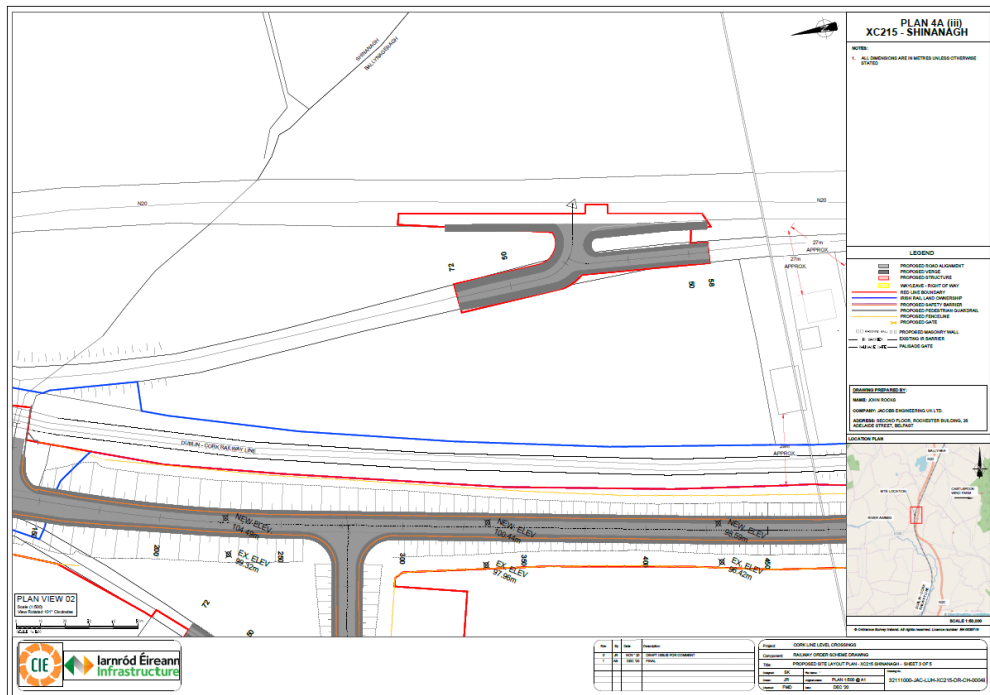
#### XC 215 Shinanagh

Works include the removal of existing level crossing and gates and all ancillary works in relation to extinguishment of existing public right of way across the level crossing; construction of 2.4metres high block wall on both sides of crossing to stop up access to the railway;

Construction of 1.14km local road up to 5.5metres wide with 3metre verges, on west side of railway, connecting local road L1320 to an existing road over rail bridge to north; upgrade of the existing tie-in to the existing bridge included upgraded junction to the local road L5507; upgrade of the existing junction of the local road L5507 onto N20 national road; earthworks to a max. height of 5metres and

It is considered that the proposed closure of the Shinanagh level crossing is positive have regard to its proximity to the N20 and the potential hazard of same and the proposed reconfigured junction onto the N20 and the new link road of 1.14km. and improved junctions and alignments will have a positive impact on local connectivity and traffic movements. With the addition of planted verges/embankments it is considered that it will not have an adverse visual impact given its High Value Landscape designation. Appropriate native species and pollinator friendly planting plans can be addressed by condition for visual amenity and biodiversity gain.





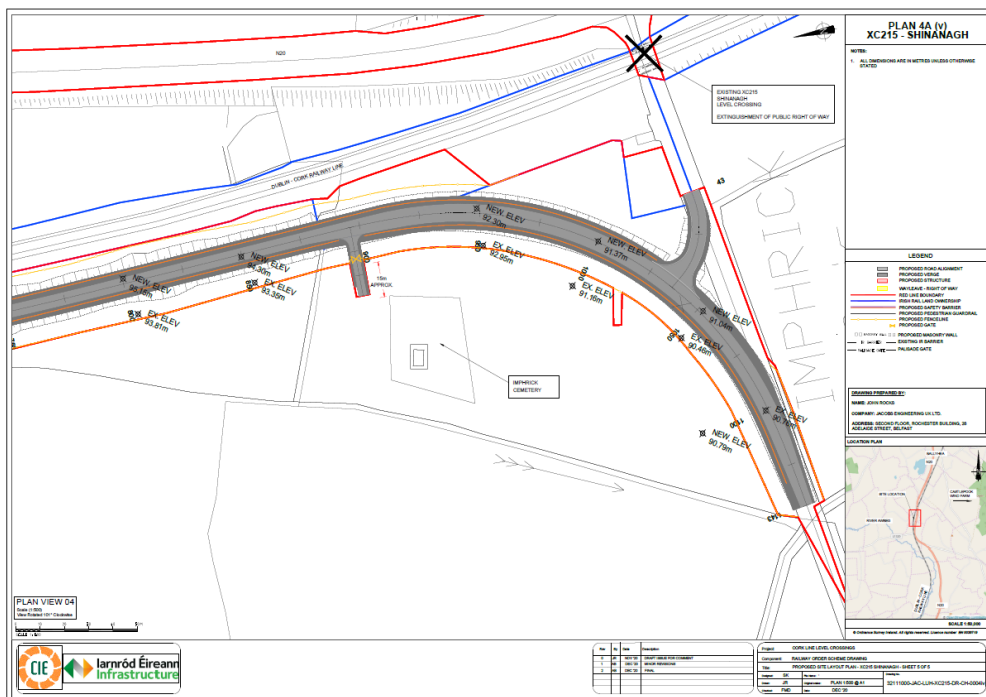


Fig. XC 215 Shinanagh #4

## XC 212 Ballycoskery

Works consist of removal of existing level crossing infrastructure, including gates and all ancillary works in relation to the extinguishment of the public right of way across the level crossing; Construction of a 2.4metres high block wall on both sides of the existing level crossing to stop up access across the railway; realignment of the L1533 local road to the south and of the closed level crossing and all ancillary works;

Construction of a 0.46km road of 6metres width and 1metre wide verge over rail bridge with a max height of 105.3 AOD to the south of the closed level crossing, forming part of the L1533, tying in before the N20 national road junction to the west and tying in after the existing school and crossroads to the east, and all ancillary works;

Reconfiguration of the existing crossroads junction to the east of level crossing to a right-left stagger junction; provision of a new 5metres - 10.5metres high by 85metres long retaining wall; provision of a new pedestrian walkway to the south of Beechwood Drive across the road over rail bridge ending outside Ballyhea Nat. School; construction of 28no. parking spaces and turning area to immediate south of Nat. School; private access provision to existing dwellings; earthworks with a max. height of 9metres and max. width of 54metres, demolition of former gate keeper building and storage building; sections of existing local road pavement will be broken up, removed and landscaped where no longer required; all associated landscaping, fencing, lighting, bird boxes, drainage, surfacing, signage, temp. construction compound areas, ecological translocation area, and all ancillary works.

It is considered that the proposed closure of the Ballycoskery (Ballyhea) level crossing is positive have regard to the closure of the existing crossing and replacement with a new bridge to the south of same, and the reconfiguration of the junction to the east; a significant community gain is achieved in terms of the carpark and turning area which can serve the national school at the heart of this community. Again, improved junctions and road alignments will have a positive impact on local connectivity and traffic movements. There is a significant embankment/ retaining wall involved in the engineering of these works but with careful planting and the incorporation of footpaths and



lighting to break up this feature, this can compensate local topographical alterations and visual impact. Given the proximity of the school, the proposed bridge and slightly elongated route is considered positive in terms of child safety. The majority of works lie within the settlement boundary of the village and I consider aligns with the land-use objective C-01 for School expansion. Appropriate native species and pollinator friendly planting plans can be addressed by condition for visual amenity and biodiversity gain.

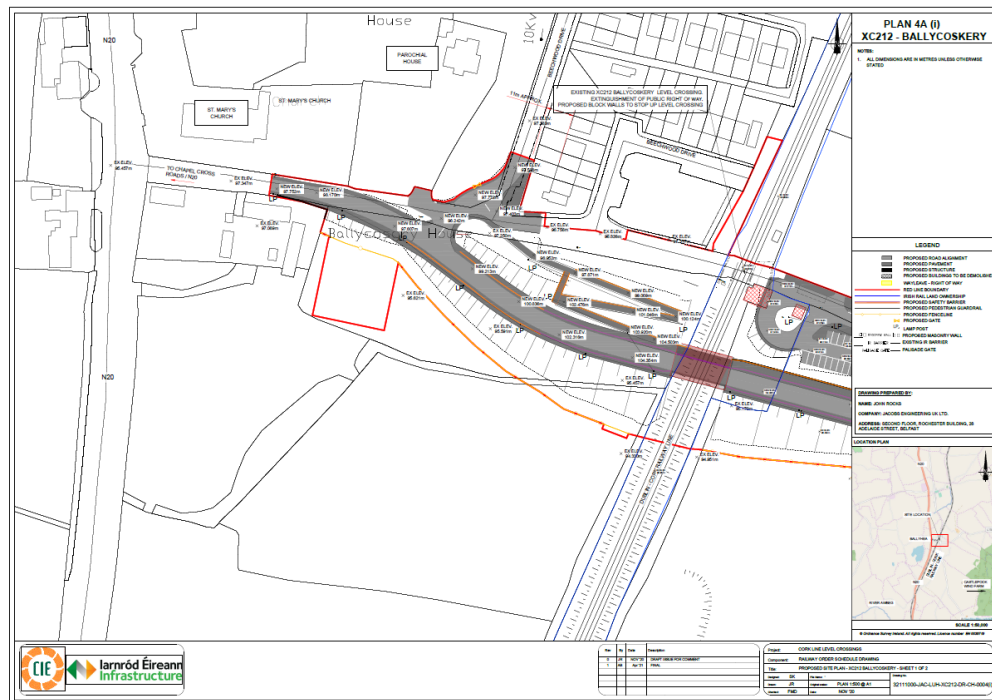


Fig. XC 212 Ballycoskery #1

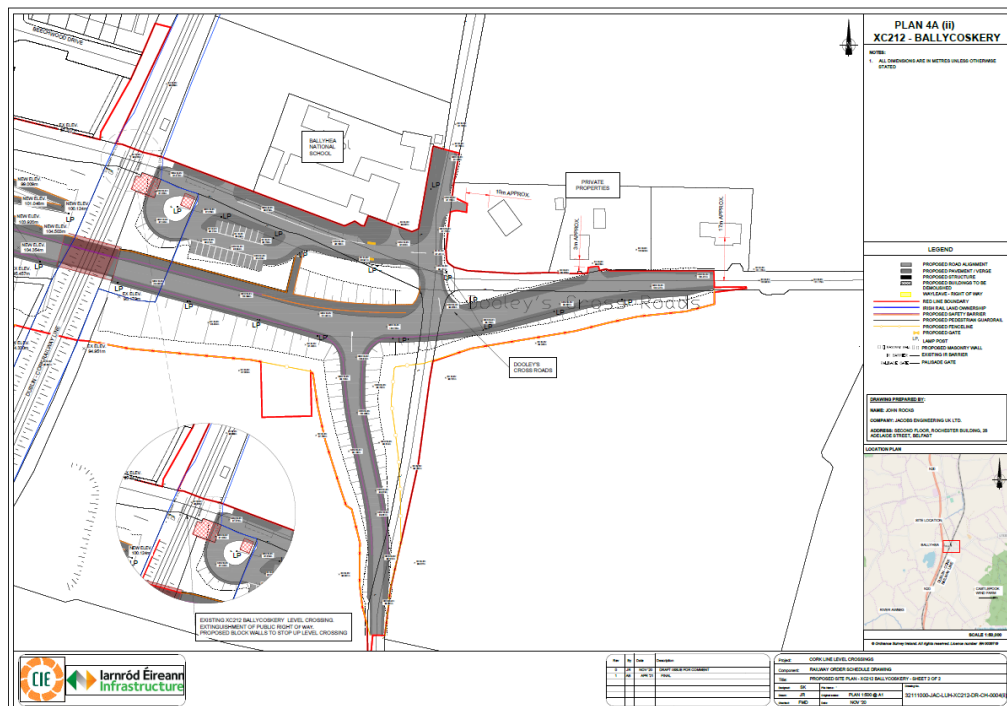


Fig. XC 212 Ballycoskery #2

Works involve the removal of existing level crossing infrastructure comprising gates and all ancillary works in relation to the extinguishment of the public right of way across the level crossing;  
Construction of 2.4metre high block wall to west side and 2.4metre high palisade gate to the east side for retained track access to stop us access across the railway line;

It is considered that the proposed closure of the Newtown level crossing is positive and pragmatic have regard to its proximity to the Ballycoskery crossing 350metres to the south and the existing bridge 360metres to the north. The new link road of 0.477km. with improved junction and alignments will have a positive impact on local connectivity and traffic movements. Additional planted verges/ embankments will mitigate visual impact given its High Value Landscape designation. Appropriate native species and pollinator friendly planting plans can be addressed by condition for visual amenity and biodiversity gain.

