

An Bord Pleanála Oral Hearing

Córas Iompair Éireann/Iarnród Éireann

Dublin to Cork Railway Line Level Crossings

Brief of Evidence

Planning

Rory McDonnell BSc. (HONS), MRUP, MRTPI

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1. QUALIFICATIONS AND ROLE IN THE PROPOSED PROJECT

- 1 My name is Rory McDonnell, I am a Senior Associate Director of Planning in Jacobs. I hold a Bachelor of Science (Hons) degree in Geography from Queens University Belfast, I also hold a Master of Regional and Urban Planning from University College Dublin. I am a Chartered Member of the Royal Town Planning Institute (RTPI).
- 2 In accordance with Section 39(1)(a) of the Transport (Railway Infrastructure) Act 2001 as amended and substituted (including by SI 743 of 2021) (hereafter also referred to as 'the 2001 Act'), I confirm that I have over 20 years' Planning experience. My experience has been accrued in both public and private planning consultancy. One of my primary roles is as Planning Lead as well as the preparation Planning Compliance Reports and Planning Chapters within Environmental Impact Assessment Reports (EIARs) for a range of projects including Dublin BusConnects (Ireland), Craginagapple Windfarm (N.Ireland) and Kyleakin Fish Feed Factory (Scotland). I have practiced planning in a number of different jurisdictions including Ireland, N.Ireland, England, Scotland and Wales.
- 3 I have been involved in the Project since 2019 and have advised Córas Iompair Éireann and Iarnród Éireann on planning related issues since the Preliminary Design stage of the Project which considered alternative options for the alternative access routes at each level crossing location. My involvement culminated in the preparation of the Planning Compliance Report (PCR) which was submitted to An Bord Pleanála on the 20th May 2021.
- 4 The PCR is a separate document to the EIAR and forms part of the suite of documentation for the Railway Order application package.
- 5 This Statement reflects general compliance with the full hierarchy of applicable planning policy as set out in the PCR as well as relevant planning policy updates since submission.
- 6 The PCR that accompanied the original application for the Railway Order (hereafter also referred to 'RO') sets out the full suite of planning legislation and policy at the time of submission and an overview of the key legislation is set out below for ease of reference.

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2. OVERVIEW OF ISSUES RELATING TO PLANNING

The RO & the 2001 Act

- 7 This application for a RO is made pursuant to the provisions of Section 37 of the 2001 Act which requires that an application is made in writing and accompanied by:-
- A draft of the proposed RO;
 - 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.
- 8 These documents were submitted to the Board and the manner of their application is described in the evidence of Gerry Healy. The draft of the proposed RO, styled the Dublin to Cork Railway Line (Elimination & Upgrade of Level Crossings Between Limerick Junction and Mallow) Order [2022] provides for a number of definitions and interpretations in addition to setting out the railway works and works the subject of this proposed RO and includes proposed provisions in relation to the incorporation of enactments. In addition, section 69 of the 2001 Act provides that the Regulation of Railways Acts, 1840 to 1889, and any other Act relating to railways, shall, in so far as they are not inconsistent with the provisions of the 2001 Act, apply to railway undertakings and any railway constructed under the 2001 Act.
- 9 S.I. No. 743 of 2021 gives further effect to the transposition of the EIA Directive (EU Directive 2011/92/EU as amended by Directive 2014/52/EU) on the assessment of the effects of certain public private projects on the environment by amending the 2001 Act. In accordance with Section 39 of the 2001 Act the EIAR for this Railway Order Application inter alia contains:- (i) a description of the proposed railway works comprising information on the site, design, size and other relevant features of the proposed works;(ii) a description of the likely significant effects of the proposed railway works on the environment;(iii) the data required to identify and assess the main effects which the proposed railway works are likely to have on the environment;(iv) a description of any features of the proposed railway works, and of any measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;(v) a description of the reasonable alternatives studied by CIÉ which are relevant to the proposed railway works and their specific characteristics and an indication of the main reasons for the option chosen, taking into account the effects of the railway works on the environment; and (vi) a summary in non-technical language of the above information. By virtue of section 38 of the 2001 Act the development the subject matter of an RO is deemed to be exempted development and the provisions of Part IV of the Planning and Development Act 2000 are disapplied where the works involved are authorised by an RO.
- 10 The examination, analysis and evaluation is carried out by An Bord Pleanála in order to identify, describe and assess the direct and indirect significant effects of the proposed railway works, including significant effects derived from the vulnerability of the activity to risks of major accidents and disasters relevant to it, on: population and human health; biodiversity, including species and habitats protected under the Habitats and Birds Directives; land, soil, water, air and climate; material assets, cultural heritage and the landscape, and the interaction between the above factors.
- 11 The EIAR takes into account the available results of other relevant assessments under European Union or national legislation with a view to avoiding duplication of assessments. The assessments contained in

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the EIAR have also been co-ordinated with the assessment under the Habitats Directive and Birds Directives) and the NIS which has been prepared for this Railway Order application.

- 12 The EIAR, in addition to addressing the matters set out in section 39(1) of the 2001 Act contains information specified in Annex IV to the EIA Directive relevant to the specific characteristics of the particular railway works and type of railway works proposed and to the environmental features likely to be effected.
- 13 Section 42B of the 2001 Act includes provisions in relation a **“reasoned conclusion”** and the reasoned conclusion must be integrated into the RO. Accordingly, before deciding whether or not to grant a Railway Order An Bord Pleanála must take into account *inter alia* the following matters:
 - the EIAR
 - any additional information
 - any submissions or observations made in relation to the likely significant effects on the environment of the activity to which the application relates duly made to it
 - consider any other evidence it has obtained in relation to the likely significant effects on the environment of the activity to which the application relates, and
 - taking into account the results of the examination of matters referred to above and reach a reasonable conclusion on the significant effects on the environment of the activity to which the application relates.
- 14 The proposed RO comprises railway works, works and railway infrastructure including bridge infrastructure over the Dublin-Cork Railway Line with supporting infrastructure on lands immediately adjacent to the Railway Line. The proposed works, include constructing new road-over-rail bridges in place of existing level crossings as alternative accesses across the Dublin-Cork Railway Line, permanently removing and eliminating existing level crossings and level crossing infrastructure including all level crossing gates and such ancillary works in relation to extinguishing public and/or private rights of way across the level crossing; effecting an upgrading by the replacement of an existing level crossing with a 4-barrier CCTV controlled level crossing; upgrading, realigning and/or closing existing roads; constructing new roads and carrying out railway works and works described in the proposed RO and schedules thereto and all other necessary or ancillary works. Accordingly, the proposed RO provides for the safe and efficient operation of the said railway line while allowing for safety and maintaining access for those travelling along and across an existing railway line.
- 15 The Board can, if it is of the opinion that the application should be granted, make an order authorising Córas Iompair Éireann to construct, maintain, improve and operate the railway works specified in the Railway Order in such manner and subject to such conditions (including environmental conditions and conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring), modifications, restrictions and requirements and such other terms as the Board thinks proper and specifies in the Railway Order.

Planning Policy Changes Since Submission of the Railway Order

- 16 Post submission, the County Development Plans in both County's Limerick (Limerick City and County Development Plan 2022 – 2028) and Cork (Cork County Development Plan 2022 – 2028) have been adopted. The most relevant policies related to the scheme are provided further below. At the time of writing, both developments plans are subject to Ministerial Directives, the details of which are also set out further below.

