

Trustees of the Diocese of Cloyne  
c/o McCutcheon Halley  
6 Joyce House  
Barrack Square  
Ballincollig  
Co. Cork  
P31 YX97

Date: 20 May 2022

Re: 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-kilometre section of the Dublin to Cork Railway Line.  
Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

Dear Sir / Madam,

An Bord Pleanála has received your recent letter in relation to the above mentioned case. The contents of your letter have been noted.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers  
Executive Officer  
Direct Line: 01-8737250

RA03



## Railway Order Application ABP Case Ref NA04.310286

**Further Observations on behalf of the Trustees of the Diocese of Cloyne in regard to the proposal by Coras Iompair Éireann (CIE) to replace the manned level crossing at Ballycoskery XC212 with a new road and overbridge.**

### Strategic Environmental Impact Assessment

Our previous submission of 8<sup>th</sup> July 2021 noted in regard to strategic environmental assessment that, although no formal application for a screening or scoping opinion was made, the Board's Direction of 08/06/2020 included the statement that:

*"The Board also agreed with the Inspector that an EIAR will be required, in which the cumulative impacts of the works will be considered".*

We expressed the opinion that the fact that the cumulative impact of the seven separate projects would be considered in a joint EIAR does not remove the requirement for a formal screening for strategic environmental impact assessment. The scheme proposed by the Applicant is composed of separate projects which claim justification under a national railway strategy and are only related to the extent that they adjoin the same railway line and are proposed by the same statutory authority.

While EIAR may be mandatory for any railway order, each of the seven projects project is located in a different planning, environmental and ecological context which requires a separate site-specific scoping exercise. In our opinion, the use of a single EIAR to assess all seven projects has precluded a proper consideration of the alternatives, cumulative effects and mitigation measures which apply to each site.

We are particularly concerned that there was no adequate assessment of the cumulative impact of the proposed rail projects with the proposed M20 Cork to Limerick Motorway. This should have been considered at two levels:

- (a) The strategic need for the proposed investment in the rail infrastructure between Cork and Limerick given the scale of the investment proposed for the motorway link which will largely run along the route of the rail line; and
- (b) The direct cumulative impact on the environment at crossings such as Ballycoskery XC212 where the corridor of the preferred M20 route directly overlaps with the works proposed under the draft railway order.

We attach, as an appendix to this observation, an information brochure issued in March 2022 as part of the public consultation on the preferred route for the M20 project. This includes a section on "rail-based options" which found that:

- For all three rail options, the new passengers are primarily transferring from existing bus services.
- There is no significant reduction in road traffic volumes using the N20 corridor for any of the options.
- The (lowest cost) new rail service (RS1 option) is being recommended by the project team for consideration within the All Island Strategic Rail Review.

This indicates that the decision to proceed with the upgrade of the rail crossings may be premature pending further consideration of the options for the Cork Limerick rail line in the All Island Strategic Rail Review.

The potential for direct cumulative impacts between the adjacent motorway and the proposed crossing at Ballycoskery is highlighted by Fig 1 which shows in orange the preferred route for the M20 as it passes

The map shows the proposed road layout for the Ballyhea National School area. The Athy River is on the left. Beechwood is located to the north of the school. The school is marked with a blue 'P' symbol. Dooley's Cross Roads is to the east of the school. The L1533 road runs along the bottom right. A large orange area indicates the proposed road layout, and a blue 'P' symbol marks the school location.

Site plan of the proposed Ballycoskery Level Crossing and Road Scheme. The plan shows a new road layout with a 7m wide carriageway and a proposed pedestrian footway with steps. Key features include a new car park with a turning facility, a proposed retaining wall, and a proposed road over a rail bridge. The plan also indicates the removal of existing redundant road pavement and the demolition of an existing level crossing cottage and storage building. Surrounding areas include Beechwood Grove, a housing estate, and various existing roads like N20 and Beechwood Drive. The plan is labeled with "TIE INTO EXISTING ROAD" at several points and "EXISTING XC212 BALLYCOSKERY LEVEL CROSSING EXTINGUISHMENT OF PUBLIC RIGHT OF WAY".



McCutcheon Hailey  
CHARTERED PLANNING CONSULTANTS



The overlap between the works proposed by CIE and the preferred M20 corridor underlines the potential for significant cumulative impacts between the two projects not only during the construction and operational stages but also in regard to the need for a coordinated approach to the design of the alterations to the local road network which would be required to facilitate both projects. There may not be any need to build a rail overbridge at the Ballycoskery crossing in Ballyhea village if the detailed design of the motorway makes provision for an alternative rail crossing further to the south.

### Assessment of Cumulative Impacts

In our opinion Chapter 17 the Environmental Impact Assessment Report fails to give due consideration to the cumulative impact on Ballyhea Village of the railway overbridge and the M20 motorway. While the 'N/M20 Cork to Limerick Road Improvement Project' was included among the projects to be assessed for cumulative impact, Section 17.4 of the EIAR states that each environmental discipline expert combined the 7 sites when assessing the cumulative impact. It appears that the overlap of the preferred M20 corridor with the works proposed at Ballycoskery crossing was overlooked while the cumulative impacts during construction was deliberately discounted on the basis that the rail works would be completed before commencement of the M20 construction programme. In our opinion these questionable assumptions undermine the conclusions reached in the EIAR.

### Planning Policy Context

The application for the railway order under NA04.310286 includes a planning compliance statement by Jacobs which notes in regard to XC212 Ballycoskery that:

*The MD LAP has specifically reserved an area for a new road alignment similar to the proposed Project. Also, it suggests that a car parking area could possibly be created in front of the school, again, in line with the proposed Project".*

*"The proposed Project follows a similar alignment as that shown in the LAP and also makes provision for a car park to the front of the Ballyhea National School. The proposed Project is entirely in line with and will bring to fruition the objective of the LAP in regard to the creation of both the new road and car park in Ballyhea Village"*

A new County Development Plan was adopted on 25 April 2022 and will come into effect on the 6<sup>th</sup> June. During the course of the review of the 2017 Local Area Plan, a proposal to amend Objective U-01 to make specific provision for a road overbridge rather than a road realignment was rejected by the elected members. This reflects the fact that the planning authority as well as the local community are opposed to the provision of a road overbridge in the centre of the village as currently proposed by CIE.

### Summary and Conclusion

In considering the proposal by CIE under NA04.310286 to build a new road and overbridge at Ballycoskery, the Board is obliged by Section 42(1)(g) of the 2001 Transport Act (as amended) to have regard to the likely consequences for the proper planning and sustainable development of Ballyhea village.

The relevant planning objectives for the village, which will be set out in the new County Development Plan which will come into operation on 6<sup>th</sup> June, were adopted on the basis that they do not make any specific provision for the proposed overbridge.

The EIAR acknowledges that there will be significant effects on the environment but seeks to mitigate rather than to avoid these effects. The failure of the project design to avoid significant effects on Ballyhe village is primarily due to:

- (a) the exclusion of the option of a CCTV crossing at the preliminary stage
- (b) the lack of due consideration of alternative site locations, site layouts and project designs; and

- (c) the inadequate assessment of the cumulative effect with the proposed M20 even though the corridor of the preferred route actually overlaps the proposed works.

In our opinion, the criteria used for the comparative analysis of design options and for the assessment of cumulative effects did not give appropriate weight to visual character, built heritage and biodiversity and this resulted in a lower ranking for the underbridge option.

We therefore conclude that a decision to approve the draft railway works order for the Ballycoskery crossing would be premature pending:

- (a) the review of the All Island Railway Strategy;
- (b) the final design and approval of the adjacent M20 project which may include alterations to the local road network which would obviate the need for an overbridge in the centre of Ballyhea village; and
- (c) the preparation of a new EIAR which would seek to avoid rather than mitigate significant effects including the cumulative effects with the final design for the M20 project.

## Railway Order Application ABP Case Ref NA04.310286

Observations on behalf of the Trustees of the Diocese of Cloyne in regard to the proposal by Coras Iompair Éireann (CIE) to replace the manned level crossing at Ballycoskery XC212 with a new road and overbridge.

### Legal and Procedural Issues

During the pre-application consultation, which was carried out under Case Ref. ABP 305149-19, An Bord Pleanála raised the issue as to whether an application for a railway order under Section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by Section 49 of the Planning and Development (Strategic Infrastructure) Act, 2006<sup>1</sup> was the most appropriate legal mechanism for the approval of the proposed road works and the compulsory purchase orders which would be required to implement the proposed works.

According to the minutes of the initial consultation meeting on 17/10/2019:

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

The initial response of the prospective Applicant did not refer to the fact that the development proposed at Ballycoskery XC212 had already been rejected by Cork County Council following the consultation and assessment process under Section 179 of the Planning and Development Act, 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended)<sup>2</sup>. Furthermore, while the prospective Applicant was correct in stating that CIE could only avail of the powers of compulsory purchase under a railway works order, the same powers would be available to a partnership between the roads authority and CIE if the works were carried out under the S.179/Part 8 process with the compulsory purchase orders served under Section 10(1) of the Local Government (No.2) Act 1960 (as inserted by section 86 of the Housing Act, 1966).

Under Board Direction BD-005902-20, An Bord Pleanála decided to accept the points put forward by the Applicant and the Board's Inspector, to the effect that the proposed works can be considered to be "railway works" as defined in the Transport (Railway Infrastructure) Act 2001, as amended, on the basis that "the works at the 7 locations identified pertain to the operation of the Dublin to Cork railway line" (emphasis added). As the Board Direction does not include detailed reasons and considerations, it is not clear how the Board addressed the concerns which were raised by the Board's representatives at the initial consultation meeting of 17/10/2019 in regard to the limited scope of railway orders and the option of using the S.179/Part 8 process. In particular there is no indication as to how the Board assessed the nature of the wide range of works proposed.

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<sup>1</sup> Hereafter referred to as the '2001 Transport Act'

<sup>2</sup> Hereafter referred to as the 'S.179/Part 8 process'

across seven different sites and concluded that, in each case, all of the works proposed by CIE “pertained to the operation of the rail line”.