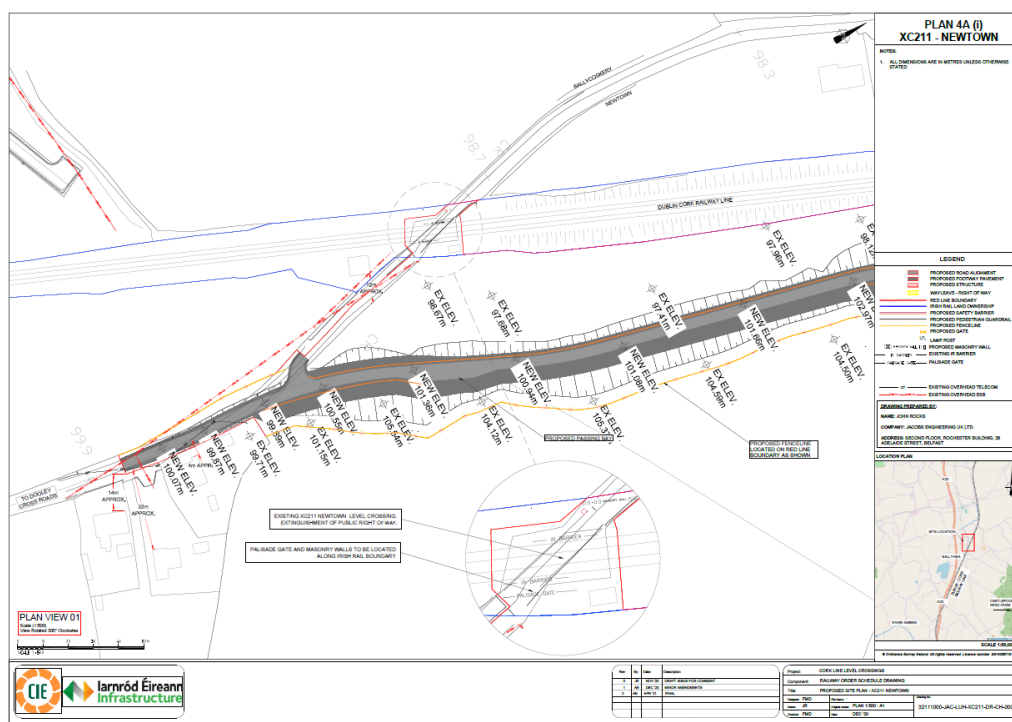


Fig. XC 211 Newtown #1

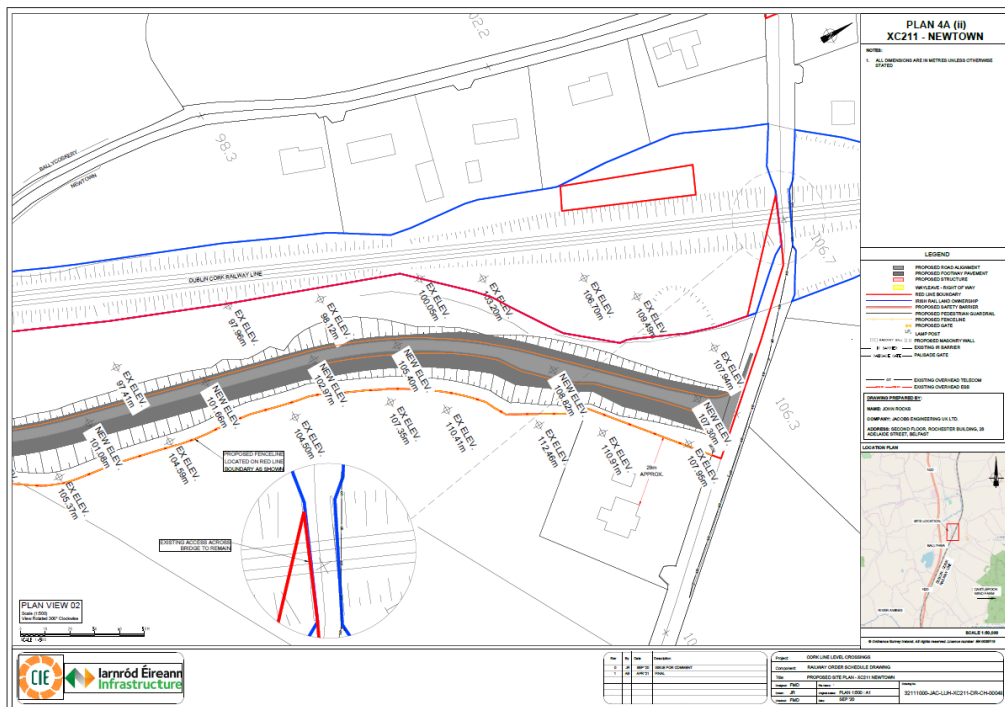


Fig. XC 211 Newtown #2

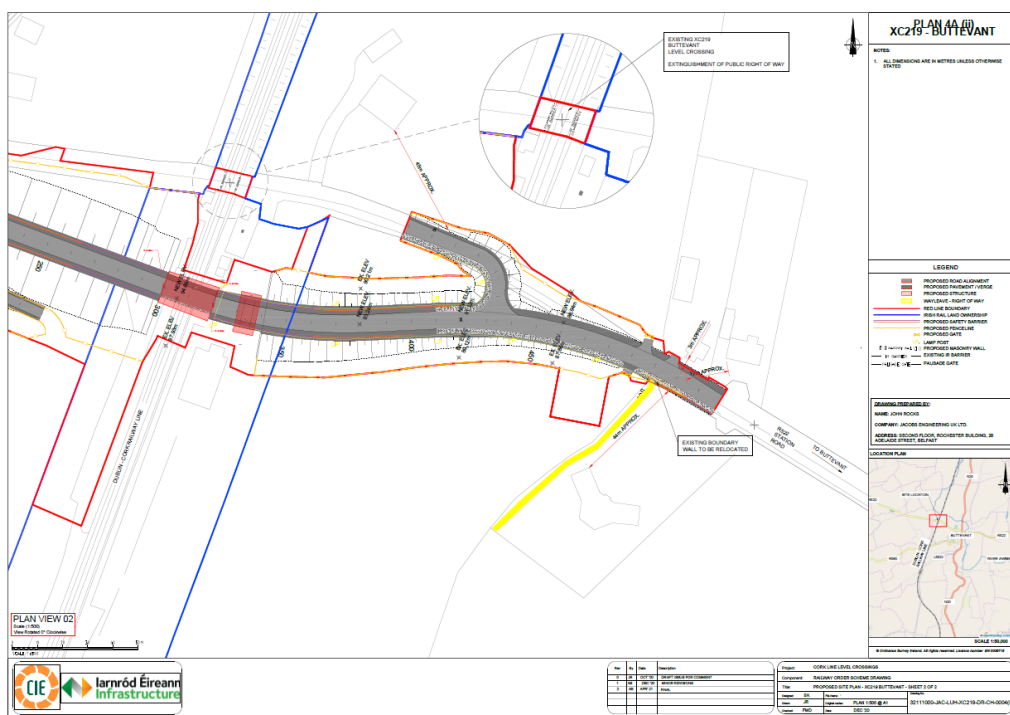
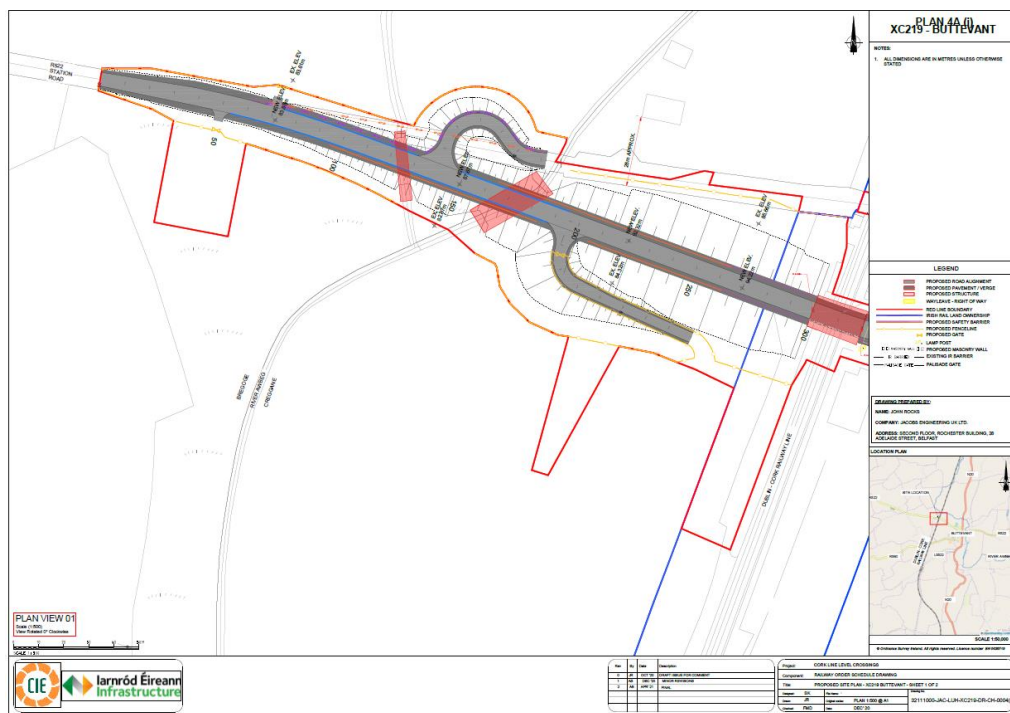
### XC 219 Buttevant

Works include the removal of existing level crossing infrastructure and gates and all ancillary works in relation to the extinguishment of the public right of way across the level crossing; including construction of 2.4metres high block wall on both sides of the crossing to stop up access across the railway; access to an Irish Rail compound on east side of crossing to be retained; realignment of the R522 regional road south of the closed crossing.

Construction of 0.53km road over rail bridge to the south of the closed crossing forming part of the realigned R522, tying back into the existing stretch of the R522 to the east and west of the crossing, and all ancillary works;

Construction of approx.3metres high by 6metres wide by 14.5metres long, river bridge structure and a 2.5metres high by 3metres wide by 14.5metres long box culvert across a tributary of the Awbeg River to the west of the crossing on the realigned R522; earthworks with a max. height of 8.5metres and mx. Width of 47metres; provision and relocation of field accesses on new and modified road alignments; sections of the existing local road pavement will be broken up and removed and landscaped where no longer required, diversion of ESB overhead line; and associated landscaping, fencing, lighting, drainage, surfacing, signage temporary construction compound areas, ecological translocation area, bird boxes and all ancillary works.

It is considered that the proposed closure of the Buttevant level crossing and replacement with a new bridge to the south of same, and the realigned R522 road (0.53km) and reconfiguration of junctions is a positive development, resulting in improved local connectivity and traffic movements. Approaching the current level crossing from the west, the lands rises, whereas on the eastern side it is set below the brow of a gentle ridgeline. There is a significant embankments/ retaining walls involved in the engineering of these works, but appropriate planting can screen/ break up this feature, and choice of native species and pollinator friendly planting plans can be addressed by condition for visual amenity and biodiversity gain.



In summary, it is considered that the proposed works represent pragmatic and appropriate design response having regard to the respective geographical context, within or in close proximity to settlements, the greenbelt, strong rural area designation and high value landscape classification.

Where visual impact is more pronounced, community gain is achieved by way of car parking facilities, new safer road over rail bridges and better local road alignments and junctions. The

design/use of embankments and verges (as opposed to retaining walls) affords the opportunity to integrate these structures into the landscape through planting.

I consider that the upgrade works will have a positive impact in socio- economic and environmental terms by way of increased safety and improved rail service provision.

The proposed project is considered to accord with the objectives of the County Development Plan and the relevant Local Area Plans and as such is in accordance with the proper planning and sustainable development of the area.

## **Environmental Impact Assessment Report, (EIAR)**

An EIAR (presented in 5no. Volumes) has been prepared and submitted as part of a suite of reports and assessments to support the rail order application.

- Volume 1 is the Non-Technical Summary
- Volume 2 is the Introductory Chapters setting out introduction; Project need and alternatives; Project description; EIA process and methodology; Plans, Policies and Guidance
- Volume 3 is the Env Impact Assessment chapters as per statutory topics/ disciplines
- Volume 4 is the illustrations, drawings and figures supporting the EIAR chapters
- Volume 5 is the Appendices and Schedules.

Jacobs Engineering have prepared same with some additional technical inputs from professional sub-contractors.

The EIAR describes / assesses the likely significant effects or impacts on the environment (the baseline), including direct, indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary positive and negative effects under the following statutory topics:

Population and Health; Biodiversity; Soils Geology and Hydrogeology; Water; Noise and Vibration; Traffic and Transport; Cultural Heritage; Landscape and Visual; Resource Use and Waste Management; Air Quality; Cross cutting themes; Interactions and Cumulative Impacts.

And in each case the baseline environment is set out and a respective assessment methodology is undertaken. This includes a standardised element following Legislation and Guidelines.

Mitigation measures are set out and described to avoid, prevent, reduce or offset identified significant effects on the environment and where appropriate, monitoring systems are identified. Residual effects i.e. remaining effects are also described.

The potential for significant cumulative impacts and interactions are also assessed.

Difficulties encountered in compiling required information are described.

The EIAR reports as follows:

### **XC209 Ballyhay**

#### **Population and Human Health**

Construction works are minimal. At operational phase, no significant effects are identified. Accessibility will improve on 24hr basis.

#### **Biodiversity**

Is adjacent to Awbeg River, (Blackwater SAC) and as such there is potential for impacts due to hydrological link. Mitigation is set out for construction phase. No effects predicted at operational phase.

#### **Soils, Geology & Hydrogeology**

There is potential for impact by way of aggregates contaminating watercourse. Mitigation is set out in CEMP. There is potential to create preferential pathway for groundwater in the long term, but is assessed as slight/ moderate significance.

#### Water

All watercourses fall within the Awbeg sub-catchment which has a moderate ecological and biological WFD status. Flood risk is low to very low, but the Awbeg has a 0.1% low probability to flood on lands to east.

At construction phase, potential effect is very significant. appropriate settlement measures will be employed. At operational phase no additional effects are expected.