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Limerick City and County Development Plan 2022

- 17 The Limerick City and County Development Plan 2022-2028 was adopted by the Elected Members of Limerick City and County Council at a Special Meeting on 17th June 2022 and came into effect on 29th July 2022.
- 18 On the 28th of July 2022, Limerick City and County Council received notification from the Minister for Housing, Local Government and Heritage of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). In accordance with Section 31(4) of the Planning and Development Act 2000 (as amended), those parts of the Limerick Development Plan 2022-2028 referred to in the notice shall be taken not to have come into effect, been made or amended.
- 19 The Direction, the Planning and Development (Limerick Development Plan 2022-2028) Direction 2022 included the following:
- a) *"Reinstate the following zoning objectives to that of the draft Plan:*
- (i) *MA no. 142 i.e. the subject land reverts to Agriculture from Enterprise and Employment.*
- (ii) *MA no. 145 i.e. the subject land reverts to Community and Education from Mixed Use.*
- (iii) *MA no. 146 i.e. the subject land reverts to Enterprise and Employment from Mixed Use.*
- (iv) *MA no. 147 i.e. the subject land reverts to Enterprise and Employment/Open Space and Recreation from New Residential except in respect of the lands to be developed for housing under ABP SHD reference 311588*
- (v) *MA no. 148 i.e. the subject land reverts to Semi Natural Open Space from Enterprise and Employment.*
- b) *Delete the Data Centre zoning objective on lands consisting of 33 hectares at Ballysimon."*
- 20 The above zoning objectives are within Limerick City and suburbs. The Data Centre referenced above is proximate to settlement boundary of Limerick City but within the rural area.
- 21 The Draft Ministerial Direction was on public display and submissions were invited from 6th to the 19th of August 2022. At the time of writing, Limerick City and County Council estimated a response will be received from the Minister in mid-November 2022.
- 22 The proposed Project is not impacted by the Ministerial Directive as the subject lands at XC187 Fantstown and XC201 Thomastown are not highlighted in the Direction and are located on the County Limerick/County Cork Border, they are not subject to the aforementioned zonings.

Relevant Policy Updates

- 23 The following highlights some of the key objectives/policy from the Plan deemed relevant to the proposed Project, as follows:
- 24 Objective TR O16 (Rail Network)

"It is an objective of the Council to:

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- a) *Explore a pathway to rail-based development in the review of the RSES and MASP, in conjunction with the National Transport Authority and Southern and Western Regional Assemblies*
 - b) *Support and facilitate new and upgrading of existing rail networks, railway stations and services across Limerick as identified in LSMATS and protect, as required, lands necessary for the upgrading of existing railway lines or stations which would improve journey times and enable an increase in the frequency of services and connections."*
- 25 The proposed Project is an upgrade to an existing rail network and service within Limerick. At the time of writing, the Limerick-Shannon Metropolitan Area Transport Strategy (LSMATS) has undertaken a further round of consultation and is being updated. The Dublin to Cork Railway is included with the 'Limerick Proposed Public Transport Network' Figure within the LSMATs. The proposed Project will improve journey times as it will remove the need for those trains using this part of the Dublin to Cork Railway Line to slow down/stop at the level crossings.
- 26 Policy CS P5 (Road Network)
- 27 *"It is a policy of the Council to maintain the strategic function of the national roads network, including planning for future capacity enhancements and ensure that the existing extensive transport networks, which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, safety accessibility and connectivity to transport users."*
- 28 The proposed Project includes enhanced roads infrastructure that will serve the local community and improve the local road network. Safety is a key objective of the proposed Project, the proposed stopping up of XC187 Fantstown and the proposed bridge at XC201 Thomastown will remove the rail/road interface greatly enhancing the safety for all those using the road network.
- 29 Map 2.3, Core Strategy Map (Appendix 2) includes the lands at XC187 Fantstown and XC201 Thomastown within Level 7 'Open Countryside'. The Plan sets out the following in regard to areas designated, as such:
- "Outside of the City, the policy intention is to focus on supporting sustainable and vibrant rural communities by supporting and regenerating towns and villages. This will be facilitated through a number of measures including active land management measures, effective use of funding streams for town/village and public realm improvement (including the Rural Regeneration Development Fund (RRDF), LEADER etc). working with community groups and utilising available statutory powers such as derelict site and compulsory purchase powers. The promotion of an alternative to one off rural housing in the open countryside through initiatives like serviced sites and redevelopment of vacant units in town, villages and rural areas, will be encouraged. This will support the regeneration of these settlements.*
- Within the open countryside, the Plan identifies two types of areas for rural housing:*
- 1) *Areas under urban influence; and*
 - 2) *Rural areas elsewhere:*
- and recommends a policy approach to each area, which supports those who have a need to live within the rural area."*
- 30 The proposed Project includes very limited works to stop up XC187 Fantstown and as such will have limited impacts upon the aims/objectives the Level 7 designation. In regard to XC201 Thomastown, the Development Plan does not preclude road and rail infrastructure from being facilitated in Level 7 'Open Countryside' areas. It is the planning process that will determine such applications on their individual merits.

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- 31 The policy for Level 7 lands, in open countryside, within which XC187 Fantstown and XC201 Thomastown are located, is very much framed towards the control of housing. The Level 7 Policy seeks *"to focus on supporting sustainable and vibrant rural communities"*, in this context, the proposed Project will support this objective by removing the road/rail interface at level crossings and therefore enhance the safety of both the railway line and the road network.

Cork County Development Plan 2022 – 2028

- 32 The Cork County Development Plan 2022 – 2028 came into effect in on 6th June 2022 and replaces the following:

- The Cork County Development Plan, 2014
- The 8 Municipal District Local Area Plans adopted in 2017
- The 9 Town Development Plans of former Town Council Towns.

- 33 On 3rd June, 2022, the Minister for Housing, Local Government and Heritage notified Cork County Council of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended) in relation to a number of matters in the adopted Cork County Development Plan 2022.

- 34 The reasons given for the Draft Direction are, as follows:

- 1) *"The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31AM"*
- 2) *The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area.*
- 3) *The Plan is not consistent with National Policy Objectives set out in the National Planning Framework, specifically NPO3c.*
- 4) *The Plan is not consistent with the regional development objectives set out in the Regional Spatial and Economic Strategy for the Southern Region, specifically CMASP PO 16, RPO 35 and RPO 151.*
- 5) *The Plan is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically:*
 - a) *The retail Planning Guidelines 2012;*
 - b) *The Development Plan Guidelines for Planning Authorities (2007) and the Development Plans, Guidelines for Planning Authorities- Draft for Consultation (August 2021);*
 - c) *Specific Planning Policy Requirement 4 contained in the Urban Development and Building Heights Guidelines (2018)*
 - d) *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009);*
 - e) *The spatial Planning and National Roads, Guidelines for Planning authorities (2012).*
- 6) *The Plan, as made is not in compliance with the requirements of the Act."*

- 35 The Draft Cork County Development Plan 2022 Section 31(8) Chief Executive's Report, Draft Ministerial Direction, Submissions and Recommendation (27th July 2022) sets out in the conclusion that:

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- 36 *"I would recommend that the OPR and Minister give significant consideration to the judgements of the Courts and provide clear explanation as to how the approach of the Council to making the policy contained in the Draft Direction differs to the policy formulation process undertaken as regards all other aspects of the Making of the Cork County Development Plan 2022 – 2028."*
- 37 *"It is my view that a detailed explanation of same will be critical to providing the transparency and consistency necessary to safeguard the integrity of the Plan-making process; a lengthy and detailed process that involves community and stakeholder consultation throughout. Moreover, having given significant consideration to the matters outlined above including the flawed process to date, I am of the view that the Minister ought not issue a direction under section 31 of the Planning & Development Act 2000 as amended, in respect of any matter contained in the Draft Direction of 3rd June 2022."*
- 38 The Public Consultation Period relating to the draft Ministerial Direction ran from Friday 17th June 2022 for two weeks up to Friday 1st July 2022. At the time of writing, Cork County Council were not able to advise when a response from the Minister to the issues raised is likely to be received.