We would question whether the Board’s Direction has adequately addressed the requirement under Section 2 of the 2001 Transport Act that the works must be “required for the purposes of the railway or any part of a railway, including works ancillary to the purposes aforesaid” as the term “pertain to” is not synonymous with “required for” or “ancillary to”. We do not agree that a single Environmental Impact Assessment Report is appropriate for the seven sites and believe that the Board should have issued a separate Direction in regard to the specific works proposed in each of the seven crossings given the difference in the topography, settlement pattern and planning context and the development options for each site. As the Direction was issued at the pre-application stage, it should also have assessed the alternative options for each of the sites to determine the extent to which the works involved in each option were required for, or ancillary to, the purposes of the railway.

The Board may argue that a Direction is not required to present detailed reasons and consideration and that they are entitled to rely on the assessment and conclusions in the submission of the prospective Applicant and in the report of the Board’s Inspector. However, the report on which the Board relied was not published on the ABP website under Case Refs. ABP 305149-19 or NA04.310286. The Inspector’s Report of 22/02/2021 postdates the Board Direction of 08/06/2020 and does not explain the reasoning behind the Board’s decision. The reasons and considerations for the Board’s Direction must therefore be ascertained from the Legal Opinion of Mr. Conleth Bradley SC, which was submitted by the Applicant and accepted by the Board.

### Comments on the Applicant’s Legal Opinion

Paragraph 1 of Mr. Bradley’s Opinion states that his advices have been sought in regard to the issues raised at the initial consultation meeting of 17<sup>th</sup> October. It may therefore be assumed that the terms of reference for the Opinion are set out in the following bullet point from page 4 of the minutes:

*“The Board advised that the prospective applicant give careful consideration as to whether the proposed works could be considered to fall within the meaning ‘railways works’ which could be the subject of a railway order under the Transport (Railway Infrastructure) Act 2001. Any legal advice or submission in this regard could be submitted to aid the Board’s consideration of this matter.”*

This issue is addressed by the conclusion reached in Paragraph 17 of the Opinion that:

*“the proposed elimination (or de-manning) of the aforesaid seven manned level crossings on the public road and their replacement in most instances with overbridges and road improvements, and all associated works, is best achieved by CIE applying for a Railway Order to An Bord Pleanála.”*

This conclusion goes beyond the query raised by the Board which was confined to advice on whether it was legally possible rather than preferable for some, or all, of the works to be approved under a railway works order.

Paragraph 12 of the Opinion notes in regard to Ballycoskery XC212, that “the significant issues which arise include the initial proposal and subsequent withdrawal of a Part 8 proposal by Cork County Council because of local opposition arising from the proximity to school and housing”. Paragraph 13 then refers to the fact that railway works are deemed to be exempted development under the Transport (Railway Infrastructure) Act, 2001. This seems to imply that the problems which arose as a result of the use of the S.179/Part 8 process might be avoided by availing of the planning exemption which applies to works approved under a railway order. However, the Project as proposed by CIE would also be exempted development under Section 4(1)(e) or (f) if carried out under the S.179/Part 8 process by a partnership between CIE and the relevant local authority.



In our opinion, the decision as to which procedural option should be used for the proposed elimination or de-manning of the seven level crossings should have regard to the nature and purpose of the various works and the need to consider alternative locations, layouts and designs for each site.

The nature of the works is assessed in Paragraph 23 of the Opinion, where Mr. Bradley advises:

*"While I have only set out a very brief summary of the works encompassed as part of the proposed replacement of seven number manned level crossings on the main Dublin to Cork Railway Line, these proposed works are encompassed by section 2(1) of the 2001 Act which defines 'railway works' as meaning any works required for the purposes of a railway or any part of a railway, including works ancillary to the purposes aforesaid (such as parking by buses or by persons using vehicles who intend to complete their journey by railway) and relocation of utilities, and in this definition "works" includes any act or operation of construction, excavation, tunnelling, demolition, extension, alteration, reinstatement, reconstruction or making good, repair or renewal".*

In our opinion the key issue in this case is the meaning of the word "ancillary" which is defined in the Concise Oxford Dictionary as "providing essential support to a service or activity". It may be argued that it is essential for the purposes of the railway that the existing level crossing be eliminated or upgraded to a higher safety standard but the mitigation of the impact of the closure or upgrade of the crossing on the surrounding road network does not directly affect the operation of the railway.

In summary we believe that the evidence and analysis cited by Mr Bradley in paragraphs 1-16 in support of his conclusion in paragraph 17 of his Opinion could also support the following conclusions:

1. The works involved to the closure (or upgrade to four barrier CCTV) of the level crossing at Ballycoskery XC212 and the demolition of the disused railway building could be considered to be works required for the safe operation of the railway and could therefore be approved under a railway works order.
2. The upgrade of the adjoining road network and the construction of a new car park for the school are specific planning objectives of the Fermoy Municipal District Local Area Plan (LAP), 2017<sup>3</sup> which were adopted without any reference to the operation of the railway. While the implementation of these objectives would mitigate the effects of a complete closure of the level crossing, the proposed roads, footpaths and school car park will not be used by "persons intending to complete their journey by train" as there is no train station at Ballycoskery. These works cannot be approved under a railway order as they are not works which are required for, or ancillary to, the purposes of the operation of the railway. They should therefore be the subject of a parallel but separate S.179/Part 8 process.
3. All of the works proposed at Ballycoskery XC212 could be implemented under a single S.179/Part 8 process by CIE in partnership with Cork County Council. It could therefore be considered that this is the best way to achieve the parallel objectives of CIE and Cork County Council in a legally valid and integrated way.

## Strategic Environmental Impact Assessment

Section 37(2)(e) of the 2001 Transport Act states that an application under subsection (1) shall be made in such form as the Board may specify and shall be accompanied by:

*a statement of the likely effects on the environment (referred to subsequently in this Part as an "environmental impact assessment") of the proposed railway works.*

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<sup>3</sup> Hereafter referred to as the 'LAP'

The Act does not address the issue as to whether the impact assessment should also be carried out at the strategic level. The Applicants EIAR Screening and Scoping Report, which was prepared for the pre-application public consultation stated that the requirement under Section 37(2)(e):

*"effectively negates the screening stage for EIA as it is mandatory to submit a 'statement of the likely effects on the environment' to accompany the application for a Railway Order. For the purposes of the proposed project and this report, the 'statement' is interpreted as an Environmental Impact Assessment Report (EIAR)".*

The minutes of the first consultation meeting with the Board on 17/10/2019 note that

*"The Board enquired as to whether consideration had been given to applying for a separate consent for each individual site as opposed to applying for a Railway Order application for all seven sites. It also remarked that it considered an EIAR for all seven sites as the best approach in terms of efficiency and with respect to the assessment of cumulative effects".*

The minutes also note that in response to the prospective Applicant's query on the matter of EIA Scoping:

*"the Board said that it does not respond formally to scoping reports forwarded to it during the pre-app process. A formal application for a scoping opinion may be made to the Board separate to the pre-app process".*

Although no formal application for a screening or scoping opinion was made, the Board's Direction of 08/06/2020 included the statement that:

*"The Board also agreed with the Inspector that an EIAR will be required, in which the cumulative impacts of the works will be considered".*

In our opinion, the fact that the cumulative impact of the seven separate projects would be considered in a joint EIAR does not remove the requirement for a formal screening for strategic environmental impact assessment. The scheme proposed by the Applicant is composed of separate projects which claim justification under a national railway strategy and are only related to the extent that they adjoin the same railway line and are proposed by the same statutory authority.

While EIAR may be mandatory for any railway order, each of the seven projects project is located in a different planning, environmental and ecological context which requires a separate project-specific scoping exercise. In our opinion, the use of a single EIAR to assess all seven projects has precluded a proper consideration of the alternatives and mitigation measures appropriate to each site. At the same time no significant cumulative impacts between the seven projects emerged in Chapter 17 of the EIAR.

While the seven projects differ in terms of their locational context and their interaction with the local environment, the need for each project, as set out in Section 1.4 of the Applicant's Planning Compliance report, is based on national strategies adopted for Coras Iompair Éireann under:

- 2030 Iarnród Éireann Rail Network Strategy Review, 2011
- Commission for Railway Regulation Railway Safety Performance in Ireland, 2018
- Commission for Railway Regulation Statement of Strategy 2018 – 2020

In our opinion a Strategic Environmental Impact Assessment should be required by the Board in this case because the Applicant has relied on these strategic policy documents:

- (a) to limit the range of alternatives considered;
- (b) to determine the relative weight given to the safety criteria used to assess the alternatives considered; and
- (c) to limit the range of mitigation measures proposed.

## Planning Assessment

The application for the railway order under NA04.310286 includes a planning compliance statement by Jacobs which notes in regard to XC212 Ballycoskery that:

*"The majority of the proposed Project is within the Ballyheha Development boundary ('Existing Built Up area') with some eastern extents of the proposed road outside this designation (see Appendix F). Applicable zoning objectives include C-01 Community (National School) "Use for School Expansion" is located outside and further to the north of the proposed Project. A proposed road alignment (U-01) runs from the south of the existing housing estate to the east across the railway line and outside the Ballyheha Development Boundary in a similar location to that of the proposed Project.*

*The proposed Project is partially within Flood Zone A and the Blackwater SAC is 0.5km to the west. Specifically, in regard to Ballyheha the LAP sets out the following: "Over the lifetime of this Local Area Plan it is envisaged that Ballyheha will cater for a modest level of development, proportionate to its existing size and sensitive to the high landscape value of the area. The village is most suited to the development of individual dwellings, subject to the provision of adequate services. Water quality impacts and/or licence compliance issues associated with wastewater infrastructure serving Ballyheha may need to be addressed to accommodate further growth. Reservation is made for possible construction of a new road realignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school." (p. 156) (original emphasis).*

*The MD LAP has specifically reserved an area for a new road alignment similar to the proposed Project. Also, it suggests that a car parking area is could possibly be created in front of the school, again, in line with the proposed Project".*

It is therefore concluded in Appendix D of the compliance statement that:

*"The proposed Project follows a similar alignment as that shown in the LAP and also makes provision for a car park to the front of the Ballyheha National School. The proposed Project is entirely in line with and will bring to fruition the objective of the LAP in regard to the creation of both the new road and car park in Ballyheha Village"*

We do not agree that the proposed Project is "entirely in line" with the objective of the LAP for the following reasons:

The scheme as shown in the LAP extends to a point midway between the entrances to Beechwood and the Parochial House whereas the proposed Project affects the entire frontage of the Parochial house and the western part of the frontage to the Church. This alteration to the physical extent of the scheme is likely to result in a major increase in the impact on the built heritage of the Church properties and particularly the setting of the gates to the Parochial House

The revised road and parking layout as proposed in the LAP is clearly a roads project to be implemented by the County Council as roads authority for the area. There is no reference to any justification for the scheme on grounds of rail safety and there is no indication as to whether the proposed road would cross the railway by an overbridge, underbridge or a four gate CCTV level crossing.