#### Noise and Vibration

Not identified as an issue during construction or operational phase, except possible audible alarm sounding may cause annoyance.

#### Traffic & Transport

No significant construction required and negligible impact resulting in this period or in operational phase as no additional traffic is being generated.

#### Cultural Heritage

Nearby archaeological sites are identified and a field survey conducted. No construction impacts are identified for same. A slight negative impact on the crossing is predicted. No operational impacts are predicted.

#### Landscape

Site is designated High Value Landscape

Some minor soil stripping and road surface stripping is required. This is deemed low impact.

Operationally impact will be slight- imperceptible.

#### Air Quality

No change during construction or operational phases

### **XC211 Newtown and XC212 Ballycoskery**

#### Population and Human Health

There is a relatively significant population in the vicinity of these crossings (274 residences within the study area, including a housing estate and a national school. Construction works are result in amenity loss in proximity, but no health effects anticipated. At operational phase, no significant effects are identified except inconvenience of local diversions. Accessibility will improve on 24hr basis. Safety will improve by way of new access and parking arrangements to serve the school

#### Biodiversity

XC212 crosses a ditch connected to Awbeg River, (Blackwater SAC) and as such there is potential for impacts due to hydrological link. Mitigation is set out for construction phase. Some local habitat loss, mitigated by new like for like planting plans and use of swales. No significant effects at operational phase.

#### Soils, Geology & Hydrogeology

Water status for ground water body is good. There is a locally important aquifer within the area.

During construction there is a negligible to slight impact on soils, no impact on ground water abstractions. Mitigations for spillages set out in CEMP. No operational phase effects.

#### Water

All watercourses fall within the Awbeg sub-catchment which has a moderate WFD status. Flood risk is low to very low. Risk of fluvial flooding is moderate.

At construction phase, there is potential for common impacts including silty water runoff and accidental spillages etc. These will be managed by control measures. Some potential for in stream works, measures will be employed such a straw bales and oil booms. At operational phase, potential increases for increased surface water run-off entering watercourses but has been designed out with swales. Development represents a less vulnerable development and as such a Justification Test is not required.

#### Noise and Vibration

A 63 week construction period (ballycoskery) will have an impact on local receptors. Mitigation by hoardings and considered schedule of work hours is set out. At operational phase, diverted traffic may have increase traffic noise levels in some instances and reduced in others, but will not warrant mitigation.

#### Traffic & Transport

No significant construction required and negligible impact resulting in this period or in operational phase as no additional traffic is predicted. Mitigation for perceived risk of accidents with mitigated by Cons Traffic Management Plan. No significant residual effects. At operational phase, there is re-routed traffic, new routes and infrastructure should result in beneficial impact.

#### Cultural Heritage

Nearby archaeological sites are identified and field surveys conducted. No construction impacts are identified for same. CX212 could have a significant impact on archaeology (an enclosure) due to earthworks. Works shall be suitably monitored, recorded and mitigated as appropriate. Slight impacts are predicted to archaeological sites and moderate impacts to the crossing at operational phase.

#### Landscape

Site is designated High Value Landscape. The Awbeg river is 400metres to west of project site. Construction phase is significant in terms of intensity, but temporary, and deemed moderate to slight. Visual impact is also considered to be moderate to slight. Operationally, the visual impact will be as significant as substantial to moderate, depending on view due to the infrastructure involved and 3 - 4year period for soft landscaping to mature.

#### Air Quality

No air quality effects are predicted during construction or operational phases.

### **XC215 Shinanagh**

#### Population and Human Health

Construction works for new road over 44wks will result in some noise and visual impacts but no health implications. At operational phase, no significant effects are identified. Some inconvenience due to closure of public right of way and required detour. Accessibility will improve on 24hr basis.

#### Biodiversity

The Awbeg River, (Blackwater SAC) is 400metres from crossing. There is no predicted effects in relation to works at crossing point. There is risk of Japanese knotweed spreading during works, impacts on badgers and other mammals and birds, by habitat loss. Mitigation measures are set out including bat protection, works exclusion zones, limited night-time working, control on use of chemicals. No effects predicted at operational phase. At operational phase, there is permanent loss of habitat and foraging for no of species. Compensatory planting to be provided. No effect on water quality of Awbeg. Vegetation and hedgerow to be retained where possible, replacement planting elsewhere as per landscape plan.



#### Soils, Geology & Hydrogeology

Potential for contaminated land is very low. Ground water status is good and risk to same is low. Accidental spillages could be of medium magnitude but risk is moderate/ low. There is potential for impact by way of aggregates contaminating watercourse. No long-term operation phase impact expected.

#### Water

The Awbeg has two water bodies in study area. Flood risk is low to very low.

At construction phase, new road has potential to impact on hydrology, water quality and geomorphology. Changes to surface water drainage could increase sediment loads and affect water quality. Impact is predicted as moderate to significant on hydrology and geomorphology, significant to very significant for water quality. Generic mitigation is proposed. At operational phase, surface water increasing flood risk has been designed out.

#### Noise and Vibration

Significant construction noise is predicted at two locations, but no vibration. Predict an increase in noise at one receptor due to redistributed traffic at operational phase.

#### Traffic & Transport

No significant construction impacts predicted. In operational phase no additional traffic is being generated, but traffic is being diverted to bridge to the north. There will be positive effects in terms of improved safety

#### Cultural Heritage

In the vicinity, 8no. archaeological sites are identified and field surveys conducted. Construction will have direct impacts on identified archaeology i.e. moderate to potentially significant and slight to moderate. Further test trenches to be carried out, recorded and subject to further mitigation. Impacts during operational phase are considered moderate to slight. Details to be recorded. I note report of County Archaeologist and satisfaction with mitigations.

#### Landscape

Site includes designated High Value Landscape. High levels of construction activity associated with new road, including stockpiling materials, use of crane, all of which have a land cover and visual impact but it is temporary. Impact is moderate – slight. At operational level, the impact is deemed to be slight given the medium-low sensitivity of the site. hedgerow protections and supplementary plating mitigates impact.

#### Air Quality

No change during construction, negligible change in operational phase, no significant effects will not occur.

#### **XC219 Buttevant**

##### Population and Human Health

Construction phase no significant effects, impact on community is slight, on health, neutral. At operational phase, no significant adverse effects are identified, and health effects are positive.

##### Biodiversity

The Pepperhill River flows into Awbeg River, (Blackwater SAC). This is to be crossed by new bridge. Significant risk to whooper swans predicted due to disturbance. A pollution event could result in significant effects on the SAC, small mammals and birds. Mitigation measures are set out. At

operational phase, there is permanent loss of habitat and foraging for no. of species including bats and birds. A high conservation value – lowland hay meadow will be lost which is important to threatened red tailed bumble bee. Surface water will drain through swales to local water networks. No significant impacts predicted. Hay meadow to be transplanted more than like for like in surface area. Compensatory and supplementary planting to be provided. Vegetation and hedgerow to be retained where possible, replacement planting elsewhere as per landscape plan.

#### Soils, Geology & Hydrogeology

Ground water status is poor. Construction phase impact is moderate/ low. There is potential for works to create a pathway to the groundwater / surface water near SAC., and impact could be significant. Accidental spillages could be of moderate impact to grd water but risk is low, due to CEMP methods. Operational phase impacts are negligible to slight.

#### Water

The Awbeg (Pepperhil) river flows across the study area. Site is within 1% flood zone (zone A) with a high risk of fluvial flooding. Some surface water flooding in fields hosting new bridge has been observed.

At construction phase, new road and bridge could impact water quality and geomorphology and risk of inundation of flood waters. A new drainage system and culverts is required to mitigate. Control measures for spillages are also required. At operational phase, embedded culverts will be employed. Impacts to river bank is permanent but for a short section of a low sensitive stretch, no significant impact expected for geomorphology. Surface water will be captured by new drains and interceptor providing some level of treatment.

#### Noise and Vibration

Significant construction noise is predicted at two locations, and installation of piles may cause vibration. In operational phase, there should be reduced / stable noise levels.

#### Traffic & Transport

No significant construction impacts predicted. Mitigation is provided in Construction Traffic Management Plan, with no significant residual effects if implemented. In operational phase negligible traffic is being generated, but traffic is diverted to new bridge. There will improve safety due to upgrade.

#### Cultural Heritage

In the vicinity, 4no. archaeological sites are identified and field surveys conducted. Construction will have significant impact on Buttevant Station and detailed recording shall be carried out to features removed/ impacted. No impact on archaeology. Test trenches to be carried out to investigate features in fields. At operational phase, impact on station is considered moderate to cultural heritage.

#### Landscape

High levels of construction activity will have a visual and character impact but it is temporary. Changes in land cover will be minor. In overall terms impact is moderate – slight. At operational level, the impact is deemed to be slight given the medium-low sensitivity of the site. mitigation by way of hedgerow protections and supplementary planting.

#### Air Quality

Dust emissions were scoped out due to relative scale of construction. Good practice, a dust management plan and mitigation techniques will ensure no significant effects during construction. In operational phase, no significant effects expected.

## **Resource Use and Waste**

Likely construction wastes generated are identified and include hydraulic oils, concrete, bricks, ceramics, tiles and gypsum based materials. The greatest quantum of resources will go into bridge and road construction, including imported fill materials. Sound practices in project management of site will address minimising waste, and storage and disposal of hazardous substances, through CEMP and site Waste Management Plans. Cut earth shall be re used, up to 70%. At operational phase general maintenance will required materials but will be negligible in magnitude.

## **Cross-cutting themes**

Risk of major accidents and disasters

Risks at construction phase and operational phase are identified; material assets of human origin have been considered and assessed throughout the chapters. Impact on gas and electricity and drainage systems will be avoided or short term. No significant impacts are identified.

Climatic factors

Climate change is predicted at a local level. Changes include temperature rise, increase in rainfall, storms and drought events in magnitude and occurrences. Greenhouse gas emissions are rising. The proposed project does not change this per se but operational impacts could be positive given improved service and increased usage. Flood risk assessment identifies Buttevant's high risk and the design responds to the hydraulic issues and designed out surface water risks using SuDS.

## **Interactions and cumulative impacts**

The EIAR considers the potential cumulative impacts when combined with other approved projects. 33no. projects were screened within a 5km radius of project site. The NM20 project was considered significant. The roads design team have been consulted. The two projects are unlikely to overlap at construction phase. In operation the interact at Shinanagh crossing and Buttevant. Shinanagh works is considered to be a positive/ beneficial relationship.

Many of the interactions will take place during the construction phase of the proposed development and will therefore be short term. Mitigation measures are set out in each of the relevant chapters and can also be applicable to other environmental factors.

## **Closing comments on adequacy of EIAR**

The majority of significant impacts / risks identified for the 5no. Co. Cork crossings are at construction phase (i.e. to water / ground water) and can be mitigated and managed. Habitat loss is generally temporary and is being replaced or relocated. Significant noise effects though limited can be addressed by noise barriers. Use of culverts and surface water management techniques can also be employed where necessary to protect the Blackwater SAC. Archaeological heritage is designed and managed with the National Monuments Service. There are some built heritage impacts such as loss of local historical features which in aggregate represent a material effect. None of these features is protected and shall be recorded.

The report concludes that there is no significant residual effect in relation to the construction and operation of the project.

I am satisfied that the Report has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the applicants, adequately identifies and describes the direct and indirect effects of the

proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

I am satisfied that given the nature of the proposed development, and the mitigation measures proposed, together with the low probability of a major accident / natural disaster, it is not likely that significant effects on the environment would arise in this regard, and that the reasoned conclusion is up to date at the time of making the decision.

## **Summary of Technical Internal Reports (Cork County Council)**

### **Roads Engineer**

A copy of the Roads Engineer report is attached in the Appendix but is summarised as follows:

Cork County Council were approached by Irish Rail in 2010 regarding the proposed closure of two railway level crossings at Ballycoskery, Ballyhea, namely XC211 (Newtown) & XC212, amalgamation into one new road over rail crossing at Ballycoskery, (similar to current proposal). Engaged with and revised the design with Irish Rail's Consultant Roughan & O Donovan. Significant local objections and a financial reappraisal by Irish Rail in 2011 led to a decision by Irish rail to withdrawal of the Part 8 scheme prepared by Cork NRDO.

In September 2019, Jacobs Engineering, on behalf of Irish Rail, notified Cork County Council of its intention to take measures to remove the requirement for manning the 7no. public road crossings on the Cork to Dublin Line, five of which are in Cork County, between Mallow and Charleville.

Jacob's presented a Preliminary Design Report (dated 30/08/19) to Cork County Council outlining *Options Considered* and *Proposed Solutions* for each of the five locations in Cork County. Following feedback, more detailed design drawings were furnished outlining road alignments and associated works for each location. Given constraints at various locations and extensive meetings and correspondence up to Nov. 2020, the proposals including some departures from design standards are considered acceptable.

The Department supports the scheme as it guarantees 24/7 access across the railway as distinct from the current situation where some crossings are closed at night.

Discussions have been held place between Jacobs and TII, through the Cork NRDO, on matters mainly affecting the N20 route, where road markings and traffic volumes on various junctions (with N20) are likely to be altered. The principal change is the closure of the N20/Churchtown Road junction and the permanent diversion of traffic to N20 junction, further north in Shinanagh.

The Council has indicated willingness to take in charge the realigned roads after a satisfactory maintenance period of at least 1 year has elapsed and subject to the Council having an overseeing role in the construction of the roads whereby issues could be brought to the attention of the Resident Engineer for rectification. In accordance with previous practice, responsibility for the maintenance of the railway bridge structure and any associated retaining walls shall remain with Irish Rail.