Relevant Policy Updates

- 39 Appendix 1 includes an overview of the key national and regional plans/strategies that have come forward since submission of the proposed Project. In addition, Appendix 1 outlines any new or updated transport related policies not already set out above for both the Cork County Council Development Plan 2022 – 2028 and the Limerick City and County Development Plan 2022 – 2028.
- 40 The Cork County Development Plan 2022 Volume 1 – Main Policy Material sets out under the heading 'Settlement Network in Cork County' 2.15.2 that: *"These networks present opportunities for collaborative projects and shared benefits from strategic infrastructure investments, particularly from improved inter-regional connectivity (transport networks and digital communications) perspective. The RSES for the Southern Region recognises the importance of improved intra-regional connectivity between networked settlements - public transport, rail, inter-urban walking and cycling routes, greenways and e-mobility initiatives."*
- 41 The proposed Project is a strategic infrastructure investment and will improve inter regional connectivity. In seeking to remove the road/rail interface it will enhance efficiency of both the road and rail network.
- 42 Chapter 12 - Transport and Mobility sets out under section 12.1.1 that *"Transport is a key enabler of all economic and social activities and it is closely linked to quality of life, health and wellbeing. Our transport policy needs to facilitate efficient development of the economy, enhance quality of life and social inclusion, reduce both demand for travel and dependence on the private car for transport, and support high frequency public transport services. The Council's transport policy relates to active travel, road transport (including public transport) and rail transport as well as freight, ports and airport."*
- 43 It continues at section 12.8.3 to state: *"To achieve significant modal shift to public transport use bus and rail services must be expanded and enhanced so that they are more convenient and attractive, and of higher frequency, thereby offering a realistic alternative to use of the private car."*
- 44 It further states at section 12.8.7 that *"The Council will advocate for the examination of the feasibility of reopening former stations along the Charleville to Cork City railway line in conjunction with other stakeholders."*
- 45 It is clear that the Plan recognises the importance of the accessibility to a variety of transport modes. The focus is on better quality transport networks and sustainable transport provision, including rail. The proposed Project will help to facilitate safety and efficiency improvements to the Cork to Dublin Railway line and it will improve the local road network.
- 46 Cork County Development Plan Objective TM12-3: Rail Transport sets out the following:

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"Support and prioritise the following key Rail Transport initiatives: (inter alia):

- a) Encourage the enhancement of service provision in tandem with planned population and employment growth.*
- d) Support the provision of rail infrastructure, including depot facilities, to deliver CMATS objectives for rail service provision.*
- e) Support other agencies in delivering an appropriate integrated land-use and transformation framework to maximise rail use and facilitate connectivity with other transport modes."*

47 The proposed Project will assist in realising the above objectives. It is noted that the Council commits to supporting agencies, such as CIE and Irish Rail in delivering rail infrastructure.

48 Objective TM 12-13: National, Regional and Local Road Network sets out the following (inter alia):

- a) "Support the sustainable development of infrastructure that strengthens the quality of inter-regional connectivity from Cork to Limerick (proposed N/M20 and Rail), and from Cork to Waterford (N25) as identified in the NDP.*
- b) Support the maintenance of the efficiency and safety of the existing national primary and secondary roads network by targeted transport demand management and infrastructure improvements.*
- h) Support and provide for improvements to the national road network including reserving corridors for proposed routes to prevent inappropriate development which might compromise future road schemes."*

49 The proposed Project will strengthen the railway and roads infrastructure in place from Limerick to Cork. The objective specifically emphasises the need to improve the safety of the existing road network which will be facilitated by the proposed Project.

50 In regard to safety, Objective PL 3-3: 'Delivering Quality and Inclusive Places' sets out that it seeks to:

- c. Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;*

51 Objective TM 12-8 Traffic/Mobility Management and Road Safety sets out that (inter alia):

- e) "Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.*
- f) Promote road safety measures throughout the County, including traffic calming, road signage and parking."*

52 Objective TM 12-13: National, Regional and Local Road Network outlines that (inter alia):

- a) "Support the sustainable development of infrastructure that strengthens the quality of inter-regional connectivity from Cork to Limerick (proposed N/M20 and Rail), and from Cork to Waterford (N25) as identified in the NDP.*
- b) Support the maintenance of the efficiency and safety of the existing national primary and secondary roads network by targeted transport demand management and infrastructure improvements."*

53 It is clear that the Plan acknowledges the safety issues caused by cars and generally seeks to improve safety on the Road Network.

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- 54 This section of the Plan sets out the specific policies and objectives for the Fermoy Municipal District. Table 3.2.1 sets out that the Town of Buttevant and the village of Ballyhea are within the Kanturk Mallow Municipal District.

Buttevant (See Appendix 3 for zoning map)

- 55 The vision and context states in regard to those lands outwith the development boundary the following:
- 56 2.7.9 *"Outside the development boundary of the town the land forms part of the Buttevant Greenbelt. Here the objectives of this plan seek to prevent sprawl and ensure a clear distinction between built up areas and the open countryside by reserving land in the immediate surroundings of the town generally for use as agriculture, open space and recreation uses."*
- 57 2.7.32 *"The Cork – Dublin rail line passes to the west of the town but Buttevant station has been closed since the 1970's. It would be a considerable advantage to the town were it to reopen at some stage in the future. Rail services are available at Mallow and Charleville."*
- 58 The proposed Project is located to the west of and outwith the development boundary of Buttevant. The proposed Project will not cause housing based sprawl and will form an enhancement to the local road network.

Ballyhea (See Appendix 4 for zoning map)

- 59 In regard to Ballyhea Village, the vision is set out under 2.22.1 and sets out the following:
- 60 *"The vision for Ballyhea over the lifetime of the Plan is to 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."*
- 61 Development Boundary Objectives for Ballyhea include the following:
- *"DB-01 – Within the development boundary of Ballyhea it is an objective to encourage the development of up to 10 houses in the plan period."*
 - *DB-02 Appropriate and sustainable water and waste water infrastructure, that secures the objectives of the Water Framework Directive and the protection of the Blackwater River Special Area of Conservation, must be available to accommodate development."*
 - *DB-03 Part of the settlement is at risk of flooding. See Chapter 11 Water Management."*
- 62 In addition to the above, there are two Specific Development Objectives for Ballyhea, as follows:
- *"C-01 – Use for School Expansion; and"*
 - *U-01 – Road realignment."*
- 63 The proposed Project is primarily within the Settlement Boundary of Ballyhea Village under both the recently superseded FMDLAP 2017 and the Cork County Development Plan 2022. The proposed Project includes a *"road re-alignment"* in line with Objective U-01 and it follows a similar layout and location from that set out within the respective Plans.
- 64 It is considered that roads alignment and other infrastructure objectives generally contained within Development Plans and Local Area Plans highlight in an 'A to B' format where the Council's aspiration is to have the road linkage or infrastructure. The Development Plan or Local Area Plan outlines where the objective should be delivered within the specific area, it should not be construed as a final design

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layout but is subject to change following the fruition of a detailed scheme to take the proposed objective forward.

- 65 The Cork County Development Plan 2022 does not make any reference to roads objectives in either plan to be taken forward solely by the County Council as the roads authority for the area. There is no presumption against a third party delivering a roads scheme.

Charleville Greenbelt CV-GB1-1 – Relevant to Ballyhay

Greenbelt 1 BV-GB1-1 – Relevant to Buttevant

- 66 The policy within GB1-1 areas (see Appendix 5 for further details) is framed in regard to the control of housing but does not preclude road and rail infrastructure projects from coming forward.

Objective RP 5-6 Stronger Rural Area – Relevant to Newtown, Ballyhea, Shinanagh

The policy within Objective 5-6 areas (see Appendix 6 for further details) is framed in regard to the control of housing but does not preclude road and rail infrastructure projects from coming forward.

Additional Planning Points

- 67 The above section included an overview of both of the adopted Development Plans that have come forward for both Limerick City and County Council and Cork County Council (albeit both under Ministerial Direction). It further sets out some of the key policies that have come forward. The section below sets out additional Planning aspects related to the proposed Project.