The interpretation of the planning objectives in the LAP should have regard to the issues raised in the S.179/Part 8 process which are summarised in Appendix H of the compliance statement. This set out the concerns raised by the local community and the conclusion reached by the Planning Authority that:

*"following recent public meetings and submissions received regarding the proposal, further assessment of alternative options needs to be examined. Accordingly, Cork County Council has terminated the Part 8 planning process. When and if an alternative solution requiring planning is identified, a new planning process will commence"*

This statement clarifies that the purpose of Objective U-01, which was subsequently adopted in the 2017 LAP, was to provide the policy context for a new S.179/Part 8 planning process which would address the concerns raised in regard to the aborted scheme and allow the elected members of Cork County Council to decide whether or not to proceed with a revised scheme. In our opinion it is not appropriate to use a roads objective, which was adopted to support the S.179/Part 8 process for an alternative solution, to justify an application for a railway order for what is essentially the original layout and design.

## Design Approach

The minutes of the first consultation meeting with the Board on 17/10/2019 note, in regard to the Applicant's design approach, that:

*The Board's representatives commented that there is a need for a proportionate balance between the optimum engineering design and solutions which take account of planning and environmental matters. In particular, the possible solution (overbridges and roads) at Ballycoskery/Newtown needs very careful consideration in terms of the scale and extent of the works proposed and the impact on pedestrian/cycle movements and community connectivity.*

In our opinion the Applicant has failed to address the Board's concerns as the design of the proposed structures is dominated by engineering considerations. The overbridge proposed at Ballycoskery is a generic design which is used on motorway projects throughout the country. There has been no attempt to arrive at a design solution which respects the topography, urban form or built heritage of Ballycoskery or the tradition of Victorian railway engineering in Ireland

It is plainly evident that no account has been taken of the interconnectivity of both sides of the existing crossing, the local population's daily need to use of the crossing, and in particular the local schoolchildren and their parents' and teachers' needs to do so. This does not even take account of the church and school interconnectivity, something that involves regular communication and travel (often en masse) between the two locations.

We also consider that the level of detail provided in the drawings and in the visual impact assessment is not adequate to allow the Board to assess the impact on of the village. Our comments on visual impact, built heritage and natural heritage in the following sections are made without prejudice to the argument that the Applicant has not provided the standard of architectural design and detailing which would be required if a planning application was made for the proposed works.

## Visual impact Assessment

The Applicant's planning compliance statement acknowledges that Ballycoskery differs from the other sites in that the works are within the development boundary of the village and it is one of a limited number of sites which are designated as being of high landscape value. Chapter 13 of the EIAR acknowledges that during the consultation process concerns were raised in regard to noise, visual impact, light and overshadowing and the proximity of the proposed bridge to the houses at the front of the Beechwood Estate. It also notes that the proposed works will involve the removal of 15 mature trees.

We do not agree with the approach adopted in the landscape assessment in which the significance of the village setting is discounted in the landscape assessment on the grounds that the settlement:

*"is already influenced by the existing Dublin-Cork Railway Line and infrastructure and the N20 which occurs immediately to the west, and consequently the proposed new road alignment will not appear incongruous within this small village"*



The impact of the N 20 will be significantly reduced when the M20 is constructed.

The visual impact assessment concedes that the impact on the three selected vantage points will be moderate to high. In our opinion the scale of the proposed road and bridge is excessive in a village setting and the scheme should have been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). We do not accept that the mitigation measures proposed will reduce the residual impact to slight to moderate as the type of planting proposed will not provide adequate screening for the massive retaining structures and will not compensate for the permanent loss of distant views of the Ballyhoura Mountains. As the existing and proposed vegetation is mainly deciduous the photomontages do not provide an accurate indication the impact of the proposed structures during the winter months. We would also argue that the assessment should have included vantage points which would show the impact on the church and the parochial house which are of significant conservation value and are important elements of the village form.

### Impact on Built Heritage

Chapter 12 of the EIAR, which deals with Cultural Heritage, acknowledges the importance of the group of ecclesiastical features in Ballycoskery including St Mary's Church (CO008-069/NIAH 20900804) [AH010] built in 1831 and the associated parochial house (NIAH 20900805) [AH011] built in 1905.

It is assumed that, during the construction phase, no impact will occur to the church (AY025/AH010) although groundworks have the potential to encounter skeletal remains from the burial ground. The significance of the effect is predicted to be slight negative.

Slight negative impacts are also predicted for the Parochial House (AH011) where it is acknowledged that curtilage features are likely to be impacted. There is no detailed assessment of the nature of these potential impacts but the fact that photographs of the gates of the parochial house have been included in Plate 12.9 and 12.10 implies that the entrance and road boundary wall may be affected. This would be a very significant potential impact as the importance of the gates is highlighted in the National Inventory of Architectural Heritage (NIAH 20900805).

Apart from the potential impact on the curtilage of the Parochial House, the proposed layout of the intersection between the existing and the proposed roads would have a significantly adverse impact on the historic setting of the gates. They would no longer have direct access to the main carriageway and would be isolated within a small layby. In our opinion the impact on the built heritage of the village is so severe that the scheme should be revised to an underbridge or a CCTV crossing so that there is no impact on the curtilage or setting of the Church or the Parochial House.

### Impact on Natural Heritage

Chapter 7 of the EIAR notes that the wet ditch at the base of the existing railway embankment at Ballycoskery is hydrologically linked to the Newton River which falls within the habitat category of "depositing lowland rivers (FW2)" and provides a direct link to the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC). This habitat category is valued as being of International Importance and the wet ditch in question supports the Annex I habitat (6430) Hydrophilous tall herb swamp communities, which is valued as being of National Importance and of high conservation concern.

Pressures on the habitat include invasive species; and agricultural intensification and drainage in the lowlands. Based on the latest Article 17 reporting 13 the Overall Status is assessed as Bad with a deteriorating trend. This change in trend since 2013 represents a genuine decline due to range contraction and a decline in structure and functions. No invasive species were recorded on site at Ballycoskery during the field surveys. If the existing crossing was upgraded to CCTV, it is unlikely then that there would be any change to this habitat given its location fenced off from grazing, and the topography of the site water draining from the field to the

north and from the railway embankment. The proposed construction of an overbridge would involve the direct loss of a substantial part of the habitat and there could be a risk to the integrity of the remaining habitat outside the footprint of the works due to change in the drainage regime.

The EIAR also acknowledges that, during construction, there is a risk of release of contaminated surface water runoff and sediments into the River Blackwater SAC which would be likely to result in a significant effect on this European site at a local to county geographic scale. While there is a hydrological link to the Freshwater Pearl Mussel colonies in the SAC, the EIAR concludes that any pollution events due to the works would be likely dissipate long before reaching the freshwater pearl mussel population downstream. In our opinion this is not an adequate response as the objective for this SAC is to restore the population of the Freshwater Pearl Mussel throughout the SAC and not just to maintain existing colonies.

In regard to the Annex I habitat (6430) Hydrophilous tall herb swamp, the indicative Mitigation Strategy in Appendix 7H of the EIAR is based on translocating the area of tall herb swamps (FS2), which will be lost under the footprint of the proposed Project to an unspecified receptor site based on a like for like area basis. In our opinion the significant potential impact of the proposed works on a habitat which is of National Importance and of high conservation concern should be avoided rather than compensated by considering alternative options for the proposed works.

In regard to bats, the EIAR identified one tree as having moderate potential to support a bat roost and one building as having high bat roost potential. The EIAR acknowledges that a total of 349m of treeline and 103m of hedgerow will be permanently lost under the footprint of the proposed road but concludes that there is suitable alternative habitat available in the immediate vicinity. As a result, the loss of available foraging habitat and hedgerows/treelines used by commuting bats is only considered to be a significant impact at the local geographic scale.

We have been advised that there is a maternity bat roost in the attic of the Parochial House which immediately adjoins the proposed works. This was not identified in the EIAR even though there is clear external evidence to the presence of a roost which would be directly affected by the loss of the adjacent treeline. In our opinion the potential impact on this roost warrants consideration of alternative layouts and design, as there is real possibility that the varied species of bats that roost there may include Habitats Directive protected species.

### Consideration of Alternatives

We believe that the consideration of alternatives has not been adequately addressed in the design, assessment and presentation of the development proposed at Ballycoskery. This is an important issue not only in relation to the EIA Directive but also in regard to the planning objectives for the site and the legitimacy of any future compulsory purchase procedure.

#### *The EIA Directive*

Section 3.4 of the 2017 draft EPA Guidelines on EIAR notes that Annex IV(2) of the amended EIA Directive requires an EIAR to include

*'A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'*

Fig 3.4 of the Guidelines illustrates a sequence of assessment through site location, site layout, project design and process design with, for example:

- avoidance of environmental impacts being addressed at the site selection stage;
- potential to affect off site environmental assets being addressed in the site layout; and
- likely effect on neighbours being considered in the project design.

We are not satisfied that a proper consideration of alternatives for the Ballycoskery Crossing was carried out by CIE because:

- (a) the option of upgrading the crossing to 4 Barrier CCTV was excluded at the preliminary stage;
- (b) the planning history and planning policy context were not reflected in the assessment criteria.