## Ecology/ Heritage:

A copy of the Ecology report is attached in the Appendix but is summarised as follows:

### Habitats Directive Assessment

The proposed development has potential for significant adverse effects in respect of the Blackwater River SAC and Kilcolman Bog SPA

### Blackwater River (Cork/Waterford) Special Area of Conservation

Three crossings are hydrologically connected to the Blackwater River SAC with potential for surface water related impacts to the SAC associated with works.

(Crossing at XC219 Buttevant; Crossing at XC212 Ballycoskery; Crossing at XC209 Ballyhay).

Mitigation is proposed to deal with such impacts within the NIS.

- It is recommended that these mitigation measures are incorporated into the Construction Environmental Management Plan and are adhered to in full.

### Kilcolman Bog Special Protection Area

Suitable supporting habitat counts for Whooper Swan, an SCI for site, was recorded adjacent to the XC219 Buttevant site. Works cannot take place outside the wintering period, therefore mitigation in the form of screening is proposed within the NIS.

- It is recommended that these mitigation measures are incorporated into the final Construction Environmental Management Plan and are adhered to in full.

### Environmental Impact Assessment Report, (EIAR)

#### Biodiversity Chapter.

There will be permanent loss of available foraging habitat and hedgerows/treelines and is predicted to have significant impacts for commuting bats and breeding birds. Where hedgerows will need to be removed to facilitate the footprint of the proposed Project, these will be replaced with areas of additional planting throughout the site.

- Having regard to the loss of trees and hedgerows on-site, it is recommended that there will be a 'no net loss of trees and hedgerows on-site.'

An area of High Conservation Value corresponding to Annex I habitat 'Lowland Hay meadows' will be lost. This habitat type is important for pollinators and supports a number of invertebrate species including a population of the red-tailed bumblebee (*Bombus lapidarius*) as species which has near threatened conservation status in Ireland which details the method for translocating the area of dry meadows and grassy verges (GS2), including the habitat corresponding to Annex I habitat (6510) Lowland hay meadows, which would be lost under the footprint of the proposed Project. The extent of the receptor site will be greater than a like for like area to include an area that will be enhanced for invertebrates, reptiles and birds.

- Proposals for translocation of Annex I habitat is noted and should be carried out in consultation with NPWS and in accordance with detailed construction method statements.

## Archaeology

A copy of the Archaeology report is attached in the Appendix, but is summarised as follows:

The accompanying EIAR provides a comprehensive archaeological assessment.

There will be no direct impact on any known archaeological monument.

Some previously unrecorded features have been identified.

Consultant Archaeologist (AMS) has liaised with the National Monument Service (NMS).

A comprehensive mitigation strategy has been submitted addressing issues to Co Co satisfaction.

No issues with proposal provided mitigation measures proposed in the EIAR and by the NMS are adhered to.

## Conservation Officer

A copy of the Conservation report is attached in the Appendix, but is summarised as follows:

Described in detail in the document Cork Line Level Crossings Volume 3, Chapter 12: Cultural Heritage Iarnród Éireann.

In summary, no direct impact on structures under statutory protection i.e. Protected Structures or Architectural Conservation Areas; but some impact on elements, part of the curtilage of structures on the National Inventory of Architectural Heritage.

## Assessment

Review of content of the EIS, Volume 3, Chapter 12: Cultural Heritage, by Jacobs.

From an architectural heritage perspective, note the following points:

- The project entails the loss or alteration of several architectural historic features within the area of intervention.
- Although some of these, examined in isolation would not be considered of high architectural value, they constitute, in my opinion, a system of diffuse heritage which, when considered at a larger scale, acquires relevance and significance as part of the industrial archaeological heritage of the County.
- The loss of buildings and features associated with this system, has the potential to entail, over the years, the erosion of its significance resulting in a cumulative negative impact on the cultural landscape.
- The project appears mindful in attempting to limit the impact and damage to historic features when considering the scale and scope of the intervention proposed.

Concerning the specific works, note the following:

Ballyhea	No major architectural heritage issues noted.
Newtown	No major architectural heritage issues noted.
Ballycosherry	Potential impact on the boundary wall of <b>Saint Mary's Roman Catholic Church</b> - Reg. No. 20900804 (NIAH): the wall appears of modern construction. Potential impact on the entrance gate and piers of the <b>Parochial House</b> Reg. No. 20900805 (NIAH): those are of high architectural value and should be, in my view, retained and protected during the works. Potential impact on the boundary wall of the <b>Parochial House</b> Reg. No. 20900805 (NIAH): consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS,

	<p>Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall.</p> <p>Potential impact on boundary wall of <b>historic farm</b> opposite Saint Mary's Church and the Parochial House: consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall.</p> <p>Demolition of the <b>Gatekeeper's House</b>: this is an unfortunate aspect of this project as it entails the loss of an element of high significance of the historic railway system. Consideration should be given to amending the adjacent proposed roundabout and parking area to ensure its retention. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs.</p>
Shinanagh	<p>Historic <b>railway bridge</b>: it is my understanding that the historic railway stone bridge at this location is to be retained however the photomontages appear to show a concrete bridge. In my view, the historic bridge should be fully retained.</p> <p>Impact on <b>historic stone walls</b> leading to the historic railway bridge: it is my understanding that one stone wall, on one side of the road, will be demolished. Further consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall or for the construction of guarding.</p>
Buttevant	<p>The loss of the integrity of an otherwise preserved <b>railway station</b> complex is considered a very unfortunate aspect of this project at this location. Consideration should be given to the redesign of this node to avoid encroaching with the station's enclosure.</p> <p>If this will not be possible, consideration should be given to the design of guarding to the new bridge to match surviving historic railing on site (refer to Plate 12. 22, per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs).</p> <p>In any case recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs.</p>

It is recommended that any works to historic structures within the area of intervention be specified and supervised by a suitably qualified conservation engineer.

### Water Services

A copy of the Water Services report is attached in the Appendix but is summarised as follows:

Level Crossing	Comment
XC209 Ballyhea	No wastewater agglomeration/infrastructure located in this area
XC211 Newtown	No wastewater agglomeration/infrastructure located in this area
XC212 Ballycoskery	Ballyhea Agglomeration located directly adjacent to the west of the railway line. There is no wastewater infrastructure crossing the railway line. There is a pump station located in the green area in front of the housing estate with the Control Kiosk for same located adjacent to the Railway Gates at the Public Road. No objection in principle subject to the works not impacting on existing Wastewater infrastructure
XC215 Shinanagh	No wastewater agglomeration/infrastructure located in this area



XC219 Buttevant	The Buttevant Agglomeration is located to the east of this crossing. There is no wastewater infrastructure crossing the railway line and the nearest foul sewer is approximately 0.5km away. No objection
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## Environment

A copy of the Environment report is attached in the Appendix, but is summarised as follows:

The watercourse protection measures per draft CEMP and Chapter 7 Biodiversity of the EIAR protection measures are detailed and generally appropriate and are informed by relevant guidance documents.

### Ballyhay XC209

The crossing is contiguous to the Awbeg (AWBEG (BUTTEVANT) (EAST)\_020), part of the Blackwater SAC catchment. Current WFD status is “Good” with risk “Under Review”. The proposed works upgrade existing level crossing to a CCTV controlled level crossing are, subject to appropriate controls, low risk to the water course. The main risk is from dewatering trenches where it is proposed to lay CCTV cables. CEMP and mitigation measures are proposed.

*The baseline and works impact assessment and proposed mitigation measures per EIAR are appropriate.*

### XC211 Newtown and XC212 Ballycoskery

During the construction phase there is potential for site specific impacts on the water environment. Most of these will be common to most construction projects, and include silty water runoff, accidental spillages, and sediment from dewatering. XC212 will incorporate a new pipe culvert to accommodate an existing ditch to the west of the railway line. There is potential for impact as a result of potential in-stream working. To minimise impacts, the drainage culvert will be pre-fabricated to avoid concrete washings contamination and minimise instream works.

A series of swales are proposed to provide for the drainage from the car park and road. The swales will be connected to the Awbeg (AWBEG (BUTTEVANT) (EAST)\_020), part of the Blackwater SAC catchment. Current WFD status is “Good” with risk of failing to achieve WFD status “Under Review”. Construction noise impact is predicted at four receptors including a school at XC212 due to the long construction period of approximately 63 weeks. Mitigation measures are proposed, including noise abatement hoardings and screens, and programming of works to ensure minimal work takes place outside of normal working hours. Having regard to the proximity of sensitive receptors, a Dust Management Plan is to be produced by the contractor prior to construction commencing, with mitigation measures informed by Institute of Air Quality Management (2016) Guidance on the assessment of dust from demolition and construction and National Roads Authority (2011), Guidelines for the Treatment of Air Quality During the Planning and Construction. No monitoring is proposed which is acceptable. A net reduction in noise at XC12 is anticipated due to road realignments. (Chapter 2 Noise).

*Construction is not located near any sensitive receptors.*

*The baseline and works impact assessment and proposed mitigation measures per EIAR are appropriate.*

*The settlement East of the proposed road works at XC212 is currently unsewered. While capacity is currently an issue at Ballyhay wastewater works, consideration should be made for the laying of a (blanked off) sewer during these road works. Should capacity ever be provided, existing development*

such as the school (currently served by an onsite wastewater treatment system) and potential future development could be serviced. The Applicant should engage with Irish Water in this regard.

### XC215 Shinanagh

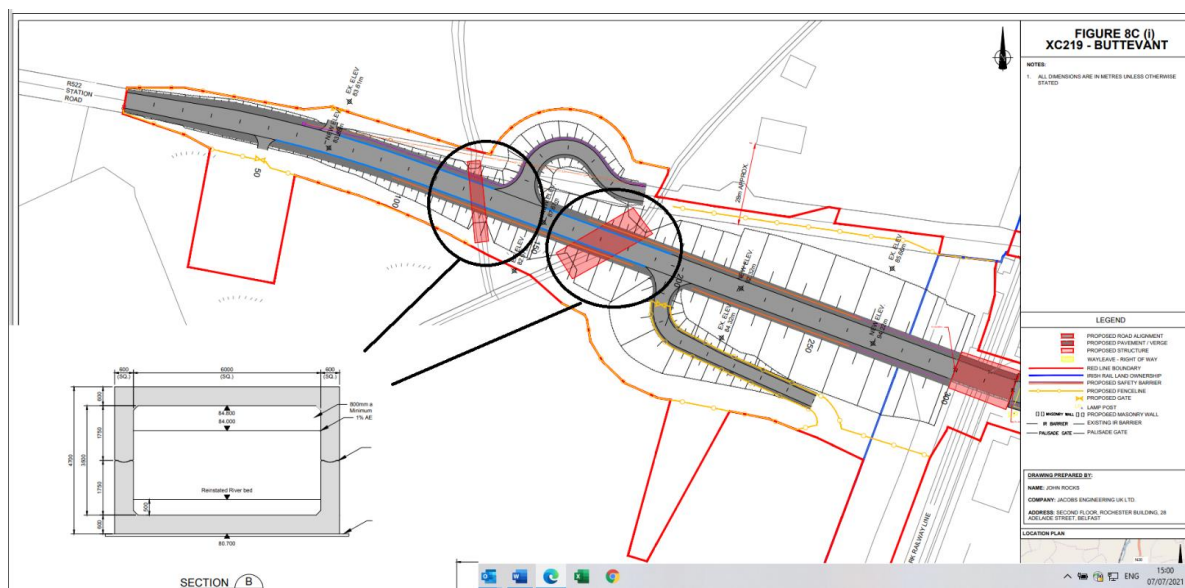
Swales are proposed to intercept and treat run off. No noise sensitive receptors are identified. The baseline and works impact assessment and proposed mitigation measures per EIAR are appropriate.

This crossing is hydro-geologically unique of the five, with St. Declans Well, a local karst spring located adjacent to the proposed works.

Detailed site specific CEMP mitigation measures should have regard to this hydrologically sensitive feature, and as I note from drainage drawings, swales should drain away from it.

### XC219 Buttevant

XC 219 is arguably has the most potential impact due to the location and proposed works. During the construction phase there is potential for site specific impacts on the water environment. Most of these will be common to most construction projects, and include silty water runoff, accidental spillages, and sediment from dewatering. There is potential for impact as a result of potential in-stream working, with any such works outside of fishery sensitive months.



Proposed XC219 Works

Current status of the Pepperhill stream (AWBEG (Buttevant)\_020) at this crossing is currently "Moderate", and "At Risk" of failing to achieve WFD Status.

A box culvert could be considered the least desirable type of water crossing from an ecological perspective.

EIAR notes the presence of otters, and potential for lampreys and white clay crayfish. These culverts should be redesigned to protect and enhance local biodiversity via arched culverts with mammal ledges as per National Road Authority Guidelines for the Crossing of Watercourse During Construction of National Road Schemes.

The installation of the proposed culverts has the potential for significant impacts on water quality and geomorphology as a result of concrete washout and the disturbance of the riverbeds and banks. Although prefabricated culverts are proposed, damming and overpumping of the rivers to enable a dry working area is being considered. Provision of alternative design culverts may obviate this measure.