- The NPF recognises the importance of physical safety as a key aspect impacting upon the quality of life. The proposed Project's chief aim is to remove/reduce the safety risk associated with the road/rail interface at level crossings;
- The proposed Project is fully compliant with the aims of the NDP as it will upgrade and enhance public transport infrastructure and is situated on the Dublin - Cork Corridor which has been highlighted as a key investment area to help deliver national economic objectives;
- The proposed Project is fully compliant with the National Transport Authority's Smarter Travel as it will help to improve travel times on the Dublin – Cork Railway Line;
- The RSES for the Southern Region (2020) directly links the need to improve rail infrastructure with safety, capacity and efficiency of the network;
- Investment is needed in the railway network in order to achieve objectives related to increasing the volume and speed of railway traffic (electrification) along the Dublin – Cork Railway Line. The elimination of existing level crossings will assist in paving the way for the eventual electrification of the Dublin – Cork Railway Line as it will remove an existing safety risk and improve network efficiency;
- Improving accessibility for rural communities living along the Dublin – Cork Railway Line corridor is an objective. The Dublin – Cork Railway Line severs communities and the proposed Project will help to provide enhanced and safer access;
- With the exception of XC212 Ballycoskery (which is primarily within Ballyhea Village) each of the subject site locations are outwith any Settlement Boundary where the objectives primarily relate to the management of rural housing and supporting the rural population. The policies do

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not preclude road and rail infrastructure improvement and the character of the area includes such infrastructure;

- The alignment for the proposed infrastructure at XC212 Ballycoskery replicates the proposed realignment for Ballyhea Village within both the recently superseded FMDLAP 2017 and the recently adopted Cork County Council Development Plan 2022.

68 The following documents contain the required context and should be referred to throughout the Oral Hearing process:

- Cork Line Level Crossings Planning Compliance Report (PCR).
- EIAR, Volume 4, Figures.

69 Furthermore, the following appendices are attached to this statement and provide additional information and context.

- Appendix 1 – Planning Policy updates since submission
- Appendix 2 – Limerick City and County Council Development Plan 2022 – 2028 - Map 2.3, Core Strategy Map
- Appendix 3 – Cork County Development Plan 2022 – 2028 – Buttevant Map
- Appendix 4 - Cork County Development Plan 2022 – 2028 – Ballyhea Map
- Appendix 5 - Cork County Development Plan 2022 – 2028 – Greenbelt BV-GB1-1 (Buttevant)
- Appendix 6 - Cork County Development Plan 2022 – 2028 – Stronger Rural Area RP 5-6 (Newtown, Ballyhea, Shinanagh)
- Appendix 7 - Fermoy Municipal District Local Area Plan (FMDLAP) 2017 – Ballyhea Village Zoning Figure.

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3. SUBMISSIONS/OBJECTIONS RECEIVED AND RESPONSES

(A) Responses to Issues in Submissions

70 In relation to the issues raised in submissions and observations, 21 submissions raised concerns in regard to Planning issues as a result of the proposed Project. The concerns raised are specific in some cases but general in nature in others. The table below provides an overview of the key themes emerging in regard to Planning and provides a response summary. Detailed responses to each submission are set out further below.

| Issue/Theme Raised & Relevant parties | Response Summary |
|--|---|
| That CIE are using the Railway Order application 'route' as a means to frustrate local planning. Relevant parties: Councillor Mike Donegan | When applying for a RO, CIE is required to do so under the 2001 Act which requires that an EIAR is mandatory. The RO process addresses planning, environmental considerations, compulsory acquisition in the context of railway works which includes addressing level crossings on the Dublin - Cork Railway line. |
| The proposed Project doesn't accord with the Development Plan. Relevant Parties: Niall Collins TD | The Planning Compliance Report found that the proposed Project accords with the recently superseded Development Plans for both Limerick and Cork. In addition, a review of the recently adopted Limerick and Cork County Development Plans, as set out in this Statement, has found the proposed Project continues to be in accordance with the Plans. Also, both Cork and Limerick City and County Councils, in their respective submissions in relation to the proposed Project, have outlined their support for the proposed Project. The proposed Project will deliver Ballyhea Objective U-01 'Road realignment' of both the recently superseded FMDLAP 2017 and the Cork County Development Plan 2022. |
| There is no roads objective for Ballyhea Village (XC212 Ballycoskery) in the emerging Cork County Council Development Plan. Relevant Parties: Ballyhea National School – James O'Brien | The adopted Cork County Council Development Plan 2022 - 2028 includes an objective for a 'Road realignment' under Objective U-01 at Ballyhea Village (XC212 Ballycoskery). |
| 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 Relevant Parties: Trustees of The Diocese of Cloyne - various reg lands | Both the recently superseded FMDLAP 2017 and the Cork County Development Plan 2022 do not make any reference to the roads objectives to be taken forward solely by the County Council as the roads authority for the area. There is no presumption against a third party delivering a roads scheme. |
| The historic Part 8 application for a road over rail bridge at Ballyhea Village (XC212 Ballycoskery) and the refusal of same. Relevant Parties: Ballyhea National School – James O'Brien Maria McInerney David Coops and Others, Nicola Barrett, Mark Donoghue Mary Scammell Councillor Ian Doyle John Mortell and Others Michael and Ellen Copps Kay Whitehead Maria | The withdrawal of the historic Part 8 application at Ballyhea Village (XC212 Ballycoskery) does not preclude CIE from making an application for a Railway Order under the 2001 Act to address level crossings on the Dublin to Cork Railway Line. |

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| <p>and Martin Odonoghue Michael Mackessy and Others Caroline Mackessy Michael O Kelly and Others Dennis and Margaret Ring Trustees of The Diocese of Cloyne - various reg lands</p> | |
| <p>Car parking at Ballyhea National School has no connection with the railway line.</p> <p>Relevant Parties: David and Geraldine McNamara</p> | <p>Due to the proposed closure of the level crossing and the associated alterations to the adjoining road network, the creation of an access, setdown area and carpark in front of the school is proposed to provide safe access and egress to the school.</p> |
| <p>Lack of planning history review at Ballyhea Village (XC212).</p> <p>Relevant Parties: Trustees of The Diocese of Cloyne - various reg lands</p> | <p>The Planning Compliance Report (PCR) includes an overview of planning history.</p> |
| <p>Lack of visual images, inadequate level of detail in drawings and incorrect scales.</p> <p>Relevant Parties: Noel Hanley Trustees of The Diocese of Cloyne - various reg lands Daniel Lucey</p> | <p>Drawings equivalent to those required under the Planning and Development Regulations 2001 (as amended) have been prepared for the proposed Project. This includes (among others) a site plan, proposed elevations, contiguous elevations and sections. The EIAR includes at Volume 5, Appendix 13B photomontages of the proposed Scheme from a number of different viewpoints. The proposed Project has been presented to the standard expected of a scheme of this nature.</p> |
| <p>Division of the community (XC212 Ballycoskery)</p> <p>Relevant Parties: Michael O'Kelly</p> | <p>The proposed new crossing will reduce existing fragmentation caused by the level crossing and provide unfettered access across the railway line 24 hours a day to all community facilities. This is an improvement on existing arrangements. Both the recently superseded FMDLAP 2017 and the Cork County Council Development Plan 2022 - 2028 include an objective for a 'Road realignment' under Objective U-01 at Ballyhea Village (XC212 Ballycoskery). Cork County Council support the Proposed Project and set out in its consultation response that it will result in <i>'improved safety and service provision (speed).'</i></p> |
| <p>Late amendment to the Cork County Development Plan in regard to the proposed road alignment at XC212 Ballycoskery</p> <p>Relevant Parties: Maria O'Hanlon McInerney Trustees of the Diocese of Cloyne c/o McCutcheon Halley</p> | <p>The objective to include a road alignment at Ballyhea Village was in the recently superseded Development Plan and in the absence of this infrastructure being delivered during that plan period it should have, and now has, carried into the recently adopted Plan. Clearly, it was an omission by the Cork County Development Plan team to have left this out of the early Draft Plan Stages but that has now been caught and updated. The continuation of an infrastructure objective that hasn't been realised, such as that at Ballyhea Village, from one plan to the next, is not untypical. It is clear that, given this issue, Cork County Council Development Plan team and, in general, the Planning Department, have had the opportunity to review the need for this objective to be included, have decided that it is warranted and should be included in the adopted Plan.</p> |
| <p>The potential presence of two bridges within close proximity as a result of this project and the M20</p> <p>Relevant Parties: Maria O'Hanlon McInerney Trustees of the Diocese of Cloyne c/o McCutcheon Halley</p> | <p>In the scenario that an overbridge is required as part of the M20 Project it will not remove the requirement for a health and safety intervention at XC212 Ballycoskery. Both the recently superseded and adopted Cork County Development Plans include an objective U-01 for a 'road realignment' in a similar location and layout to the proposed Project. The proposed Project will deliver a long standing roads infrastructure objective of Cork County Council at Ballyhea Village. Furthermore, the M20 project is still at the consultation stage and it will need to consider the visual impacts of the subject development as it is more likely to have commenced development prior to the M20 scheme of works. At the time of writing, the M20 Project website states: <i>"Following selection of the Preferred Option, 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 Preliminary Business Case. Subject to government approval, the formal planning submission is then made to An Bord Pleanála</i></p> |