These factors influenced the conclusion reached in regard to Ballycoskery that:

*"The high risk ranking for the site as a result of a high number of sensitive receptors ruled out CCTV as a potential solution at this site. As a result, an overbridge was determined to be the Preferred Solution".*

In our opinion the option of a CCTV crossing should have been included in the comparative assessment in Table 2.14 of the EIAR and the secondary criteria should have included planning considerations, as well as rail safety and the extent of compulsory purchase required. We also believe that the decisions not to carry out a Strategic EIA and to prepare a single EIAR for seven sites precluded a site-specific approach to the consideration of alternatives, the assessment criteria and the avoidance or mitigation of effects. As a result, the planning history of Ballycoskery and its location within a village were not given due consideration in the design and assessment of the Project.

#### *The Planning Objectives for the Site*

The S.179/Part 8 process for the Ballycoskery Crossing, which was terminated in 2010, concluded that further assessment of alternative options was needed and that the planning process should only recommence if and when an alternative solution was identified. The current proposal for Ballycoskery is so similar to the previous proposal that it could not be described as an alternative solution.

These issues were not addressed because the planning history and the current planning status of the site are not accurately reflected in Table 2.4 of the EIAR. The previous S.179/Part 8 process is described as "withdrawn" when it would be more accurate to state that it was decided not to proceed with the project in accordance with Section 179(4) of the Planning Act. Furthermore, the reference to the LAP should have clarified that the purpose of Objective U-01 was to achieve an alternative to the overbridge which was previously proposed and not a reapplication of a proposal which was unacceptable to the planning authority.

#### *The Compulsory Purchase Procedure*

Paragraph 8 of the legal opinion prepared in support of the application for the railway works order highlights the fact that "one of the main aspects of a Railway Order is the power to compulsorily acquire land". The Board should therefore have regard to the case law in regard to the compulsory purchase procedure, including for example the decision of the Supreme Court in *Thomas Reid v Industrial Development Agency, Ireland and the Attorney General* [2015 IESC 82]. In paragraph 44, McKechnie J. emphasised that the statutory power to compulsorily acquire land must be:

*"carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power"*

The question to be addressed in this case is whether the legitimate object of improving rail safety at the existing Ballycoskery crossing justifies the extent of the compulsory acquisition which is proposed by CIE in this case. We have already made the case that the works involved in the provision of a road, overbridge and school car park are outside the scope of a railway works order as they are not required for the purposes of a railway or any part of a railway, including works ancillary to the purposes aforesaid. Without prejudice to that point we would also argue that the failure to include the option of a CCTV crossing in the comparative assessment in Table 2.14 of the EIAR undermines the case for a compulsory purchase order as the CCTV option could be delivered with little or no requirement for compulsory acquisition. While the proposed overbridge may result in a higher



standard of rail safety than a CCTV crossing, the extent of the compulsory acquisition required would be disproportionate to the reduction in risk.

## Summary and Conclusion

In considering the proposal by CIE under NA04.310286 to build a new road and overbridge at Ballycoskery, the Board is obliged by Section 42(1)(g) of the 2001 Transport Act (as amended) to have regard to the likely consequences for proper planning and sustainable development of Ballyhea village. The relevant planning objectives for the village are set out in the Fermoy Municipal District Local Area Plan and in the decision made by Cork County Council not to approve an overbridge under the S.179/Part 8 process and to seek an alternative solution.

Notwithstanding the Board Direction issued on 08/06/2020 under ABP 305149-19, we believe that most of the works proposed by CIE at Ballycoskery are outside the scope of a railway works order as they are not “required for the purposes of a railway or any part of a railway, including works ancillary to the purposes aforesaid”. We also believe that the Board should have screened the seven projects for Strategic Environmental Impact Assessment before advising that separate EIARs should be prepared for each site.

We do not accept that the works proposed at the Ballycoskery XC212 level crossing are “entirely in line with” the objective of the LAP in regard to the creation of a new road and car park in Ballyhea Village. The relevant objective in the LAP was adopted in order to achieve an alternative solution to the overbridge proposed by CIE.

The Applicants’ planning compliance statement and EIAR fail to address the concerns raised by the Board at the pre-application consultation that, unlike the other six sites, the works proposed at Ballycoskery are within the development boundary of a designated settlement and could have a significantly adverse impact on the existing character and future development potential of the village. The design proposed is a generic engineering solution which is not properly detailed from an architectural viewpoint and fails to have regard to the sensitivity of the location.

While it is acknowledged in the EIAR that there will be significant effects on:

- (a) the visual character of the area;
- (b) the built heritage of the ecclesiastical sites and particularly the gates of the parochial house; and
- (c) the Annex I habitat (6430) Hydrophilous tall herb swamp;

the approach adopted is to mitigate rather than to avoid these effects. The bat roost in the attic of the Parochial House has also been overlooked.

The failure of the project design to avoid (rather than mitigate) significant effects on the village is primarily due to the fact that the potential effects were not adequately addressed during the consideration of alternative site locations, site layouts and project designs. In particular the integrity of the assessment process was undermined by the decision to exclude the option of a CCTV crossing at the preliminary stage. We also believe that the criteria used for the comparative analysis did not give appropriate weight to visual character, built heritage and biodiversity and this resulted in a lower ranking for the underbridge option.

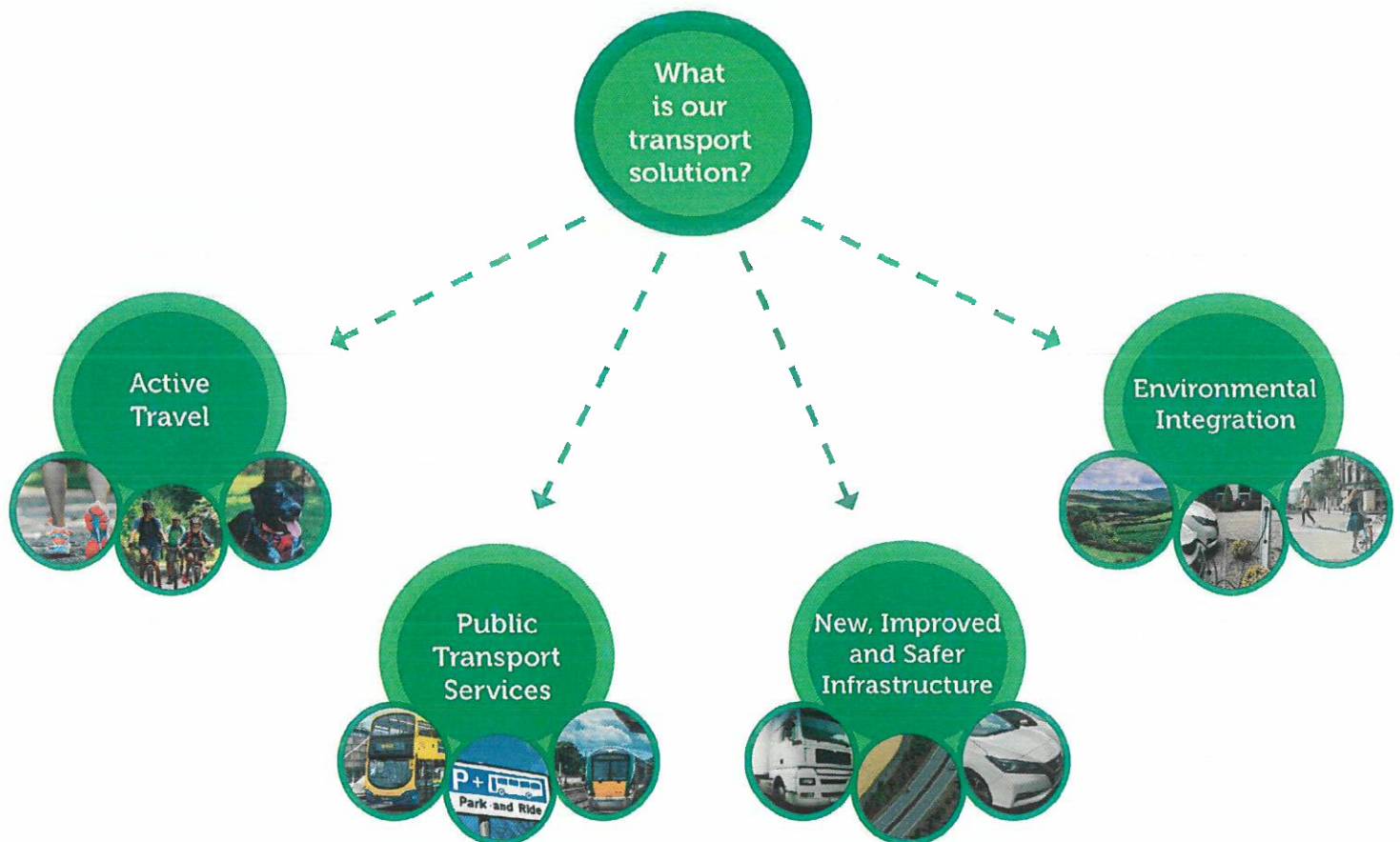
Finally, we ask the Board to have due regard to the fact that the approval of the proposed railway order would result in the compulsory acquisition of a substantial amount of the development land within the village including the property of the Trustees of the Diocese of Cloyne. Case law requires that any compulsory purchase orders should be used to the least possible extent and for purposes which are clearly within the powers of the statutory body. In our opinion the Applicant has failed to give due consideration to the option of upgrading the Ballycoskery crossing to 4 Barrier CCTV and this would undermine the validity of any decision to approve the railway works and the compulsory purchase order as currently proposed by CIE.



# N20

Cork to Limerick

## Our Transport Solution



N/M20 Cork to Limerick Project

## Public Display of Preferred Option

## INFORMATION BROCHURE

March 2022



## Project Description

Limerick City and County Council, in partnership with Cork County Council, Cork City Council, Transport Infrastructure Ireland (TII) and the Department of Transport (DoT) are developing the N/M20 Cork to Limerick Project.