*Consultation with IFI is required in advance of any overpumping of river, and the Final CEMP should provide a method statement for same, should the Planning Authority be minded to grant permission. The Applicant is required to consult with Office of Public Works with regard to whether a S50 Arterial Drainage Act 1945 applies.*

*A Dust Management Plan is to be produced by the contractor prior to construction commencing, with mitigation measures informed by Institute of Air Quality Management (2016) Guidance on the assessment of dust from demolition and construction and National Roads Authority (2011), Guidelines for the Treatment of Air Quality During the Planning and Construction. No monitoring is proposed.*

## **Conclusion**

Cork County Council considers that the proposed project accords with the objectives of National Regional and Local, Planning and Transport policy, such as the National Planning Framework Project Ireland 2040, the National Development Plan 2018-2027, the Southern Region Assembly's Regional Spatial & Economic Strategy for the Southern Region (2020), the Cork County Development Plan 2014-2020, the Fermoy Municipal District Local Area Plan 2017 and the Kanturk - Mallow Municipal District Local Area Plan 2017; and accords with National Sustainable Transport Policy, namely, Smarter Travel - A Sustainable Transport Future, New Transport Policy for Ireland 2009 – 2020, which sets out key goals for sustainable transport including, to “improve economic competitiveness through maximising the efficiency of the transport system and alleviating congestion and infrastructural bottlenecks.”

The proposed project will facilitate improved travel times on the Dublin - Cork line and as such will encourage a shift to public transport, which is vital in order to afford choice and competition with the planned improvements to the road network including the NM20 Cork - Limerick Motorway scheme.

Cork County Council considers that the design of the proposed project having examined alternative design options is proportionate having regard to its local context, level of use of existing crossings and rail services, and having regard to the resulting benefits ‘to the common good’ in terms of improvement to safety and efficiency of rail services.

The applicant has prepared an Environmental Impact Assessment Report (EIAR). The report concludes there is no significant residual effects in relation to the construction and operation of the project.

Cork County Council is satisfied that the Report has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

## **Recommendation**

Cork County Council respectfully requests that in the event of the Bord granting the Rail Order, that such a decision would incorporate appropriate conditions to mitigate potential / predicted effects and address the concerns identified in this report, and in particular, those issues raised in the technical submissions summarised in the text above, and set out in full in the attached Appendices; and

1. Include conditions relating to the continued protection of the natural heritage of the area, with particular regard to the Blackwater River (Cork/Waterford) Special Area of Conservation, and the Kilcolman Bog Special Protection Area and specify full and strict adherence to the proposed mitigation as set out in the submitted Natura Impact Statement and shall be incorporated into the Construction Environmental Management Plan and all related project management plans and method statements.
2. Include conditions relating to the proposed Translocation of Annex I habitat to be carried out in consultation and full and strict accordance with NPWS and detailed construction method statements. and all related project management plans and method statements.

3. Include conditions relating to the continued and appropriate protection and recording of the Archaeological heritage (as directed by the National Monuments Service) and the Architectural Heritage of the area; and specify full and strict adherence to the proposed mitigation as set out in the EIAR, the Construction Environmental Management Plan and all related project management plans and method statements.
4. Notwithstanding the above, the Bord may consider it appropriate to assess the design of the proposed works at and within the vicinity of former Buttevant station, in so far that it would protect this material asset for potential future use as a commuter rail station/ or heritage centre or other use that would recognise its cultural, historical and heritage value. Given the increasing development pressures on North Cork, along the Atlantic Corridor and improving connectivity with Limerick City and Cork City by way of the NM20 motorway scheme, Buttevant station may be a cost-effective opportunity to service the town and hinterland on a regional route between the two cities and offer a green and sustainable mode alternative to commuters.
5. Include conditions relating to the continued protection of the receiving environment as follows:

XC211 Newtown and XC212 Ballycoskery

The settlement East of the proposed road works at XC212 is currently unsewered. While capacity is currently an issue at Ballyhay wastewater works, consideration should be made for the laying of a (blanked off) sewer during these road works. Should capacity ever be provided, existing development such as the school (currently served by an onsite wastewater treatment system) and potential future development could be serviced. The Applicant should engage with Irish Water

XC215 Shinanagh

As this crossing is hydro-geologically unique of the five, with St. Declans Well, a local karst spring located adjacent to the proposed works, detailed site specific CEMP mitigation measures should have regard to this hydrologically sensitive feature, swales should drain away from it.

XC219 Buttevant

As works at this crossing is arguably at risk of the most significant potential effects on water quality during construction works adjacent to and in-stream (Pepperhill stream), and as such, necessary works should be restricted to specified period outside of fishery sensitive months and ecological perspective.

An alternative design to a box culvert which is considered the least desirable type of water crossing from an ecological perspective.

In recognition of the presence of otters, and potential for lampreys and white clay crayfish, the proposed culverts should be redesigned to protect and enhance local biodiversity via arched culverts with mammal ledges as per National Road Authority Guidelines for the Crossing of Watercourse During Construction of National Road Schemes.


The installation of the proposed culverts has the potential for significant impacts on water quality and geomorphology as a result of concrete washout and the disturbance of the riverbeds and banks. Although prefabricated culverts are proposed, damming and overpumping of the rivers to enable a dry working area is being considered. Provision of alternative design culverts may obviate this measure.

Require appropriate consultation with IFI in advance of any overpumping of river, and the Final CEMP should provide a method statement for same.

Require appropriate consultation with the Office of Public Works with regard to whether a S50 Arterial Drainage Act 1945 applies.

A Dust Management Plan including a monitoring system shall be prepared for written agreement of the appropriate authority, prior to commencement of construction, with mitigation measures informed by Institute of Air Quality Management (2016) Guidance on the assessment of dust from demolition and construction and National Roads Authority (2011), Guidelines for the Treatment of Air Quality During the Planning and Construction.

6. Include appropriate conditions relating to roads design and associated issues as set out in Appendix B Roads Engineer Report.

A handwritten signature in black ink, appearing to read 'Thomas Watt', with a stylized flourish at the end.

Thomas Watt  
Senior Planner,  
Development Management Team.

## **Appendices: Internal Reports**

Appendix A. Ecology Report

Appendix B. Roads Engineer Report

Appendix C. Archaeology Report

Appendix D. Conservation Officer Report

Appendix E. Water Services Report

Appendix F. Environment Report

## Appendix A

### Heritage Team / Ecology Report, dated 24/06/21

I have reviewed the documentation associated with the above Railway Order and would make the following comments on behalf of the Ecology Office.

#### Habitats Directive Assessment

The proposed development has potential for significant adverse effects in respect of both the *Blackwater River SAC* and *Kilcolman Bog SPA* and therefore a NIS has been submitted in support of this application.

#### Blackwater River (Cork/Waterford) Special Area of Conservation

Crossings located at Ballyhea, Newtown, Ballycoskery, Shinanagh and Buttevant are all located within the catchment of the Blackwater River (Cork/Waterford) SAC. Each of the following crossings are hydrologically connected to the Blackwater River SAC with potential for surface water related impacts to the SAC associated with works.

- Crossing at XC219 Buttevant
- crossing at XC212 Ballycoskery
- Crossing at XC209 Ballyhay

Mitigation is proposed to deal with such impacts within the NIS.

Comment: It is recommended that these measures are incorporated into the Construction Environmental Management Plan and are adhered to in full.

#### Kilcolman Bog Special Protection Area

I note that with regard to Kilcolman Bog SPA, suitable supporting habitat and counts for whooper swan, which is a SCI for this site, was recorded adjacent to the XC219 Buttevant site. It is noted that works can not take place outside the wintering period, therefore mitigation in the form of screening is proposed within the NIS.

Comment: Again, It is recommended that these measures are incorporated into the final Construction Environmental Management Plan and are adhered to in full.

#### Environmental Impact Assessment Report

According to the Biodiversity Chapter of the EIAR there will be permanent loss of available foraging habitat and hedgerows/treelines. It is predicted to have significant impacts for commuting bats and breeding birds. Hedgerows will be retained or reinstated where possible. Where hedgerows will need to be removed to facilitate the footprint of the proposed Project, these will be replaced with areas of additional planting throughout the site.

Comment: Having regard to the loss of trees and hedgerows on site, it is recommended that there will be a 'no net loss of trees and hedgerows on site'.

An area of high conservation value corresponding to Annex I habitat 'Lowland Hay meadows' will be lost. This habitat type is important for pollinators and support a number of invertebrate species including a population of the red-tailed bumblebee (*Bombus lapidarius*) as species which is has near threatened conservation status in Ireland which details the method for translocating the area of dry meadows and grassy verges (GS2), including the habitat corresponding to Annex I habitat (6510) Lowland hay meadows, which would be lost under the footprint of the proposed Project. The extent



of the receptor site will be greater than a like for like area to include an area that will be enhanced for invertebrates, reptiles and birds.

Comment: Proposals for translocation of Annex I habitat is noted and should be carried out in consultation with NPWS and in accordance with detailed construction method statements.

Joy Barry,  
Executive Planner,  
Forward Planning and Strategic Development

## Appendix B

### Roads Engineer Report dated 25/06/12

#### RE: Roads Report on Railway Order Application – Elimination of Level Crossings Dublin/Cork Line

Cork County Council were originally approached by Irish Rail in 2010 regarding the proposed closure of two railway level crossings at Ballycoskery, Ballyhea, namely XC211 (Newtown) & XC212 (adjacent to Ballyhea itself). The two crossings were to be amalgamated into one new road over rail crossing of the railway line at Ballycoskery, quite similar to the current proposal for the Ballycoskery crossing. Extensive liaison was held, at that time between Irish Rail's Consultant Roughan & O Donovan and myself as the then Area Engineer for Charleville Area, refining the design to an acceptable standard.

Cork County Council Executive were happy with the refined proposals and as recorded in minutes of a meeting between M20 Motorway Team and Irish Rail, on 23/10/10, An Garda Siochana and Ballyhea NS Management were generally supportive of the scheme with some concern expressed about visual intrusion. In discussions with TII's M20 Design Team, it was agreed that the Cork NRDO National Road Design Office would run a Part VIII on this proposal on behalf of Irish Rail. Significant local objections and a financial reappraisal by Irish Rail in 2011 led to a decision by Irish rail to withdraw the proposals at that time.

In September 2019 Irish Rail, through its new Consultants 'Jacobs engineering', notified Cork County Council of its intention to take measures to remove the requirement for manning the 7no. remaining manned public road crossings on the Cork to Dublin Line, five of which are located in Cork County, between Mallow and Charleville.

Jacob's presented a Preliminary Design Report (dated 30/08/19) to Cork County Council outlining *Options Considered* and *Proposed Solutions* for each of the five locations in Cork County. On foot of a number of comments returned by Cork County Council, more detailed design drawings were furnished outlining road alignments and associated works for each location. Given constraints at various locations, it was necessary for Cork County Council, in some instances, to permit proposed departures from Standard to one or two steps below Desirable standard in relation to the geometric design of the proposed road realignments when vetted against the TII Road geometry Handbook. An extensive round of meetings and correspondence was engaged in, between Cork County Council, Jacobs and Irish Rail which concluded in November 2020 with proposals which were then considered acceptable to Cork County Council, having been rigorously scrutinised and amendments insisted upon.

In general Cork County Council would be in favour of the scheme as it guarantees 24/7 access across the railway as distinct from the current situation where some crossings are closed at night.

I understand that liaison also took place between Jacobs and TII, through the Cork NRDO, on matters mainly affecting the N20 route, where roadmarkings and traffic volumes on various junctions (with N20) are likely to be altered. The principle change here will be the closure of the N20/Churchtown Rd. junction (and hence need to remove right-turn lane

markings on the N20) and the permanent diversion of this traffic to an existing N20 junction, further north in the townland of Shinanagh, where a right turn lane exists already. This will also require the corresponding alteration to road directional signage. My understanding is that the NRDO are now satisfied with the proposals also.

Cork County Council have indicated to Irish Rail a willingness to take the realigned roads in charge after a satisfactory maintenance period of at least 1 year has elapsed and subject to the Council having an overseeing role in the construction of the roads whereby issues could be brought to the attention of the Resident Engineer for rectification. In accordance with previous practice, responsibility for the maintenance of the railway bridge structure and any associated retaining walls shall remain with Irish Rail.

A more detailed assessment of the proposals for each location is contained in Appendix A.

*Michael Cotter*

\_\_\_\_\_  
Date; 25/06/21

Michael Cotter,  
Senior Executive Engineer,  
Cork County Council

*Jim Moloney*

\_\_\_\_\_  
Date; 25/06/21

Jim Moloney,  
Senior Executive Engineer,  
Cork County Council

***Appendix. In-depth assessment of current (Railway Order) proposals for each location.***

**XC 212 Ballycoskery Ballyhea Proposal**

1. Pedestrian Guardrails to the Council's written approval, must be installed at all locations where footpaths adjoin a significant drop-off. On these Railway Order proposals, they appear to be lacking between the housing estate junction and the stepped walkway, west of the proposed bridge where the footpath abuts the main route alignment.
2. Road Safety Audits to be completed at all stages and to include pedestrian areas.
3. A detailed Public Lighting design shall be submitted, and the County Council's written approval obtained, prior to commencement of the development. On these Railway Order proposals, there appears to be some deficits in the preliminary PL layout on sections of the ramped walkways and steps area.
4. Road signing and lining details to be submitted to Cork County Council and written approval obtained, before development commences.
5. Road drainage proposals to be submitted to Cork County Council and written approval obtained, before development commences.
6. Steps details appear to be missing from the connection between the road and the school drop-down zone, on the eastern side of the bridge. A ramp here would obviously be too steep. Wheelchair users have the option of continuing around

the junction nearside footway. A suitable handrail shall be provided on all stairways.

7. Dropped kerbs and tactile paving to be incorporated at all road crossing points associated with this development. (currently only shown at crossing in front of the school). A zebra crossing rather than an uncontrolled crossing would be preferred at the school crossing so as to avoid the need for an additional school warden.
8. Landscaping of sideslopes (especially on the housing and school sides) needs to soften the overshadowing effect of the raised road embankment and needs to be low maintenance. The effect of the high retaining wall on the eastern side of the bridge should also be softened by design or landscaping with climbers or other approved methods.