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| | <i>in Phase 4.</i> " The M20 project team have recently advised If project sections constructed concurrently, then construction period is 2027 to 2030. If not constructed all together then the construction period would extend accordingly. |
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XC187

Submission: Councillor Mike Donegan

- 71 The decision by Irish rail to apply directly to ABP is a direct attempt to deny Limerick City and County Council the process of considering the extinguishment of a right of way closure of a road. It also denies the elected members of the Cappamore/Killmallock Municipal District the right to represent the local community. The elected members made their views known in 2009 and now Irish Rail has decided to ignore us and bypass local democracy.

Response:

- 72 CIE is entitled to apply to An Bord Pleanala for a Railway Order under the Transport (Railway Infrastructure) Act 2001 (as amended and substituted). The Planning and Development (Strategic Infrastructure) Act 2006 sets out under Part 49 (b)(Amendment of Transport (Railway Infrastructure) Act 2001) "*Application for a railway order*" 37. (1) *The Agency, CIE, or any other person with the consent of the Agency, may apply to An Bord Pleanala (referred to subsequently in this Act as the 'Board') for a railway order.*" Limerick County Council is a consultee as part of the Railway Order process and its views have been sought from An Bord Pleanala in forming its decision on the Railway Order Application. Limerick City and County Council have also been invited to appear at the Oral Hearing.
- 73 In addition to the above, the project team met with Cappamore/Killmallock Municipal District Council on 16th January 2020 and gave a presentation. Further details are included at EIAR Volume 2, Chapter 1: Introduction. EIAR Volume 5, Appendix 1C, Table B.1 and a minute of the meeting is at Volume 5, Appendix 1C.

XC201

Submission: Niall Collins TD

- 74 In your consideration of this railway order please have regard for the Limerick County Development Plan that was passed in 2010 with the aim of setting out a framework for proper planning and sustainable development in County Limerick and the vision Statement as follows: "*Limerick County Council will adopt a positive and sustainable approach to balanced development thereby enhancing the lives of people who live in, work and visit the County, whilst protecting the natural and built environment*".

Response:

- 75 The PCR that accompanies the suite of Railway Order application documents includes a consideration of the Limerick County Development Plan (LCDP) 2010 - 2016 and all policies deemed relevant to the Railway Order application. The outcome of that review is that the Proposed Development is fully compliant with the aims and objectives of the said plan. Furthermore, in its consultation response to the proposed Railway Order Limerick City and County Council have stated the following: "*The proposed development will improve the efficiency and safety of the Dublin-Cork railway line and is considered to accord with national, regional and local policy in enhancing regional accessibility and promoting sustainable mobility. On this basis, the Planning Authority is supportive of the project in principle.*"

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XC212

Submission: Ballyhea National School – James O'Brien

- 76 The BOM wishes to signal to ABP that the present proposed development with regard to level crossing 212 is substantially the same development from 2010. At that time, concerns were expressed by the school on that proposed development. Those concerns have not been addressed in CIE's re-proposal of the scheme to ABP.

Response:

- 77 It is incorrect to state that Cork County Council had already "*refused*" the previously proposed Part 8 application at XC212 Ballycoskery. Iamród Eireann wrote to Cork County Council on 25th May 2011 stating "*Iamród Eireann have considered in detail the views expressed at recent public meetings in Ballyhea and also the views expressed in the numerous submissions made in relation to our proposals to close two level crossings adjoining the village. Having regard to the strong views expressed by local residents, Iamród Eireann would be grateful if the current planning process could be terminated. It would then be Iamród Eireann's intention to further examine alternative options as requested by local residents. The commitment of local residents to put forward a proposal for consideration is also noted in this regard. When and if an alternative solution is identified for detailed consideration we will be in contact with Cork County Council regarding the commencement of a new planning process.*" Clearly, Iamród Eireann withdrew the Part 8 application. In addition to the above, it should also be noted that on the 26th of April 2011 a report by Cork County Council Planning Department found the following: "*As noted earlier there are at times problems with traffic congestion along this road. In this regard I feel that eliminating the level crossing and providing a car park for the school will greatly improve traffic safety. I have some concerns regarding the visual appearance of the bridge and embankment especially on householders of the adjacent housing estate to the north. There does not appear to have been any effort made to lessen the visual impact through landscaping. A suitably qualified and experienced landscape architect should be required to produce a planting scheme that softens the overall impact of the reinforced concrete wall on the neighbouring residents to the north.*" The planning assessment of the Part 8 Scheme was therefore positive.

Submission: Ballyhea National School – James O'Brien

- 78 The BOM notes that Cork County Council's Draft Development Plan, vol iii, North Cork, pp. 200-221, has no reservation for a road realignment at XC212.

Response:

- 79 The recently Adopted Cork County Development Plan 2022 – 2028 includes a 'road realignment' for Ballyhea Village under Objective U-01.

XC212

Submission: Ballyhea National School – James O'Brien

- 80 The BOM also notes that a development, as outlined in public notices, almost identical in design and content to the present proposal for XC212 was submitted by CIE in 2010. The application was refused permission on 31 May 2011. Regrettably CIE has returned, with the 2010 proposal for XC212 under a RO thereby circumventing Cork County Council and normal planning procedures.

Response:

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- 81 The submission raises similar issues in regard to the Part 8 application as already addressed further above. The withdrawal of the historic Part 8 application at Ballyhea Village (XC212 Ballycoskery) does not preclude CIE from making an application for a Railway Order under the 2001 Act to address level crossings on the Dublin to Cork Railway Line.

XC212

Submission: David and Geraldine McNamara

- 82 The proposed carpark at the front of the school has no apparent connection with the railway, or the functioning of the railway, or railway works. Consequently, it falls without the scope of a Railway Order. Roadworks of this nature are the competence of the local authority i.e. Cork County Council and not CIE. In its entire approach to this solution, CIE has consistently adopted an approach which gives preference to mitigation over avoidance. We deem this to be an invalid principle in terms of sustainable development.

Response:

- 83 Due to the proposed closure of the level crossing and the associated alterations to the adjoining road network, the creation of a setdown area and carpark in front of the school is proposed to provide safe access and egress to the school.
- 84 In addition to the above, it is noted that the An Bord Pleanála Inspectors Report dated 20th May 2020 in regard to the Pre Application Process and key issues associated with the proposed Project agreed that *"...the proposed works can be considered 'railway works' as defined in the Transport (Rail Infrastructure Act, 2001, and can be appropriately dealt with by one Railway Order on the basis that the works, albeit at 7 no. locations, pertain to one railway line."* The proposed works include the proposed car park area to the front of the school.