The 2040 National Planning Framework (NPF) and the National Development Plan 2021-2030 (NDP) identify the cities of Cork, Limerick, Galway and Waterford as having population growth targets *"enabling all four to significantly grow their population and jobs by 50-60% and become cities of a greater scale."*

Good transport links are essential for economic sustainability and development. Improving connectivity by reducing journey times, improving journey time reliability and improving safety will support the enhancement of economic growth. The NDP National Strategic Outcome 2 *"seeks to enhance intra-regional accessibility through improving transport links between key urban centres of population and their respective regions, as well as improving transport links between the regions themselves."*

In considering the NPF and NDP, the overarching project objective for the N/M20 Cork to Limerick Project is:

To enable national and regional planning policies, particularly those supporting the National Strategic Outcomes of the National Planning Framework to promote balanced regional development, through enhanced population and economic growth.

This is to be achieved by improving connectivity between the cities of Cork and Limerick, and ultimately Galway, by:

- Reduced land transport journey times,
- Improved journey time reliability, and
- Facilitating the safe and efficient movement of people, goods and services on the transport network both now and in the future.

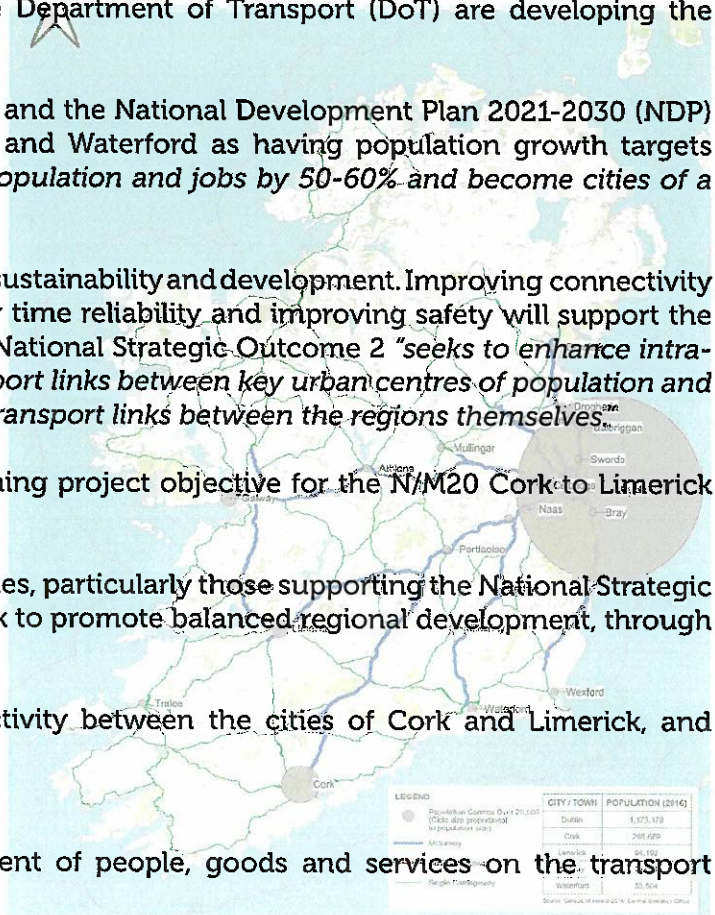
## Project Background

The need for improvements to the N20 was originally identified in the 1998 National Road Needs Study. This was stated as a Government objective in the 2000-2006 National Development Plan and subsequently carried into the 2002 National Spatial Strategy. In 2008 a study was commissioned to identify a preferred route corridor for an upgraded carriageway between Cork and Limerick with proposals lodged with An Bord Pleanála in 2010. The project was withdrawn from An Bord Pleanála in 2011 due to the economic downturn.

Since the identification and appraisal of the preferred route for the M20 Cork Limerick Motorway Scheme in 2010, several changes to road infrastructure design standards, European/National policy and project appraisal guidelines have occurred. These include the publication of the Department of Public Expenditure and Reform (DPER) Public Spending Code and an updated Department of Transport Common Appraisal Framework. Additionally, assessment methods for environmental impacts have been updated.

In 2019, Limerick City and County Council appointed Barry Transportation and its project partners Sweco and WSP (BSW) as Technical Advisor to progress the planning and design for the N/M20 Cork to Limerick Project. BSW has been commissioned to deliver the planning and development of the scheme through Phases 1 to 4 of Transport Infrastructure Ireland's Project Management Guidelines encompassing Concept and Feasibility, Option Selection, Design and Environmental Evaluation, and Statutory Processes.

In 2021, the National Development Plan was updated to cover the period 2021-2030. This update continues to recognise the benefits of the N/M20 Cork to Limerick Project as an enabler for enhanced regional accessibility.



# The Story So Far

## Phase 1 – Concept and Feasibility

The assessment undertaken in Phase 1 identified the preferred road-based scenario as being broadly within the N20 corridor via Charleville and Mallow. This road-based scenario performed best overall in relation to the project objectives following appraisal of seven road-based scenarios that included alternative scenarios along the N24/M8 and R513/M8 corridors. (For more detail, please see Project Website for Phase 1 Update - <https://corklimerick.ie/feb-2020-update/>).

As part of the assessment of alternative options, two rail-based scenarios were identified in Phase 1, one providing improved service frequency with through services at Limerick Junction on the existing line, the other providing a new direct line between Charleville and Limerick which would connect with the existing Cork to Charleville rail line. These two rail-based scenarios were taken forward to Phase 2 for further development and appraisal.

## Phase 2 – Option Selection

In Phase 2, the project team developed road-based and rail-based options in the broad N20 corridor identified in Phase 1 to improve connectivity between the cities of Cork and Limerick.

The Phase 2 Option Selection process comprises three stages.

Stage 1 – Preliminary Options Assessment,

Stage 2 – Project Appraisal Matrix, and

Stage 3 – Preferred Option.

## Options Appraisal

The Phase 2 option selection process adopts a systematic, evidence-based approach to examine feasible options and alternatives against defined criteria to identify the Preferred Option.

The appraisal of the rail-based options is covered on the next page.

For the road-based options the selection process comprised two stages, with public consultation feedback informing the second stage.

In Stage 1, the project team considered the identified constraints to develop a range of technically feasible road-based options within the study area. 18 road-based options were initially assessed under three criteria; Engineering, Environment and Economy. The assessments enabled the better performing road-based options to be identified, and also determined that a number of options would not be given further consideration.

A Public Consultation was held in November 2020, (<https://corklimerick.ie/november-2020-update/>) inviting feedback on the shortlisted

road-based and rail-based options proposed, for further examination.

In Stage 2 eight end-to-end road corridor options were examined in addition to the two traffic management alternatives. A multi-criteria analysis was undertaken to determine the best performing option. The Common Appraisal Framework criteria used at this stage are shown in the image below.

The Stage 2 assessment has led to the identification of the best performing option which is being taken forward as the preferred option for design development in Phase 3.





# Rail-Based Options

## Existing Services

- An average of 200 daily rail journeys were made in 2019 between Cork and Limerick.
- These trips are served by an hourly train service.
- There is a requirement to change trains at Limerick Junction Station.
- The average journey time (including changeover) is 1 hour 43 minutes.
- Irish Rail are progressing proposals to improve line speeds that will result in this journey time improving to around 1 hour 31 minutes.
- Bus services are the dominant public transport mode carrying three times more passengers than rail with similar end-to-end journey times.

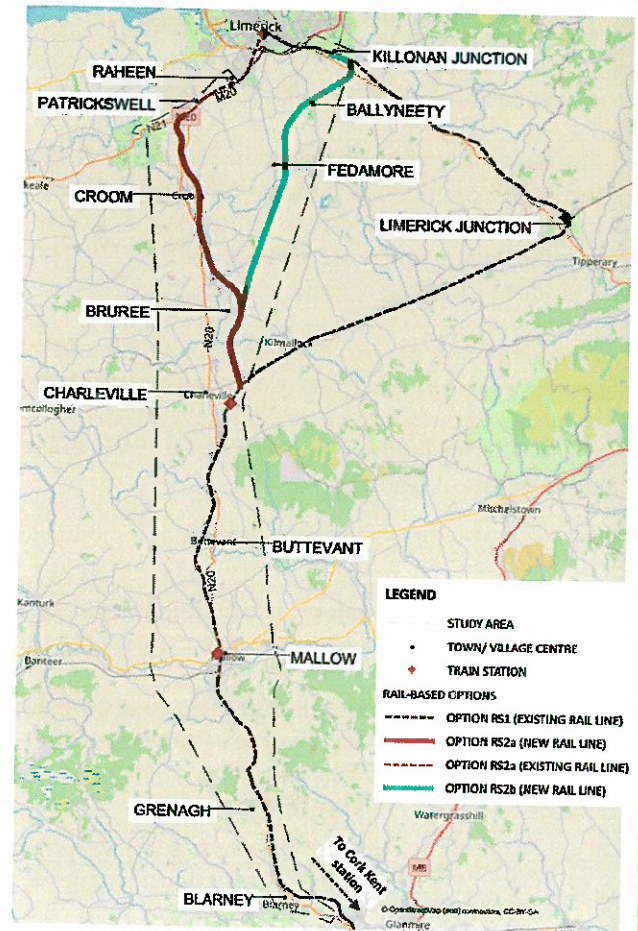
## Rail-Based Options

Three options for providing a new (no-change) train service between Cork and Limerick have been examined. Provision of this new hourly service effectively results in availability of a train leaving each city for the other every 30 minutes.

- RS1 – service via Limerick Junction using existing lines with a journey time of 1 hour 21 minutes.
- RS2a – service using new line from Charleville to Patrickswell to join the currently closed Foynes line into Limerick with a journey time of 1 hour 6 minutes (coloured red on map).
- RS2b – service using new line from Charleville to Killonan Junction and join the existing lines into Limerick with a journey time of 1 hour 4 minutes (coloured cyan on map).