#### **XC 209 Ballyhay**

1. The options considered for this crossing in the 2019 Preliminary Design Report were either to provide a cctv level crossing or to close the crossing altogether and interconnect existing roads to allow all traffic to travel to another crossing or to provide a road over rail bridge option.
2. Irish Rail chose the CCTV automatic level crossing option on “cost and ecological grounds”, over the interconnection system requiring a crossing of the Awbeg River (SAC) or the road over rail proposal.

#### **XC 219 Buttevant Proposal**

1. It had been agreed that the footpath would be extended as far as the bridge from the eastern side approach to allow a safer crossing point (on the crest) for people approaching on foot, on either side of the road verge from the western side. The current drawings appear to cease the footpath about 200m east of the bridge. The footpath shall be extended as far as the bridge on the southern side of the road on the eastern side of the bridge.
2. On the current layout drawings, the crash barrier on the southern side appears to veer out to connect to a bridge parapet located right at the edge of the road over the bridge. It was agreed that the full road verge width would be maintained across the bridge, along with a footpath on the southern side, for at least the full extent of the bridge. This detail needs to be explained/rectified.
3. Detailed designs for Road lighting, drainage, signing & lining need to be submitted to Cork County Council and written approval obtained, before development commences.

#### **XC 211 Newtown**

1. Passing bays to be incorporated into the road cross section at intervals as agreed.
2. Road width to be sufficient for 2-way traffic for 30m prior to the northern junction as agreed.
3. Sightlines of at least 90m @ 3m offset are to be achieved at junctions at either end, as agreed.
4. Safety barriers to have minimum set back of 1m from carriageway edges to allow pedestrians room to stand-in.

### **XC 215 Shinanagh**

1. As detailed, the carriageway width is to be widened on the bend at the southern end and centre hatching to be applied as agreed.
2. The detail covering the resurfacing only of the existing segment of this diversion route, at the northern end, should be to a desirable width of 5.5m, to match the new road element of the route, but to an absolute minimum width of 5.0m, which is easily achievable.
3. Road lining and signage drawings to be submitted to Cork County Council and written approval obtained, before development commences.
4. N20 signage shall be altered to direct traffic destined for Churchtown, to the new junction location, north of Shinanagh Bridge, and right turn lane roadmarkings on N20 at existing Churchtown junction, shall be removed and road lining restored to normal hard shoulders layout to the satisfaction of TII.

As stated previously, in general Cork County Council shall have an overseeing role in the construction of the roads, which it will later take in charge. The taking in charge of the realigned roads shall be subject to satisfactory inspection and rectification of any issues, post the Contract maintenance period. In accordance with previous practice, responsibility for the maintenance of the railway bridge structures and any associated retaining walls shall remain with Irish Rail indefinitely.

-----End of report-----

## **Appendix C**

### **Archaeology Report (email) dated 02/07/21**

I have reviewed the Cork side of the Railway Order for the replacement of existing level crossing on the Dublin Cork Railway line. The accompanying EIAR provides a comprehensive archaeological assessment and I am satisfied the assessment in regards to archaeology. I note there will be no direct impact on any known archaeological monument however some previously unrecorded features have been identified during the course of the assessment. I note the appointed consultant archaeologist (AMS) have been liaising with the National Monument Service (NMS) who are the National agency charged with the protection of archaeology. They have reviewed the archaeological assessment on an ongoing basis and have provided a comprehensive mitigation strategy for archaeology which has been submitted with the application. I am satisfied the archaeological issues have been satisfactorily and comprehensively addressed and I have no archaeological issues with the proposed development in the Cork side provided the mitigation measures proposed in the EIAR and by the NMS are adhered to.

Mary Sleeman, Archaeological Officer

## **Appendix D**

### **Conservation Officer report (email) dated 07/07/21**

As requested, please note below my comments in relation to Cork County Council's submission to An Bord Pleanála relating to this railway order:

#### **Project**

Railway works and all works necessary to eliminate and, where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24 kilometres section of the Dublin to Cork railway line.

Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhay village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

#### **Status**

Described in detail in the document Cork Line Level Crossings Volume 3, Chapter 12: Cultural Heritage Iarnród Éireann.

In summary it is my understanding that no direct impact is present for structures under statutory protection i.e. protected structures or architectural conservation areas.

It is noted that the project will impact in some instances on elements part of the curtilage of structures on the National Inventory of Architectural Heritage.

#### **Consultation**

It is noted that the project went through a lengthy process of consultation however I had no previous engagement with this process.

#### **Relevant Planning Policy**

##### **Industrial and Post medieval Archaeology 12.3.12**

Other important elements of our archaeological heritage are the later remains of structures and features associated with industrial, agricultural, cultural, military, docks and harbours, religious, social activities. These Industrial and postmedieval items of built heritage include penal chapels, limekilns, houses, mass paths, stepping stones, mills, bridges, railway features and famine burial grounds. They can make a valuable contribution to the local historic landscape and have potential to add to our understanding of the past. Whilst some of these are Archaeological Monuments and/or Protected Structures, the vast majority have no such protection and are consequently very vulnerable items of our heritage.

##### **County Development Plan Objective HE 3-4**

Industrial and Post Medieval Archaeology - Protect and preserve the archaeological value of industrial and post medieval archaeology such as mills, limekilns, bridges, piers, harbours, penal chapels and dwellings. Proposals for refurbishment, works to or redevelopment/conversion of these sites should be subject to careful assessment.

##### **County Development Plan Objective HE 4-2**

Protection of Structures on the NIAH - Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

## Assessment

I have reviewed the documentation submitted but I have not carried out site visits. My comments are therefore mainly based on the content of the EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs.

The upgrade in safety profile of the railway line is a welcomed objective of the project however, from an architectural heritage perspective, I would like to highlight the following points. It is noted that the project entails the loss or alteration of several architectural historic features within the area of intervention.

It is noted that, although some of these, examined in isolation would not be considered of high architectural value, they constitute, in my opinion, a system of diffuse heritage which, when considered at a larger scale, acquires relevance and significance as part of the industrial archaeology heritage of the County.

The loss of buildings and features associated with this system, has the potential to entail, over the years, the erosion of its significance resulting in a cumulative negative impact on the cultural landscape.

The project appears mindful in attempting to limit the impact and damage to historic features when considering the scale and scope of the intervention proposed.

For what concerns the specific works I note the following:

Ballyhea	No major architectural heritage issues noted.
Newtown	No major architectural heritage issues noted.
Ballycoskery	<p>Potential impact on the boundary wall of <b>Saint Mary's Roman Catholic Church</b> - Reg. No. 20900804 (NIAH): the wall appears of modern construction.</p> <p>Potential impact on the entrance gate and piers of the <b>Parochial House</b> Reg. No. 20900805 (NIAH): those are of high architectural value and should be, in my view, retained and protected during the works.</p> <p>Potential impact on the boundary wall of the <b>Parochial House</b> Reg. No. 20900805 (NIAH): consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall.</p> <p>Potential impact on boundary wall of <b>historic farm</b> opposite Saint Mary's Church and the Parochial House: consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall.</p> <p>Demolition of the <b>Gatekeeper's House</b>: this is an unfortunate aspect of this project as it entails the loss of an element of high significance of the historic railway system. Consideration should be given to amending the adjacent proposed roundabout and parking area to ensure its retention. If this will not be possible,</p>



	recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs.
Shinanagh	<p>Historic <b>railway bridge</b>: it is my understanding that the historic railway stone bridge at this location is to be retained however the photomontages appear to show a concrete bridge. In my view, the historic bridge should be fully retained.</p> <p>Impact on <b>historic stone walls</b> leading to the historic railway bridge: it is my understanding that one stone wall, on one side of the road, will be demolished. Further consideration should be given to the retention of this historic wall. If this will not be possible, recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs. Consideration should be given to the reuse of the stone for the cladding of any necessary retaining wall or for the construction of guarding.</p>
Buttevant	<p>The loss of the integrity of an otherwise preserved <b>railway station</b> complex is considered a very unfortunate aspect of this project at this location. Consideration should be given to the redesign of this node to avoid encroaching with the station's enclosure.</p> <p>If this will not be possible, consideration should be given to the design of guarding to the new bridge to match surviving historic railing on site (refer to Plate 12. 22, per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs).</p> <p>In any case recording and mitigation should be carried out as per EIS, Volume 3, Chapter 12: Cultural Heritage by Jacobs.</p>

It is recommended that any works to historic structures within the area of intervention be specified and supervised by a suitably qualified conservation engineer.

Pierangelo Cacciotti  
Architectural Conservation Officer  
Cork County Council.

## Appendix E

### Water Services Report, (email) dated 07/07/21.

I have reviewed the information received and comment as follows in relation to Wastewater infrastructure:

Location Ref	Description	Wastewater Operations Comment
XC209	Ballyhea	No wastewater agglomeration/infrastructure located in this area
XC211	Newtown	No wastewater agglomeration/infrastructure located in this area
XC212	Ballycoskey	Ballyhea Agglomeration located directly adjacent to the west of the railway line. There is no wastewater infrastructure crossing the railway line. There is a pump station located in the green area in front of the housing estate with the Control Kiosk for same located adjacent to the Railway Gates at the Public Road. No objection in principle subject to the works not impacting on existing Wastewater infrastructure
XC215	Shinanagh	No wastewater agglomeration/ infrastructure located in this area
XC219	Buttevant Gates	The Buttevant Agglomeration is located to the east of this crossing. There is no wastewater infrastructure crossing the railway line and the nearest foul sewer is approximately 0.5km away. No objection

If you have any further queries, please do not hesitate to revert.

Billy O'Sullivan  
A/Senior Executive Engineer  
Water Services, Coastal Management & Flood Projects

## Appendix F

### Environment Report (email) 07/07/21

RE: Rail Order for replacement level crossings Dublin - Cork Line (Charleville area)

5 no. crossing upgrades/modifications are proposed in Cork County:

1. XC209 Ballyhay
2. XC211 Newtown
3. XC212 Ballycoskery (Ballyhea Village)
4. XC215 Shinanagh
5. XC219 Buttevant

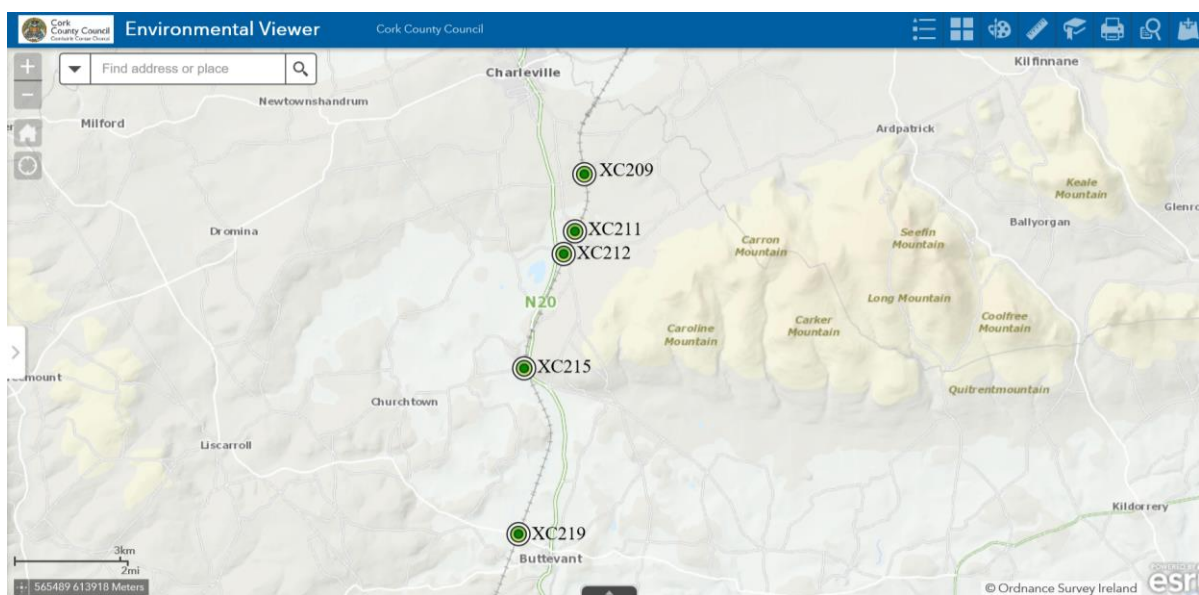


Figure 1: 5 no. locations

The watercourse protection measures per draft CEMP and Chapter 7 Biodiversity protection measures are detailed and generally appropriate, and are informed by relevant guidance documents as Construction Industry Research and Information Association (CIRIA) C648 Control of Water Pollution from Linear Construction Projects: Technical Guide (Murnane et al., 2006a/b); CIRIA C532: Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors (Masters-Williams et al., 2001); Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters (Inland Fisheries Ireland, 2016).