XC212

Submission: Jerome O'Keefe

- 85 There has been a very severe application of the planning laws in the parish of Ballyhea making it next to impossible for young couples to get planning permission to build new homes even on their own land. This is particularly true in the townlands to the east of the railway line such as Castlewrixon, Gurrane, Knightsgrove, Sorel, Newtown, Ballycoskery. Up to the time of the pandemic some 15 planning applications from the parish were encountering difficulties in getting permission to build.

Response:

- 86 The proposed Project is not a planning application, it is a Railway Order under the Transport (Railway Infrastructure) Act 2001.

XC212

Submission: Maria McInerney

- 87 By going to An Bord Pleanála CIE thinks that it can get around the decision of Cork County Council to continue with its proposed bridge. By attempting to obtain compulsory purchases orders for works well beyond the scope of the provisions of the Transport Act, CIE is attempting to create a precedent that will allow major intrusion into the rights of private property.

Response:

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- 88 The submission raises similar issues to those outlined by Councillor Mike Donegan which is responded to further above.

XC212

Submission: Maria McInerney

- 89 In 2010 our views were made known to CIE and Cork County Council about a similar bridge. They included noise levels, loss of green space, bridge situated too close to houses and the school, and devaluation of property. All of those issues were then accepted as reasonable by Cork County Council and still are valid.

- 90 The proposal now submitted for Ballycoskery to An Bord Pleanala is basically the same plan drawn up in 2010 ignoring the 2011 planning determination of Cork County Council and local concerns.

Response:

- 91 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Maria McInerney

- 92 I ask An Bord Pleanala to uphold the planning decision already made by Cork County Council in 2011 on building a bridge at Ballyhea Village. I ask an Bord Pleanala to reject the proposal now made by CIE.

Response:

- 93 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Noel Hanley

- 94 The lack of visual images accompanying the application made to Bord Pleanala is also remarkable. There are no images available to view of the works to be carried out at Ballycoskery that would give a visual impression of how the end product might look. Visual images are a normal and usual component for construction projects.

Response:

- 95 Drawings equivalent to those required under the Planning and Development Regulations 2001 (as amended) have been prepared for the proposed Project. This includes (among others) a site plan, proposed elevations, contiguous elevations and sections. The EIAR includes at Volume 5, Appendix 13B photomontages of the proposed Scheme from a number of different viewpoints. The proposed Project has been presented to the standard expected of a scheme of this nature.

XC212

Submission: David Coops and Others, Nicola Barrett, Mark Donoghue Mary Scammell

- 96 The proposal now submitted for Ballycoskery to An Bord Pleanala is basically the same plan drawn up in 2010 without taking any notice of Cork County Council's decision or our concerns. By going to An Bord

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Pleanala CIE thinks that it can get around the decision of Cork County Council to continue with its proposed bridge.

Response:

- 97 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Councillor Ian Doyle

- 98 The proposal lodged with the Board for Ballycoskery is substantially similar in design and solution to one proposed to Cork County Council in 2011 as a part 8 application under section 179 of The Planning and Development Act.

Response:

- 99 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: John Mortell and Others Michael and Ellen Copps Kay Whitehead Maria and Martin Odonoghue

- 100 In 2010 the bridge did not go ahead because Cork County Council took into account our concerns and did not allow the application. Cork County Council advised CIE to draw up an alternative to the proposed bridge.

Response:

- 101 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Michael Mackessy and Others Caroline Mackessy

- 102 In 2010 we made our view known to CIE and CCC about this bridge, they include noise levels, loss of green space, bridge situated too close to our houses and school and the devaluation of our houses.

- 103 We ask An Bord Pleanala to uphold the decision already made by Cork County Council in 2011 on building a bridge at Ballyhea Village.

Response:

- 104 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above

XC212

Submission: Michael O Kelly and Others Dennis and Margaret Ring

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105 In 2010 we made our view known to CIE and CCC about this bridge, they include noise levels, loss of green space, bridge situated too close to our houses and school and the devaluation of our houses.

106 We ask An Bord Pleanala to uphold the decision already made by Cork County Council in 2011 on building a bridge at Ballyhea Village.

Response:

107 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Michael O'Kelly

108 The proposed development would have drastic effects on the social, educational, and economic life of the village. The analysis of PCA and EIAR...has produced clear evidence the developers failure to appreciate the social significance of the Community Hall and its role of support for and assistance to a rural community. Neither the PCA or the EIAR takes account of the impact the proposed development on the hall and it's functioning.

Response:

109 It is presumed that the reference to PCA is to the PCR (Planning Compliance Report). The PCR sets out the prevailing planning policy relating to the proposed Project and also outlines compliance with same. It is not understood how the PCR provides evidence as suggested in the submission.

110 The proposed new crossing will provide unfettered access across the railway line 24 hours a day to all community facilities. This is an improvement on existing arrangements.

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XC212

Submission: Michael O'Kelly

- 111 The proposed development if built would effectively divide the village into three disjointed parts without direct access to each other. This is hardly reconcilable with Cork County Council's development plan for sustainable villages as outlined in the County Development Plan.
- 112 The proposed development would fragment the village community in four or more satellites with little interconnectivity thereby rendering everyday living in the village more difficult for its residents. This fragmentation poses long term threats to the viability of the Community Hall and perhaps even for the adjacent school and Creche.

Response:

- 113 The PCR found that it accords with the objectives of the Cork County Development Plan 2014 and recent review of the Adopted Cork County Development Plan 2022 – 2028 has found the same . It should also be noted that in its consultation response to the proposed Project Cork County Council stated the following: *"It is considered that the Vision and Core Strategy of the County Development as per Objectives set out above [economic strategy] both supports and aligns with the objectives of the proposed project."*
- 114 The proposed new crossing will reduce existing fragmentation caused by the level crossing and provide unfettered access across the railway line 24 hours a day to all community facilities. This is an improvement on existing arrangements. Cork County Council's draft County Development Plan includes proposals for a road over rail bridge in this location. Cork County Council support the Proposed Project and confirm that it will result in *'improved safety and service provision (rail speed)'* recognising the need for the improved service on the Dublin Cork line to support the use of public transport and the wider socio-economic success of the region.

XC212

Submission: Trustees of The Diocese of Cloyne - various reg lands

- 115 The initial response of the respective 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). 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).

Response:

- 116 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above
- 117 In addition to the above, the PCR includes at Appendix G a planning history which sets out an overview of the historic Part 8 application that was subsequently withdrawn.
- 118 There is no requirement for CIE to apply under Part 8.

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XC212

Submission: Trustees of The Diocese of Cloyne -various reg lands

- 119 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.

Response:

- 120 The proposed Project is primarily within the Settlement Boundary of Ballyhea Village under both the recently superseded FMDLAP 2017 and the Cork County Development Plan 2022. The proposed Project includes a "*Road realignment*" in line with objective U-01 of the Cork County Development Plan 2022 and it follows a similar layout and location from that set out in the respective Plans. It is considered that roads alignment objectives generally contained within Development Plans and Local Area Plans highlight in an 'A to B' format where the Council's aspiration is to have the road linkage. The Development Plan is outlining where the objective should be delivered within the specific area, it should not be construed as a final design layout but is subject to change following the fruition of a detailed scheme to take the proposed objective forward.

- 121 The Cork County Development Plan 2022 does not make any reference to the roads objectives to be taken forward solely by the County Council as the roads authority for the area. There is no presumption against a third party delivering a roads scheme. Development Plans do not always specify in each and every instance why an objective has been included, this is not uncommon. Under the Cork County Council Development Plan 2022 it includes within Ballyhea Village an objective under Lands zoned for Community/Utility (C-01) for "*Use for School Expansion*". There is no justification given for this objective either but it is clear what its intended purpose is. In the making of a Development Plan the objectives within the final plan are carried though after consultation and where the Council identifies a need for a zoning or piece of infrastructure in accordance with the proper planning and sustainable development of the area.

XC212

Submission: Trustees of The Diocese of Cloyne -various reg lands

- 122 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.