## Appraisal

- Modelling of future demand shows that an RS1 service would generate around 700 extra journeys per day between the cities.
- RS2a and RS2b would further increase this to around 1,800 journeys per day due to the shorter journey time.
- For all three options, the new passengers are primarily transferring from existing bus services.
- There is no significant reduction in road traffic volumes using the N20 corridor for any of the options.
- The infrastructure costs for RS2a and RS2b are almost seven times higher than RS1.



## Conclusion

- Provision of the new rail service will accord with the N/M20 overarching objective of improving connectivity and will provide greater opportunities for travel between Cork and Limerick.
- The new service (RS1 option) is being recommended by the project team for consideration within the All Island Strategic Rail Review.





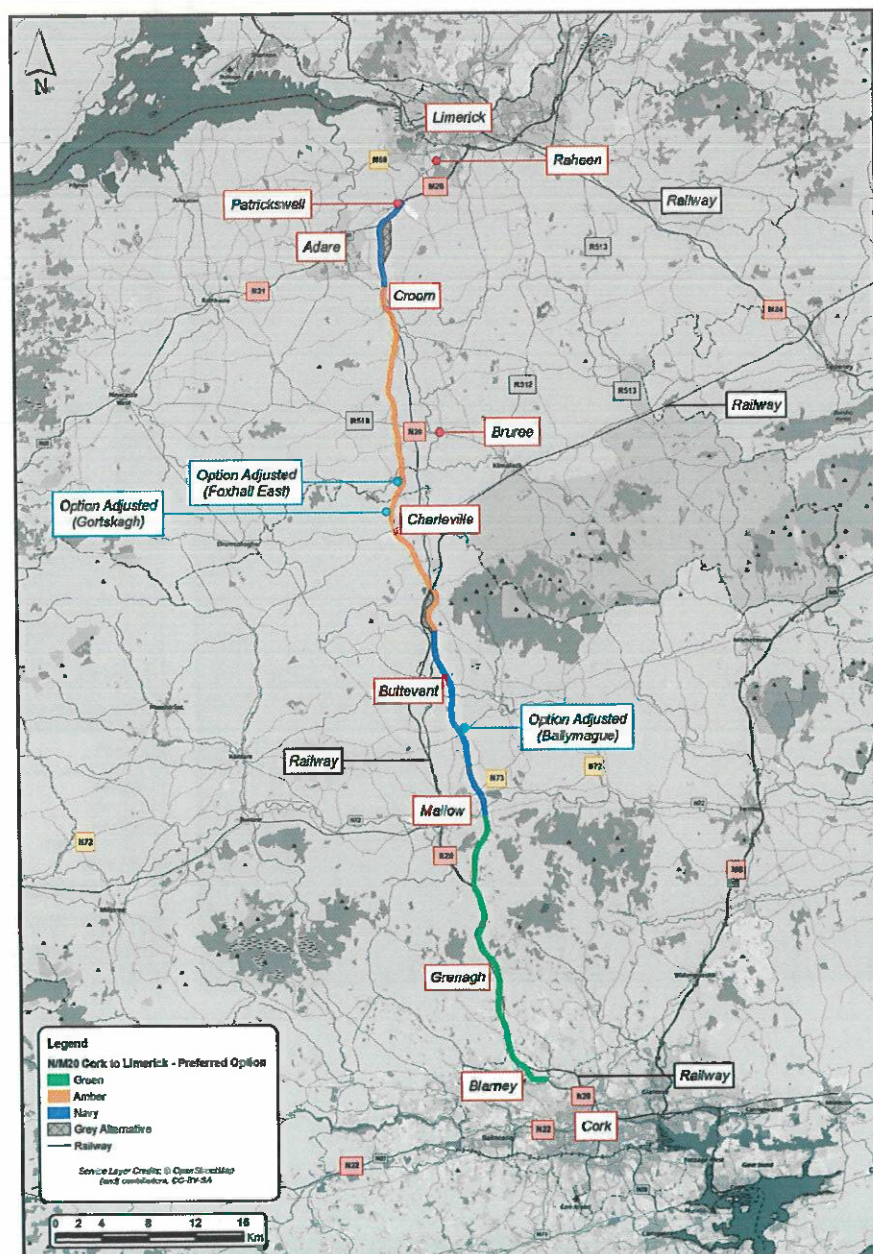
## Preferred Road-Based Option

The preferred road-based option is a combination of green, navy, amber and navy elements. The option in which the design will be developed is 500 metres wide. Also shown are alternative options (shaded grey) where reuse of the existing N20 will be further investigated in phase 3.

The preferred option commences just south of the Blarney junction and remains largely online to maximise the reuse of the N20 until it diverges eastward near Mounseabbey. Remaining to the east of the N20 it crosses the River Blackwater, the N72, the N73 and the River Awbeg as it bypasses to the east of Mallow and Buttevant until it converges with the existing N20 north of Buttevant. It then remains close to the N20 until it diverges westwards near Ballyhea, bypassing to the west of Charleville, before re-joining the N20 south of Croom. The preferred option reuses the N20 Croom Bypass and then diverges at Garranroe and runs west of the existing N20 until it reaches its tie in point with the existing M20/N21 at Attyflin.

In addressing feedback from the Public Consultation, held in November 2020, the corridor was refined at Ballymague, Gortskagh and Foxhall East and the refinements have been adopted as part of this preferred option.

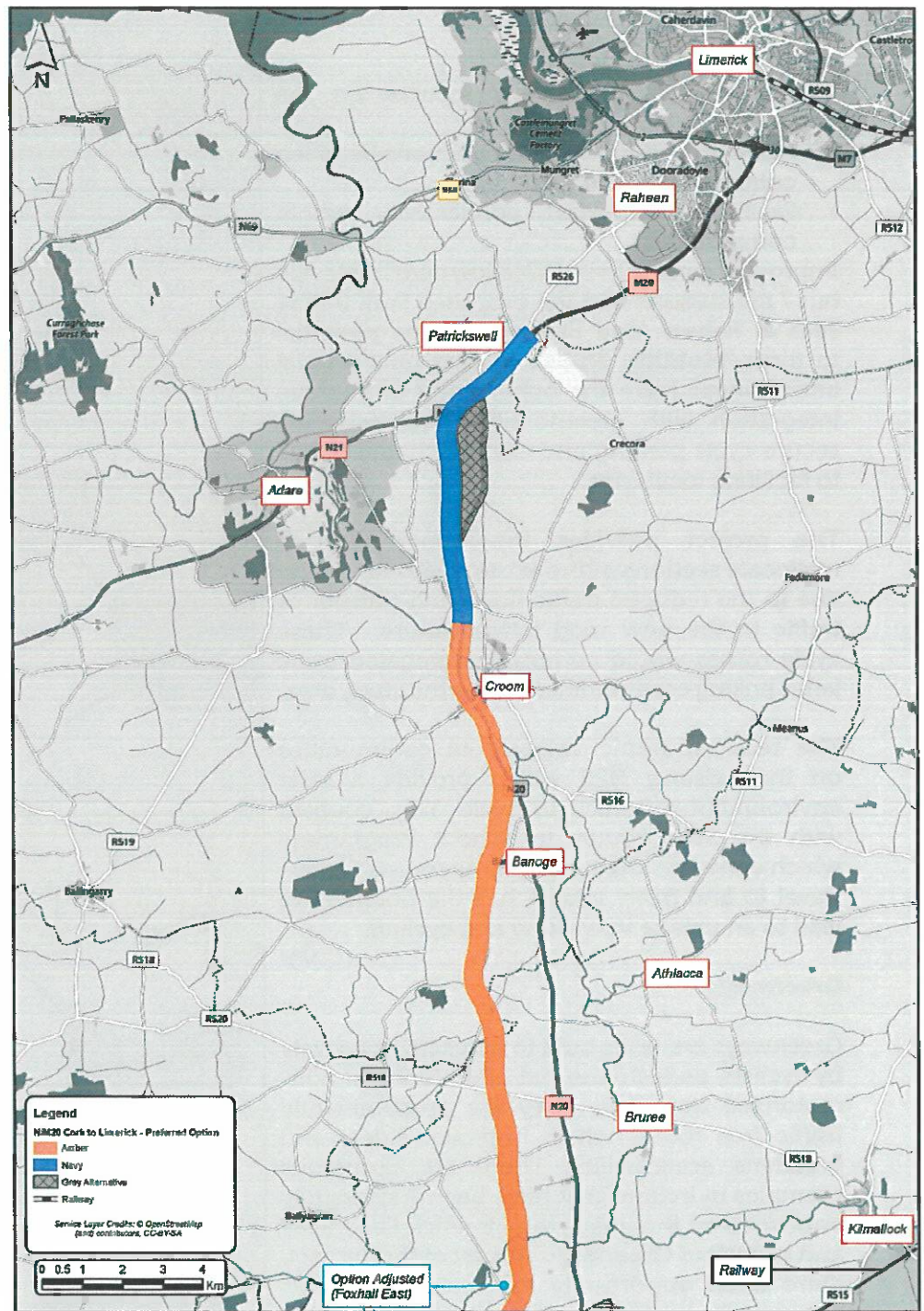
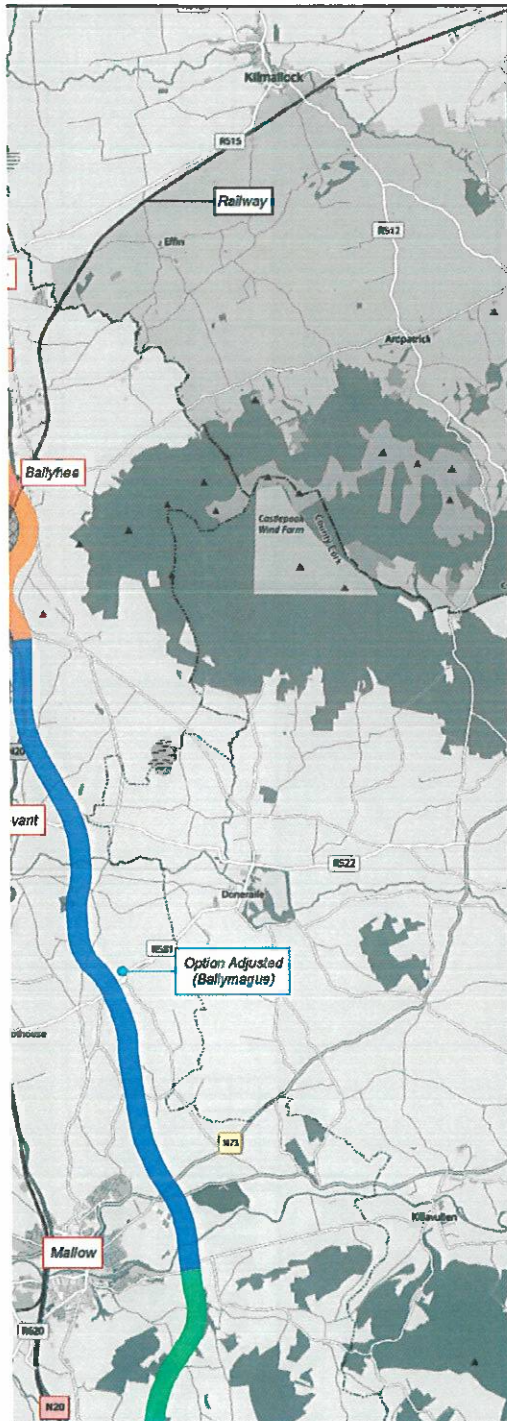
On the following pages, you will see the below image in more detail.