## Ballyhay XC209

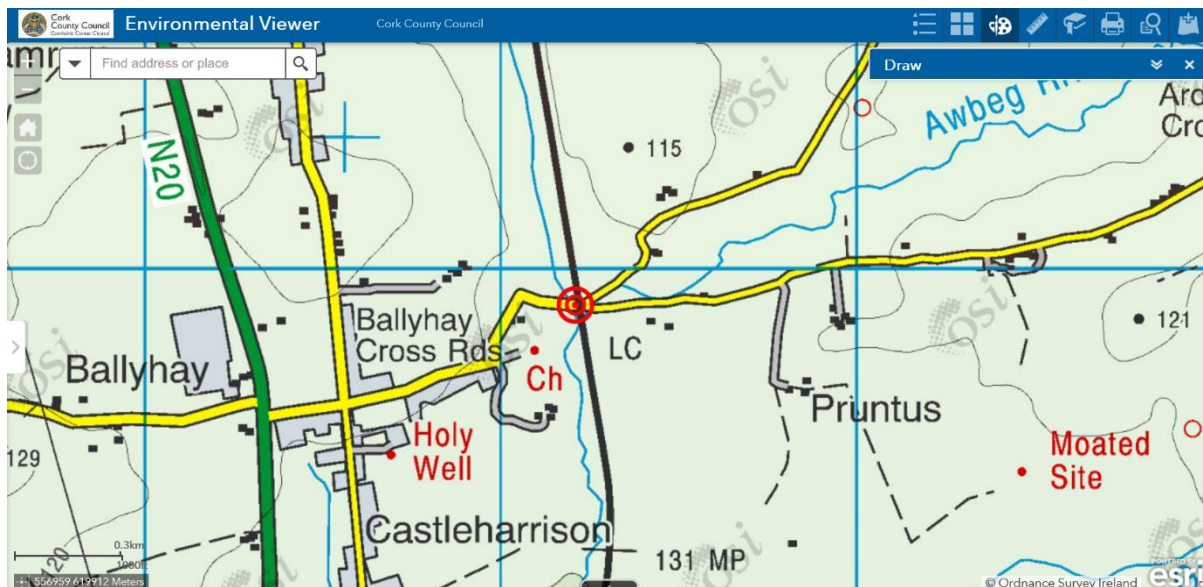


Figure 2: Location

The crossing is contiguous to the Awbeg (AWBEG (BUTTEVANT) (EAST)\_020), part of the Blackwater SAC catchment. Current WFD status is “Good” with risk “Under Review”. The proposed works, upgrade existing level crossing to a CCTV controlled level crossing are, subject to appropriate controls, low risk to the water course. The main risk is from dewatering trenches where it is proposed to lay CCTV cables. CEMP and mitigation measures are proposed.

There is one identified noise sensitive receptor within 50m of the crossing potentially at risk of disturbance from an acoustic alarm. According to EIAR, where audible warnings may cause a disturbance to local residents the warning may stop or continue at a reduced volume when the barriers are fully lowered. EIAR Chapter 2 notes there already is an existing alarm associated with this level crossing therefore any noise levels from the proposed warning alarm should be similar to the existing warning alarm, and no mitigation measures are proposed.

The baseline and works impact assessment and proposed mitigation measures per EIAR are appropriate.

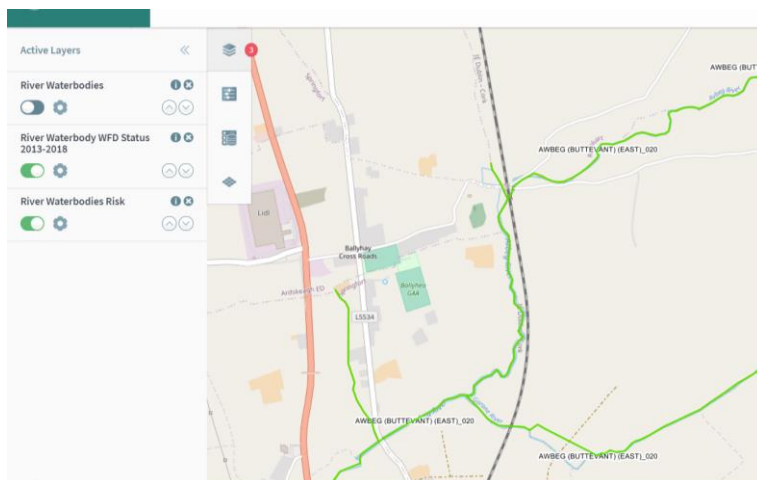


Figure 3 XC 209 WFD Status

## **XC211 Newtown and XC212 Ballycoskery**

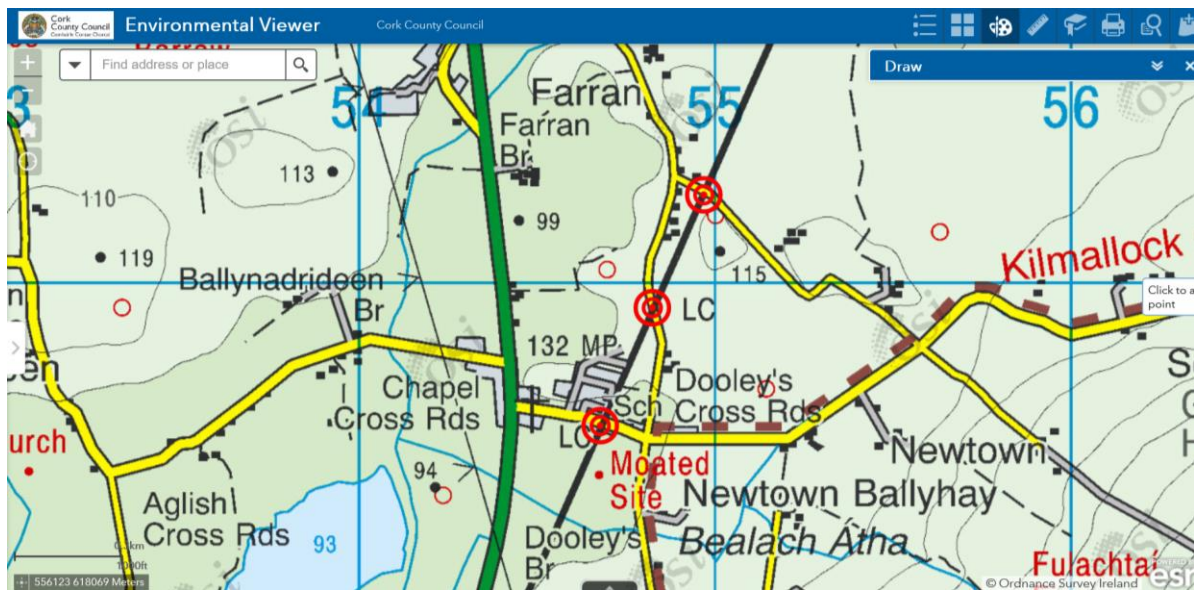


Figure 4: Location

The proposed works - XC211 Newtown, closure of an existing level crossing, with the provision of a new access road immediately east of the existing road-over-rail bridge to the north of XC211 Newton and;

XC212 Ballycoskery (Ballyhea Village)- Closure of an existing level crossing, a new road-over-rail bridge to tie into existing local road to east and west of level crossing, with a new car park to the existing school. During the construction phase there is potential for site specific impacts on the water environment. Most of these will be common to most construction projects, and include silty water runoff, accidental spillages, and sediment from dewatering. XC212 will incorporate a new pipe culvert to accommodate an existing ditch to the west of the railway line. There is potential for impact as a result of potential in-stream working. To minimise impacts, the drainage culvert will be pre-fabricated to avoid concrete washings contamination and minimise instream works.

A series of swales are proposed to provide for the drainage from the car park and road. The swales will be connected to the Awbeg (AWBEG (BUTTEVANT) (EAST)\_020), part of the Blackwater SAC catchment. Current WFD status is "Good" with risk of failing to achieve WFD status "Under Review".

Construction noise impact is predicted at four receptors including a school at XC212 due to the long construction period of approximately 63 weeks. Mitigation measures are proposed, including noise abatement hoardings and screens, and programming of works to ensure minimal work takes place outside of normal working hours. Having regard to the proximity of sensitive receptors, a Dust Management Plan is to be produced by the contractor prior to construction commencing, with mitigation measures informed by Institute of Air Quality Management (2016) Guidance on the assessment of dust from demolition and construction and National Roads Authority (2011), Guidelines for the Treatment of Air Quality During the Planning and Construction. No monitoring is proposed which is acceptable. A net reduction in noise at XC12 is anticipated due to road realignments. (Chapter 2 Noise).

The construction programme for XC211 Newtown is a maximum of 15 weeks, although construction is not located near any sensitive receptors.



The baseline and works impact assessment and proposed mitigation measures per EIAR are appropriate.

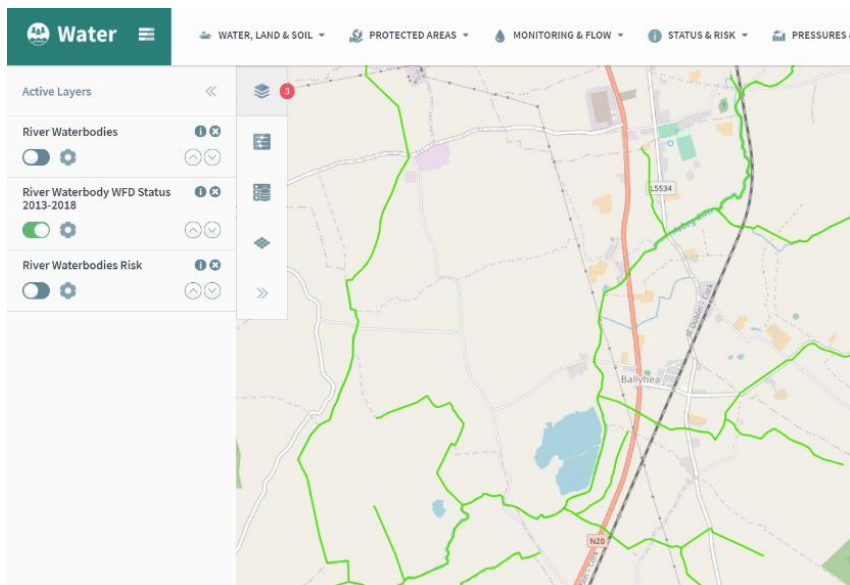


Figure 5: XC 211 and XC212 WFD Status

The settlement East of the proposed road works at XC212 is currently unsewered. While capacity is currently an issue at Ballyhay wastewater works, consideration should be made for the laying of a (blanked off) sewer during these road works. Should capacity ever be provided, existing development such as the school (currently served by an onsite wastewater treatment system) and potential future development could be serviced. The Applicant should engage with Irish Water in this regard.

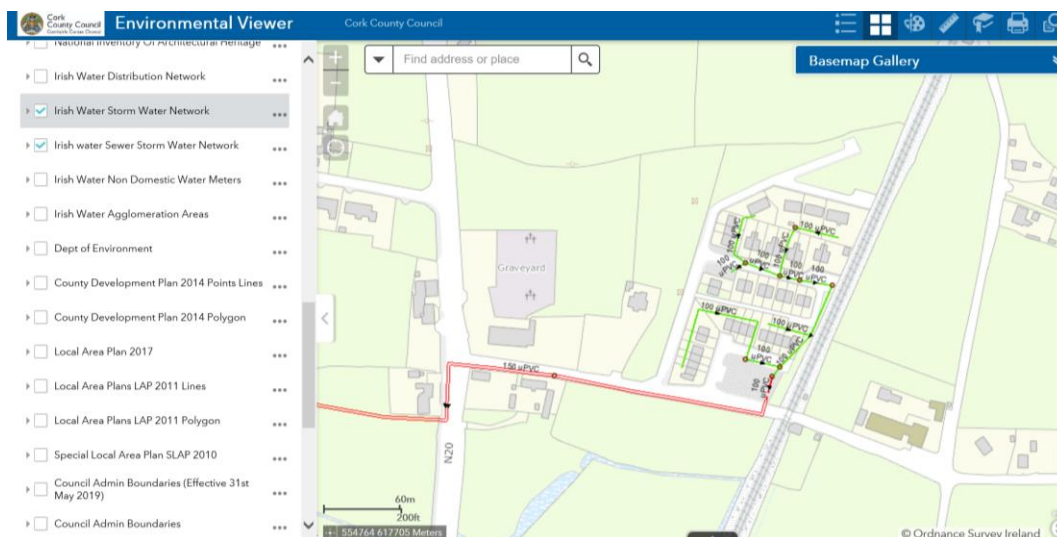


Figure 6: Current foul sewer arrangement for settlement

## XC215 Shinanagh

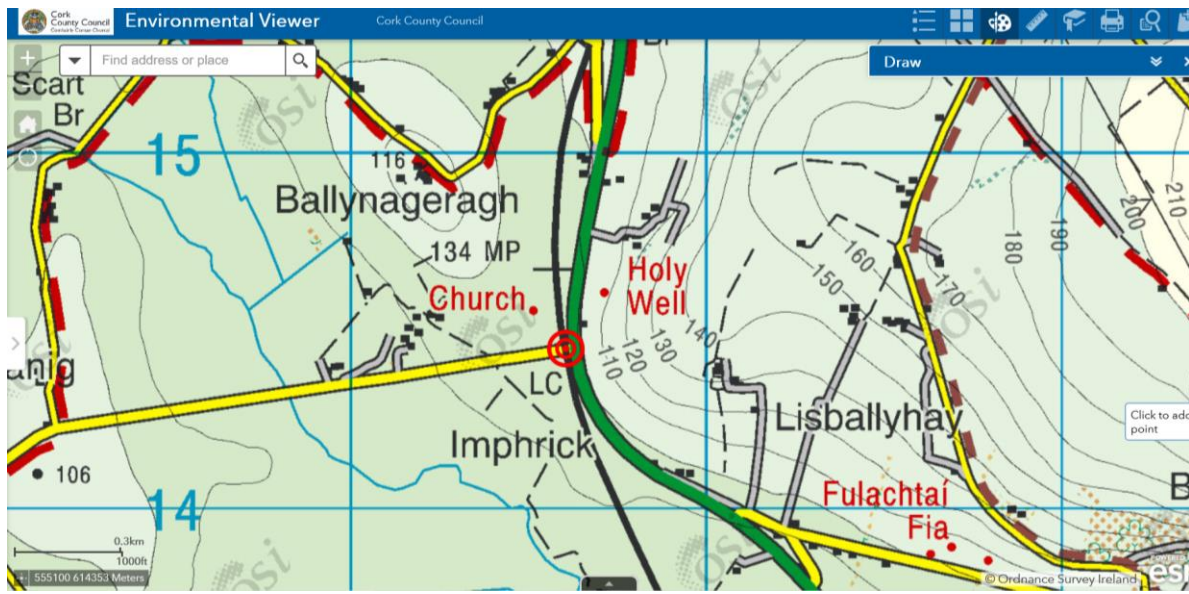


Figure 7: Location

The proposed works - closure of existing level crossing, with new access road to tie into existing road-over-rail bridge approximately 1km to the north are not directly contiguous to the Awbeg, but linked via a series of land drains. Swales are proposed to intercept and treat run off. No noise sensitive receptors are identified. The baseline and works impact assessment and proposed mitigation measures per EIA are appropriate.