Response:

- 123 Issues raised in relation to SEA have been addressed in the EIA Precis. The Transport (Railway Infrastructure) Act 2001 as amended required a mandatory EIA for all development the subject of a Railway Order. CIE are required to prepare an EIAR and submit the project for an EIA to be carried out by An Bord Pleanala.

- 124 It is noted that in the An Bord Pleanala Inspectors Report dated 20th May 2020 in regard to the pre application consultation process it sets out that: "*On balance, I would accept the prospective applicant's view that the proposed works can be considered 'railway works' as defined in the Transport (Rail Infrastructure) Act, 2001 and can be appropriately dealt with by one Railway Order on the basis*

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that the works, albeit at 7 no.locations, pertain to one railway line. An EIAR will be required in which the cumulative impacts of the works will be considered."

125 The PCR includes a planning history section at Appendix G. It sets out: *"The following section provides an overview of recent planning applications within the immediate vicinity of each of the level crossing sites within the proposed Project. The information was gathered using the Cork County Council and Limerick City and County Council online planning history search tools and whilst it does provide a good indication of the recent planning history in the immediate area of each site it cannot be guaranteed that every recent application has been captured as part of this process."* The planning history of Ballyhea village was considered using available information on Cork County Council website.

XC212

Submission: Trustees of The Diocese of Cloyne -various reg lands

126 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.

Response:

127 The submission raises similar issues to those outlined by Noel Hanley which is responded to further above.

XC212

Submission: Trustees of The Diocese of Cloyne -various reg lands

128 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.

Response:

129 The submission raises similar issues to those outlined by Ballyhea National School – James O'Brien which is responded to further above.

XC212

Submission: Cork County Council

130 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.

Response:

131 Noted and agreed.

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XC212

Submission: Cork County Council

132 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.

Response:

133 Noted and agreed.

XC219

Submission: Daniel Lucey

134 Drawings presented to the Appellant on A3 sheets are not to correct scale and therefore it is difficult to analyse.

Response:

135 The drawings prepared for the application range in scale and include: 1:2500 for site location plans, 1:1000 for Landownership Property Plans, 1:500 for existing and proposed plans; 1:100 for proposed sections and elevations, 1:20 for typical lighting elevations and 1:10 for gate/fence (stop up) plan/elevations. The scales present are equivalent to those required under the Planning and Development Regulations 2001 (as amended). Drawings were displayed for each site at the public consultation events and are on both the Project website and the An Bord Pleanála website. Furthermore, hard copies of drawings were made available during consultation on the application at the following locations:

- An Bord Pleanála;
- Limerick City and County Council;
- Cork County Council; and
- Iarnród Éireann.

XC219

Submission: Daniel Lucey

136 The Appellant advises that his field was previously zoned for development.

Response:

137 This is addressed through a separate statutory process in respect of which An Bord Pleanála has no function. It would not be appropriate to comment further in those circumstances.

XC219

Submission: Daniel Lucey

138 The proximity of the new proposed Limerick - Cork corridor route (pink) should be reviewed in relation to this application submission.

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Response:

139 It is presumed this is in reference to the N/M20 Route Corridor. In its consultation response to Limerick City & County Council the N/M20 has stated that there has been "*significant consultation*" between the N/M20 Project and the Cork Line Level Crossings Project. It also states that "*the N/M20 project team is supportive of the Cork Line Level Crossings Project and the potential safety benefits it will provide.*"

140 The M20 project is still at the consultation stage and it will need to consider the visual impacts of the subject development as it is more likely to have commenced development prior to the M20 scheme of works. At the time of writing, the M20 Project website states: "*Following selection of the Preferred Option, 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 Preliminary Business Case. Subject to government approval, the formal planning submission is then made to An Bord Pleanála in Phase 4.*" The M20 project team have recently advised If project sections constructed concurrently, then construction period is 2027 to 2030. If not constructed all together then the construction period would extend accordingly

XC219

Submission: Michael Kennedy and Deirdre Ryan

141 We note from the file that there is no precedent case where works of the scale and nature proposed in the case were the subject of a Railway Order application.

Response:

142 The submission raised similar issues to those outlined by Councillor Mike Donegan which have been responded to further above.

Generic

Submission: Cork County Council

143 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.

Response:

144 Noted and agreed,

Generic

Submission: Cork County Council

145 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.

Response:

146 Noted.

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Generic

Submission: Cork County Council

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

Response:

148 Noted and agreed.

Generic

Submission: Cork County Council

149 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.

Response:

150 Noted and agreed.

Generic

Submission: Cork County Council

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

Response:

152 Noted and agreed.

Generic

Submission: Cork County Council

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

Response:

154 Noted and agreed.

Generic

Submission: Cork County Council

155 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 [Smarter Travel].

Response:

156 Noted and agreed.

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Generic

Submission: Cork County Council

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

Response:

158 Noted and agreed.

Submission: Cork County Council

159 Cork County Council set out a list of Recommendations/Conditions, as follows:

1. Cork County Council respectfully requests that in the event of the Board 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
2. 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.
3. 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
4. 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.
5. 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.

160 Include conditions relating to the continued protection of the receiving environment as follows:

161 XC211 Newtown and XC212 Ballycoskery

6. 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.

162 XC215 Shinanagh

7. 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.

163 XC219 Buttevant

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8. 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.
9. An alternative design to a box culvert which is considered the least desirable type of water crossing from an ecological perspective.
10. 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.
11. 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.
12. Require appropriate consultation with IFI in advance of any overpumping of river, and the Final CEMP should provide a method statement for same.
13. Require appropriate consultation with the Office of Public Works with regard to whether a S50 Arterial Drainage Act 1945 applies.
14. 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.
15. Include appropriate conditions relating to roads design and associated issues as set out in Appendix B Roads Engineer Report.

Response:

164 Discussions are ongoing with Cork County Council with a view to agreeing a list of suitable conditions.

Generic:

Submission: Limerick City and County Council

165 The proposed development will improve the efficiency and safety of the Dublin-Cork railway line and is considered to accord with national, regional and local policy in enhancing accessibility and promoting sustainable mobility. On this basis the Planning Authority is supportive of the project in principle.

Response:

166 Noted and agreed.

Generic

Submission: Limerick City and County Council

167 It is considered that the railway order application including the EIAR has provided a comprehensive assessment of the proposed development including predicted and cumulative impacts and has put forward mitigation as appropriate.

Response:

168 Noted and agreed.

Generic

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Submission: Limerick City and County Council

169 No objections to the project in respect of the N/M20 Cork to Limerick project

Response:

170 Noted.

Generic

Submission: Limerick City and County Council

171 In the event of the Board deciding to make a railway order it is recommended that the following conditions be included in respect of the Fantstown and Thomastown sites:

1. The Environmental Impact Assessment report (EIAR) submitted with the application shall be complied with. All mitigation proposed in the EIAR shall be carried out in full.
2. Works at XC201 Thomastown require to be Notified to the National Monuments Service (National Monuments Act 1930-2014 (Amendment 1994 Section 12)).
3. Limerick City and County Council should be kept apprised of the scheme progression with quarterly updates from Irish Rail
4. The following requirements shall be complied with in respect of XC201 Thomastown
 - (a) To avoid any unnecessary queuing of traffic on the R515 at the proposed junction, the realigned road from its junction with the R515 should be widened locally to allow traffic from the R515 to enter onto the proposed road and pass traffic safely any traffic (including large vehicles such as agricultural machinery) that may be queuing in the opposite direction. The length of the road that will require localised widening to be agreed with Limerick City and County Council prior to the commencement of construction.
 - (b) The design of all works must be in accordance with TII suite of technical standards for all road and structural elements of the works. The designer of all works should be a Chartered Engineer and a declaration should be provided that all design works are completed in accordance with the TII suite of Technical Standards.
 - (c) All construction works should be carried out in accordance with the technical standards indicated in 2 above. All construction works must be supervised by a suitable qualified team led by a Chartered Engineer who has over 15 years' experience in the management and supervision of Civil Engineering works of a similar nature to those proposed under the Railway Order. The supervision team should ensure that all construction works including materials testing are recorded correctly and the safety file is updated throughout the construction phase.
 - (d) The full safety file including as built information pertaining to the road should be submitted to Limerick City and County Council for review for at least 4 months prior to the road being handed over

Response:

172 Discussions are ongoing with Limerick City and County Council with a view to agreeing a list of suitable conditions.

Addendum Notice Submissions 2022

Submission: Maria O'Hanlon McInerney

173 Proposed Late Amendment to Cork County Development Plan. During the final stages of the development of the Cork County Development Plan, a late amendment, 3,2,19.2, was proposed by the Planning Policy Unit of Cork County Council (PPU) specifically proposing a road overbridge solution at Ballycoskery (Ballyhea Village) level crossing (XC212) to the exclusion of all other possible solutions.