# Active Travel

The Active Travel strategy is a key part of the N/M20 Cork to Limerick Project which includes 80km of safe walking and cycling routes benefitting communities and visitors to the region.

## Community Links

The Active Travel strategy focuses on the opportunities to:

- Maintain and improve connections between communities, and
- Facilitate improved connectivity within communities.

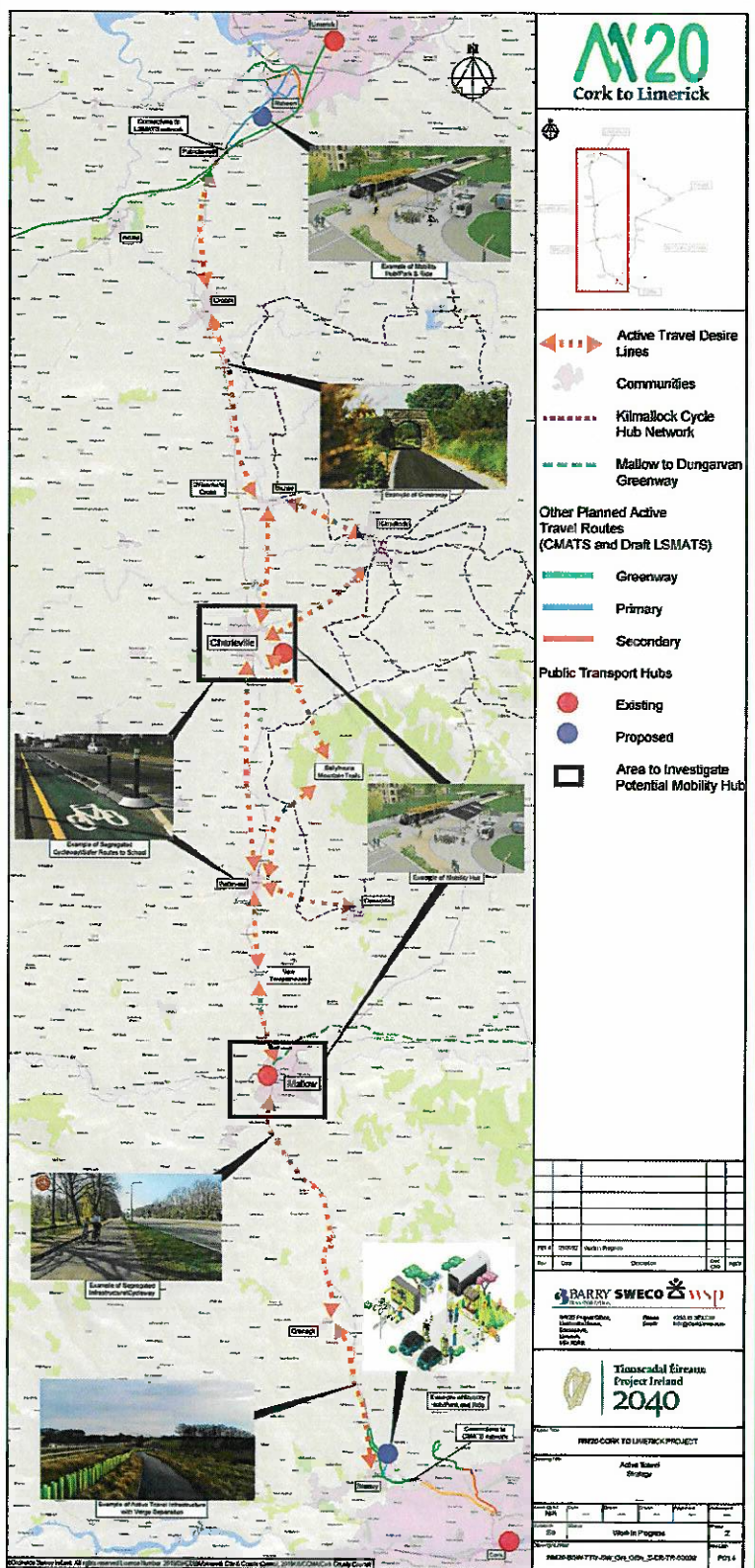
Improving connectivity to Mallow and Charleville bus / rail stations and the proposed Park & Ride sites at Raheen and Blarney has the potential to form **"Mobility Hubs"**. These multi-modal interchanges have the opportunity to improve integration with electric bikes and scooters, secure cycle parking and electric charge points to facilitate local trips.

The project provides the opportunity to reallocate sections of the existing N20 to cycling due to the reduced traffic flows and transfer of traffic to the new road infrastructure. These cycle routes would comprise segregated cycle lanes linking communities across the study area.

The reduced traffic volumes in communities on the existing N20 would provide a safer environment in which to cycle. This, coupled with the Safe Routes to School Programme which enhances the locality to encourage active travel to and from school, has the potential to lead to an uptake in walking and cycling.

## Greenways

Greenways are trails built to be used exclusively by cyclists, pedestrians and other forms of non-motorised transport. They are predominantly traffic free routes which improves safety and broadens accessibility. There are numerous examples in Ireland that have been successfully implemented including the Limerick Greenway and Waterford Greenway. As part of this project, there is an opportunity to create Greenways between Cork and Limerick to facilitate walking and cycling and capitalise on the growing recreation tourism sector, as well as encouraging commuting through e-bike and e-scooter use. The feasibility of options including the abandoned Charleville to Patrickswell rail line will be investigated.



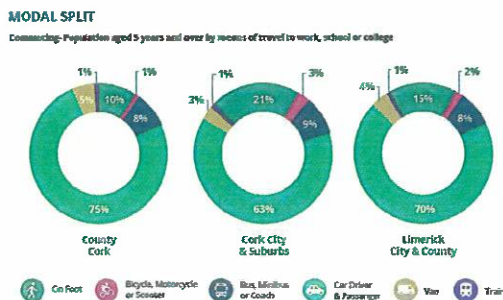


# Public Transport

## Public Transport - Bus

Bus public transport opportunities are linked to new infrastructure providing new and improved bus services.

Bus is the dominant form of public transport in the project area, comprising between 8 and 9% of all commuting trips. Between Cork and Limerick, approximately 210,000 trips were made on bus services during 2019. Current journey times between Cork and Limerick range from 1 hour 30 minutes to 1 hour 50 minutes, depending on the operator.



## Service Improvements

The project has the potential to reduce bus journey times between the two cities to 1 hour 6 minutes. The improved road infrastructure would also lead to increased journey time reliability. This is vital considering that the N20 forms part of the strategic European TEN-T Network.

There is the potential to implement additional express services between the two cities to capitalise on the improved infrastructure and journey times. Bus Éireann are exploring the opportunity for Cork to Galway services with a target journey time of 2 hours 30 minutes, which can be facilitated by the N/M20 Project.

The preferred option provides an opportunity to improve accessibility to jobs, key facilities and social opportunities, most notably for those without access to cars or with mobility and sensory impairments. This would be through reduced journey times and potential for additional services.

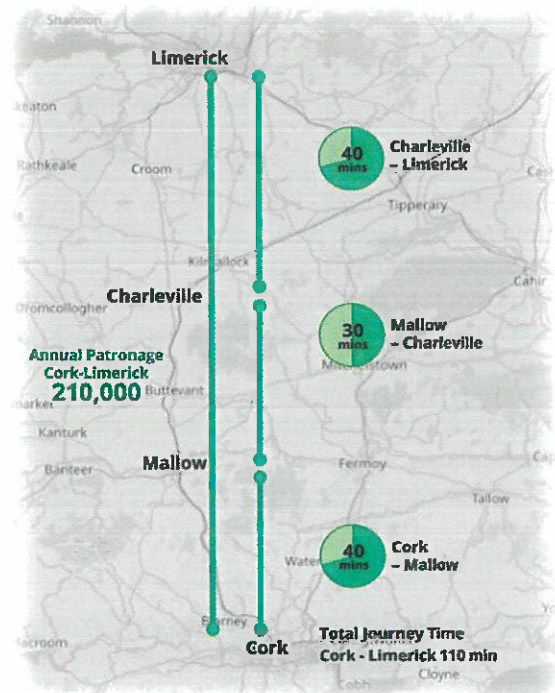
## Mobility Hubs / Park & Rides / Rail

Improved services have the potential to integrate with Mallow and Charleville rail stations to form "**Mobility Hubs**" where users have the opportunity to change transport mode between car, bus, rail, bike and Scooter. There are also proposals for Park & Ride facilities at Raheen and Blarney which would offer similar opportunities for modal change.