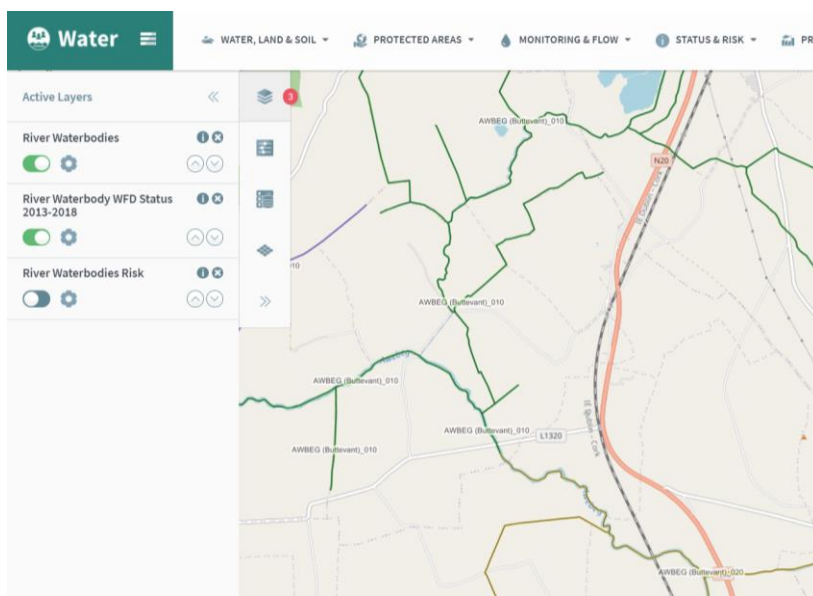
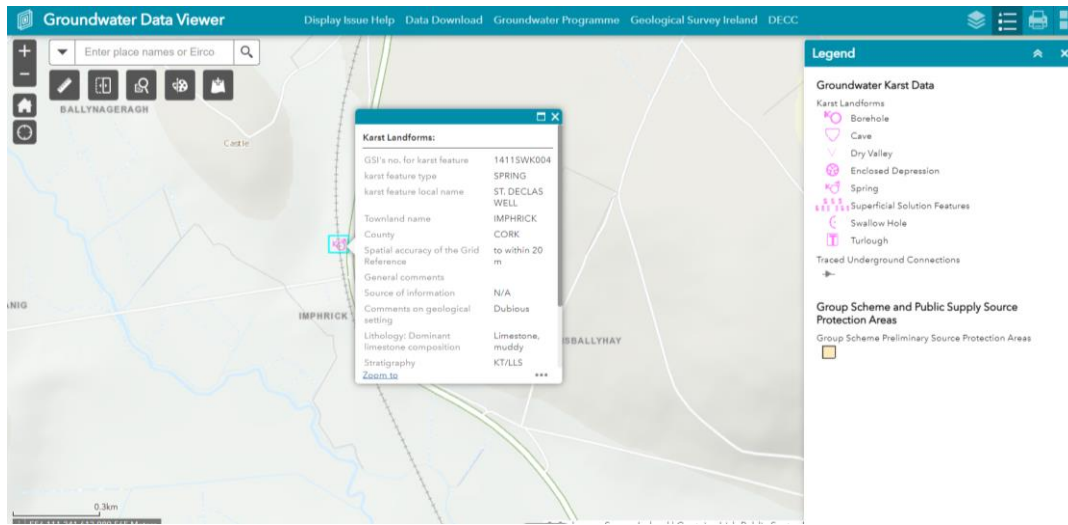


Figure 8: XC215 WFD Status

This crossing is hydrogeologically unique of the five, with St. Declans Well, a local karst spring located adjacent to the proposed works. Detailed site specific CEMP mitigation measures should

have regard to this hydrologically sensitive feature, and as I note from drainage drawings, swales should drain away from it.



### XC219 Buttevant

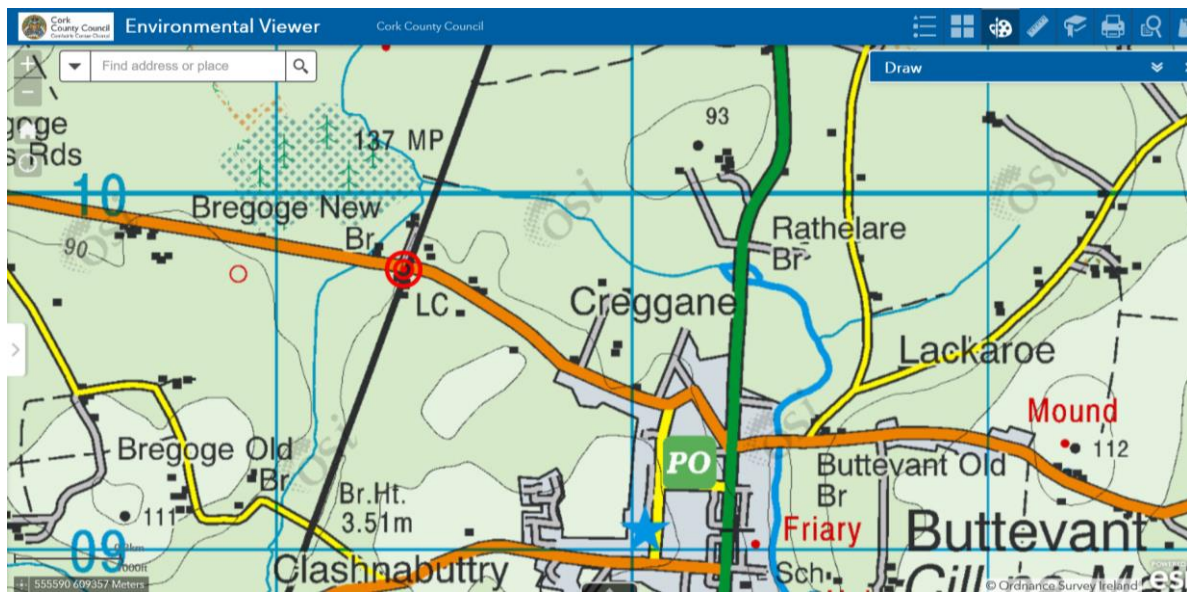


Figure 9: Location

The proposed works - closure of existing level crossing, and construction of a new road-over-rail bridge and tie in to existing regional road involves the construction of a bridge over the Awbeg, known as Pepperhill stream at this location, to the west of the current crossing. 2 no. Box culverts are proposed. It is proposed to drain new roads and bridge to a series of swales. XC 219 is arguably has the most potential impact due to the location and proposed works. During the construction phase there is potential for site specific impacts on the water environment. Most of these will be common to most construction projects, and include silty water runoff, accidental spillages, and sediment from dewatering. There is potential for impact as a result of potential in-stream working, with any such works outside of fishery sensitive months.



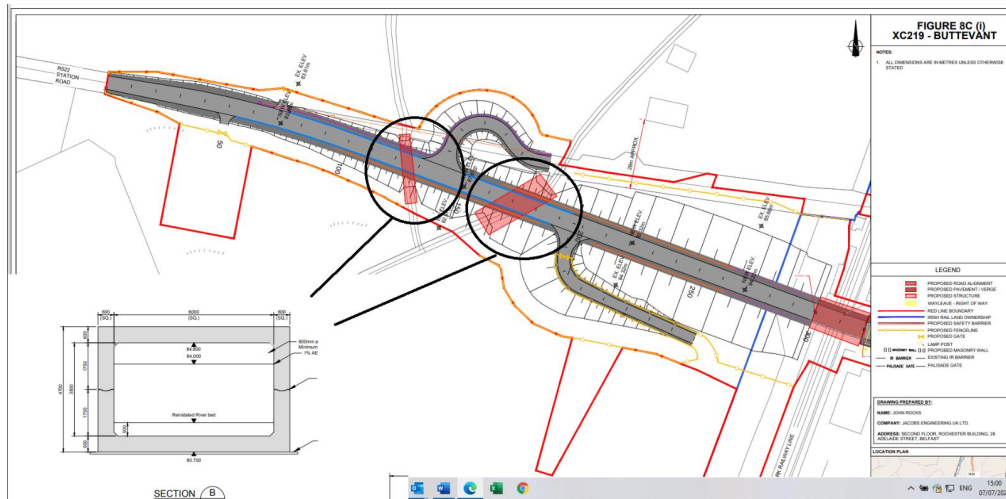


Figure 10: Proposed XC219 Works

Current status of the Pepperhill stream (AWBEG (Buttevant)\_020) at this crossing is currently “Moderate”, and “At Risk” of failing to achieve WFD Status. A box culvert could be considered the least desirable type of water crossing from an ecological perspective. EIAR notes the presence of otters, and potential for lampreys and white clay crayfish. These culverts should be redesigned to protect and enhance local biodiversity via arched culverts with mammal ledges as per National Road Authority Guidelines for the Crossing of Watercourse During Construction of National Road Schemes.

The installation of the proposed culverts has the potential for significant impacts on water quality and geomorphology as a result of concrete washout and the disturbance of the riverbeds and banks. Although prefabricated culverts are proposed, damming and overpumping of the rivers to enable a dry working area is being considered. Provision of alternative design culverts may obviate this measure. Consultation with IFI is required in advance of any overpumping of river, and the Final CEMP should provide a method statement for same, should the Planning Authority be minded to grant permission.

The Applicant is required to consult with Office of Public Works with regard to whether a S50 Arterial Drainage Act 1945 applies.

A Dust Management Plan is to be produced by the contractor prior to construction commencing, with mitigation measures informed by Institute of Air Quality Management (2016) Guidance on the assessment of dust from demolition and construction and National Roads Authority (2011), Guidelines for the Treatment of Air Quality During the Planning and Construction. No monitoring is proposed.

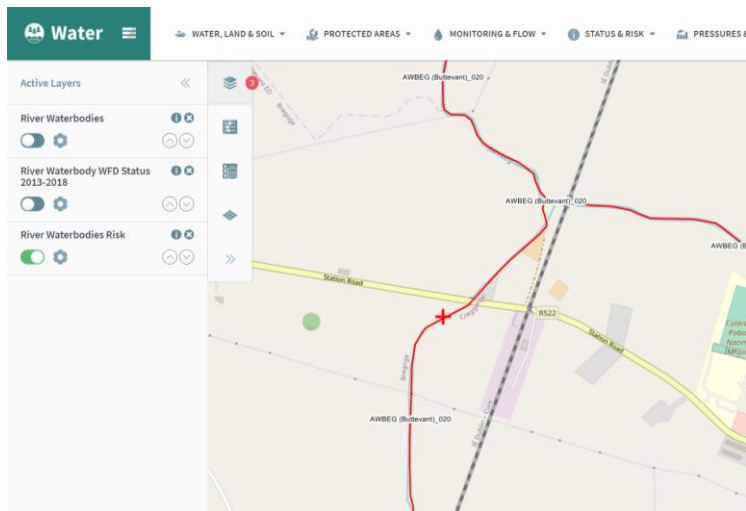


Figure 11 XC219 WFD Risk Status

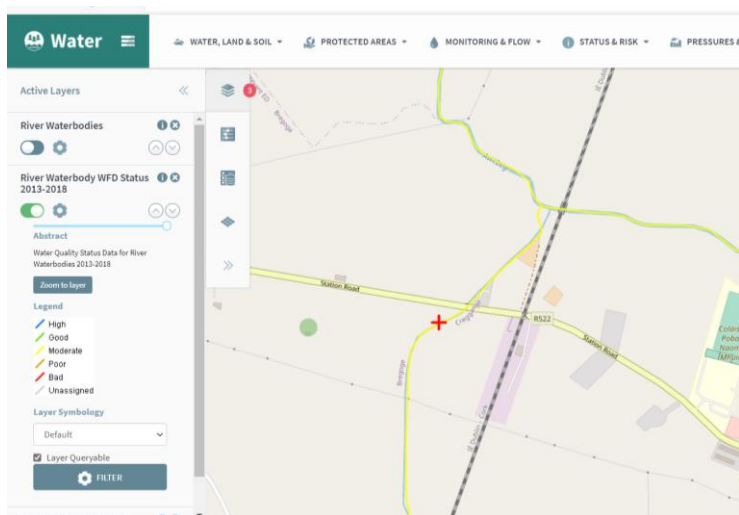


Figure 12: XC219 WFD Status.

Signed: 

Date: 07/06/21

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