## BUS, AIR & RAIL PATRONAGE



**Bus Éireann Patronage**  
(To & From) & Journey Times 2019



EXAMPLE



# Environmental Integration

The statutory Environmental Impact Assessment process is the framework within which environmental considerations are integrated into transport project planning. This is complemented by the TII's National Roads Project Management Guidelines which emphasise the identification and avoidance of environmental impacts in the early stages of project planning and design. This process occurs prior to taking the project through the statutory procedures and includes the preparation of the Environmental Impact Assessment Report (EIAR). A key objective is to ensure the efficient delivery of the national roads programme in a manner that minimises adverse environmental effects and respects all relevant legislation.

Constraints and option selection studies are two components of the EIAR process primarily concerned with the early identification and avoidance of significant adverse environmental impacts and the consideration of alternative route options.

## Environmental Considerations

Environmental considerations are considered from the start of the process to minimise the impact of options on their environs. These 17 environmental criteria, as shown below, are considered as part of the appraisal process.

ENVIRONMENT	
• Biodiversity 1 – Terrestrial Habitats	• Material Assets – Agronomy
• Biodiversity 2 – Aquatic Habitats	• Material Assets
• Biodiversity 3 – Birds, Bats and Mammals	• Climate Change
• Land and Soils	• Air Quality
• Hydrogeology	• Noise and Vibration
• Hydrology	• Population (Socio-Economic)
• Landscape and Visual	• Health
• Archaeology and Cultural Heritage	• Waste
• Architectural Heritage	

In developing options, the objective is to avoid environmental constraints where possible, including:

- Settlements and economic centres – cities, towns, villages, residential properties, businesses and agricultural enterprises,
- Physical topography – high ground and deep valleys,
- National Parks & Wildlife Services Designated Sites – Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Natural Heritage Areas (NHA),
- Cultural heritage (archaeological and architectural heritage) sites,
- Locally important sites – historical, recreational or services,
- Floodplains, and
- Groundwater and geology – water source protection and karst features.

## Preferred Option

The preferred road-based option strongly aligns with the scheme's environmental objectives. The preferred option seeks to minimise waste generation and it has one of the lowest comparative impacts on air quality and climate, noise, biodiversity (flora and fauna), waste, hydrogeology, agriculture and cultural heritage (archaeological and architectural). It avoids significant impact on landscape and visual, hydrology and material assets - non-agricultural properties.

## Phase 3 Design & Environmental Evaluation

The next phase of the project – Design and Environmental Evaluation – will involve further development of the project, including design of the road, cycle lanes and junctions, identification of the land required, detailed environmental evaluation and the preparation of an Environmental Impact Assessment Report. During this phase, further engagement with landowners and interested parties will be undertaken as part of the ongoing design process.

**Note on Climate:** The National Development Plan (NDP) has been designed to ensure that it supports the Government's climate ambitions. As a key project of the NDP, climate change considerations have been fully incorporated in the N/M20 assessment process to date. Up-to-date guidance from the Institute of Environmental Management and Assessment will be utilised to assess the greenhouse gas emissions and climate change reliance and adaptation of the preferred transport solution.

# Next Steps

## Phase 3 - Design and Environmental Evaluation

Following selection of the preferred transport solution, Phase 3 will commence subject to approvals. This is programmed to take two years with the key deliverables being the Design Report, the Environmental Impact Assessment Report, the Statutory Process Documentation and the Business Case. Subject to Government approval, the formal planning submission is then made to An Bord Pleanála in Phase 4.

Throughout the Phase 3 process, the N/M20 project team is committed to proactively engaging with members of the public and those who are impacted directly and indirectly by the project. The design process and the identification of impacts on land and property will take some time and we seek your continuing patience and engagement with the project team.

In order to inform the design process, the N/M20 project team will undertake a range of engineering and environmental surveys. The team will be in contact with land and property owners regarding these surveys. As the design reaches a level of maturity where informed discussions can take place, the N/M20 project team will consult directly with potentially impacted land and property owners on the developing design.

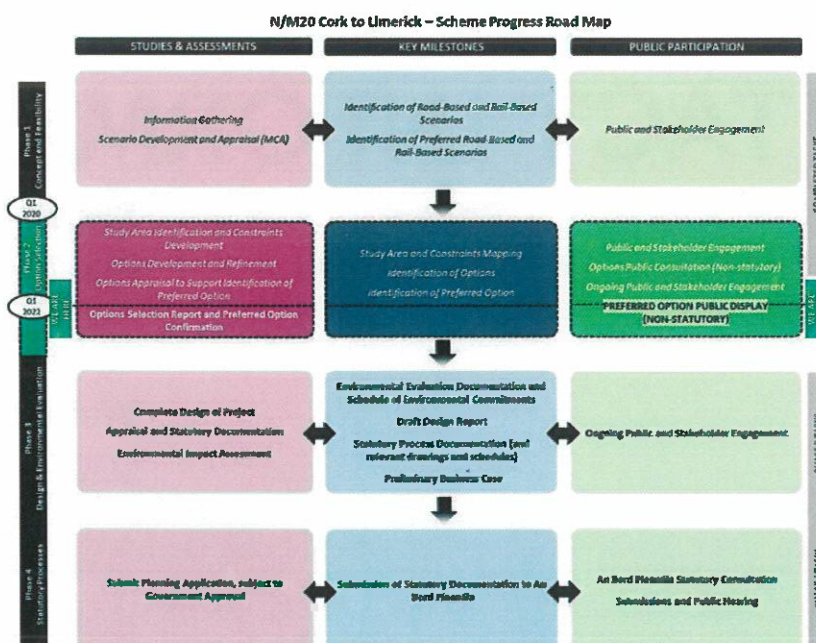
Meetings with land and property owners will be facilitated through online and/or face to face meetings by prior appointment. This is to ensure that the appropriate members of the project team are available and are suitably prepared for productive discussions.

All feedback will be reviewed and amendments considered, before finalising the design and land requirements.

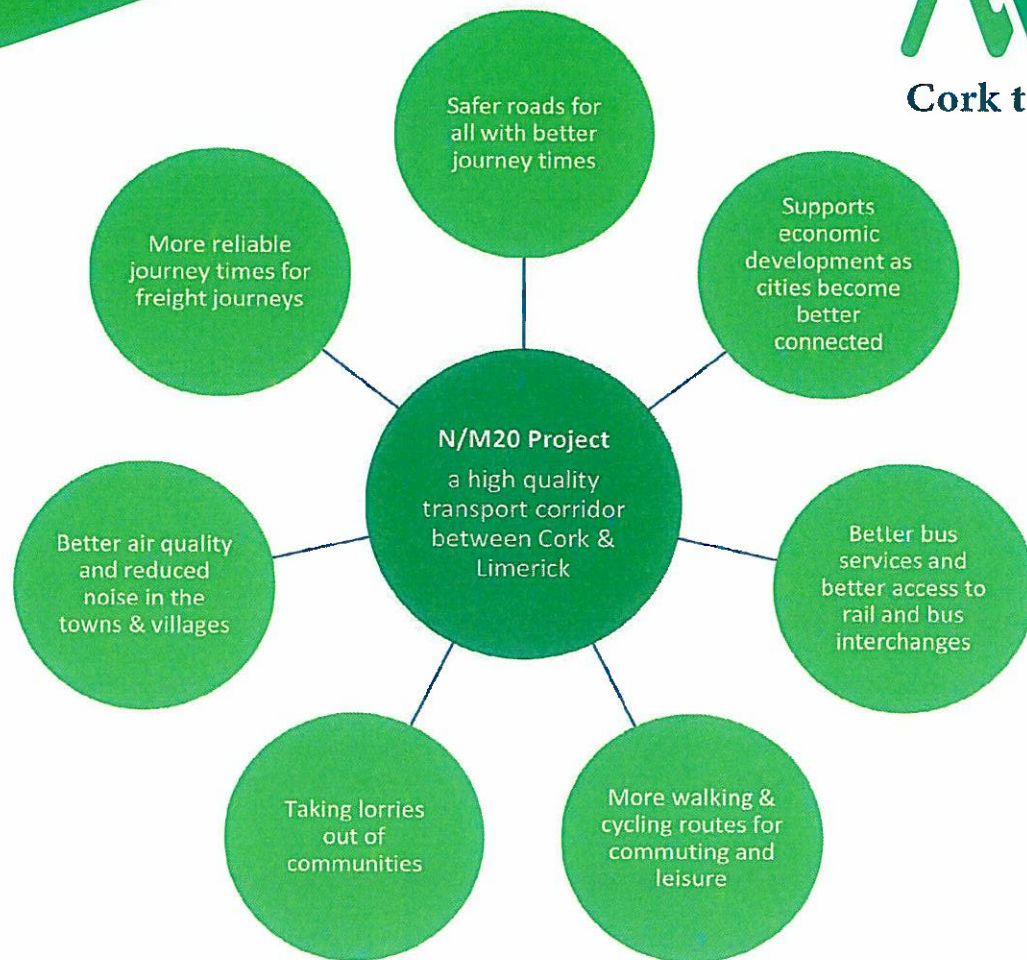
## Phase 4 (Statutory Processes)

The purpose of Phase 4 is to compile documentation and participate in Oral Hearing(s) as required by the Statutory Processes to ensure that the proposed project is developed in accordance with planning, environmental and other relevant legislation. The planning documentation is submitted to An Bord Pleanála, who facilitate the holding of an Oral Hearing, which provides the opportunity for members of the public to raise their comments on the project. Following the Oral Hearing, An Bord Pleanála can approve, approve with conditions or reject a project.

Planning and Design	Phase 0	Scope and Pre-Appraisal
	Phase 1	Concept and Feasibility
	Phase 2	Option Selection
	Phase 3	Design and Environmental Evaluation
	Phase 4	Statutory Processes
Construct/Implement	Phase 5	Enabling and Procurement
	Phase 6	Construction and Implementation
	Phase 7	Close Out and Review







Comhairle Cathrach  
& Contae **Luimnigh**  
**Limerick City**  
& County Council



**Cork**  
**County Council**  
Comhairle Contae Chorcaí



Comhairle Cathrach Chorcaí  
**Cork City Council**



**An Roinn Iompair**  
**Department of Transport**

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