174 The later proposal of the amendment, its omission as a specifically nominated project on the list of Part VIII developments and its close linkage to CIE's application to ABP gave rise to a certain public

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unease as to its relevance on the determination of the application application [sic] made by CIE to ABP. Of 50 submissions made to the PPU from the Municipal District, 34 concerned the proposed amendment for Ballycoskery thereby causing the amendment to become a key issue in the MD. Many of those submissions expressed the view that the amendment appeared to prejudice the work of ABP and could possibly be seen as an amendment to accommodate a planning application rather than vice versa.

Response:

175 The objective to include a road alignment at Ballyhea Village was in the recently superseded Development Plan and in the absence of this infrastructure being delivered during that plan period it should have, and now has, carried into the recently adopted Plan. Clearly, it was an omission by the Cork County Development Plan team to have left this out of the early Draft Plan Stages but that has now been caught and updated. The continuation of an infrastructure objective that hasn't been realised, such as that at Ballyhea Village, from one plan to the next, is not untypical. It is clear that, given this issue, Cork County Council Development Plan team and, in general, the Planning Department, have had the opportunity to review the need for this objective to be included, have decided that it is warranted and should be included in the adopted Plan.

XC212

Submission: Maria O'Hanlon McInerney

176 The Chief Executives response (pp.70-72) to the submissions made with regard to the proposed amendment to the Draft County Development Plan no. 3.2.19.2 states: "Fermoy local Area Plan 2017 – U-01 road objective mapped. Paragraph 5.2.21 'Reservation is made for possible construction of a new road alignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school.'

177 In the Draft County Development Plan 2021 (Volume 3 North Cork), the road line was omitted due to an oversight. To address the omission, a Proposed Amendment No. 3.2.19.2 has been proposed to re-include U01 objective (map and text) I Ballyhea as objective 'U-01: Road Overbridge'. It is proposed to reintroduce the indicative road line as a proposed amendment to reflect the fact that this infrastructure continues to be required to address the level crossing upgrade issue.'

178 However, as will be evident from the text of paragraph 5.2.21 LAP no mention is made of a road over bridge solution at Ballycoskery and no specific specific [sic] solution was adopted with regard to an eventual upgrade of the level crossing XC212 (p.156/157).

179 Following on a number of public meetings with elected members of the County Council, it was agreed that amendment 3.2.19.2 was unacceptably restrictive and failed to take into account local concerns and the possibility of alternative solutions to an overbridge. Two main blocs of the elected members of the County Council intimated to the PPU that they would not be supporting the motion and called on the PPU to carry over into the County Development Plan the text of paragraph 5.2.21 of the LAP with some adjustments. The original proposal was consequently abandoned.

180 The BOM believes that this is a significant indication of the mind of the County Council as expressed by its democratically elected members and has a bearing on ABP's deliberations.

Response:

181 The change in the description of the objective from an overbridge to a road alignment does not preclude the possibility of an overbridge solution at Ballyhea Village. In addition, if Cork County Council considered a CCTV solution or an underbridge solution then, it is put forward, the recently adopted

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Development Plan could have removed the road alignment which is parallel and to the south of the current level crossing. It makes no sense to include a road alignment with these interventions further to the south if they could be accommodated at the current crossing point, why would there be a need for the new road alignment in the first place? Therefore, whilst the word overbridge has been removed, the objective and the investment required for same strongly points to an overbridge solution.

Submission: Maria O'Hanlon McInerney

182 Preferred Route for M20 Motorway from Cork to Limerick. A [sic] the end of March 2022 the preferred route for the proposed new M20 Motorway between Cork and Limerick was published. The preferred route for the M20 makes a significant departure from the current line of the N20 at Ballyhea which will require the construction of an overbridge to carry the proposed M20 over the Cork to Dublin railway line and onto the flood plain of the Awbeg River to the south and south west of Ballycoskery level crossing XC212, and within sight of it.

183 From the material already available for public inspection, the western section of the village, including the church, shops and car parks, lies within the rout [sic] corridor of the proposed M20.

184 The BOM believes that this is a significant issue in the development plan for the defined area of Ballyhea Village and has significant impact of the village. It therefore urges that this development should also be taken into consideration when assessing CIE's application for another overbridge at Ballycoskery. Given the proximity of the two proposed overbridges and their impact on the village of Ballyhea, on its connectivity, on its cohesion and on its immediate environment, the BOM recommends that ABP decline CIE's application for an overbridge at Ballycoskery XC212. The BOM considered an automated barrier solution far more commensurate and proportionate for Ballycoskery.

Response:

185 In the scenario that an overbridge is required as part of the M20 Project it will not remove the requirement for a health and safety intervention at Ballyhea Village XC212 Ballycoskery. Furthermore, the M20 project is still at the consultation stage and it will need to consider the visual impacts of the subject development as it is more likely to have commenced development prior to the M20 scheme of works. At the time of writing, the M20 Project website states: *"Following selection of the Preferred Option, 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 Preliminary Business Case. Subject to government approval, the formal planning submission is then made to An Bord Pleanála in Phase 4."* The M20 project team have recently advised If project sections constructed concurrently, then construction period is 2027 to 2030. If not constructed all together then the construction period would extend accordingly.

XC212

Submission: Trustees of the Diocese of Cloyne c/o McCutcheon Halley

186 We also attach as Fig 2 a map showing the overlap between the proposed rail works and the preferred M20 corridor. Fig 1 Map of Ballyhea Village showing the corridor of the preferred route of the M20 in orange. Fig 2 Site layout of the proposed works showing the eastern boundary of the preferred M20 corridor in green.

187 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 co-ordinated approach to the design of the alterations to the local road network which would be required to facilitate both projects. There may not

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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 to the south.

Response:

188 It is considered highly unlikely that the M20 will be built between the grounds of St Mary's Church and the parochial House as the green line in the supplied figure infers. It is much more likely that the M20 project will avoid going through Ballyhea Village and skirt around it to the west. It should be noted that Route Corridors generally give a 'broad brush stroke' so the public have a good indication as to where the road is generally likely to be placed, the actual route will be further refined subject to localised issues and design.

189 The submission outlines similar issues in regard to the potential for two overbridges and is responded to as per as Maria O'Hanlon McInerney

Submission: Trustees of the Diocese of Cloyne c/o McCutcheon Halley

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

191 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.

192 A new County Development Plan was adopted on 25th April 2022 and will come into effect on the 6th of 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 alignment 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.

Response:

193 The submission outlines similar issues as those outlined by Maria O'Hanlon McInerney and is responded to further above.

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Appendix 1 – Planning Policy updates since submission

National Development Plan 2021 – 2030

The NDP 2018 – 2027 and the NPF were adopted in May 2018. The review of the NDP was originally planned for 2022 but this was brought forward in an effort to stimulate the economy and bring about an 'Infrastructure-led recovery' and 'green recovery' in the wake of Covid-19. The revised NDP 2021-2030 was adopted in October 2021.

The NDP is the National capital investment strategy plan. It sets out the framework of expenditure commitments to secure the Strategic Investment Priorities to the year 2030 and support the delivery of the 10 National Strategic Outcomes (NSO's) identified in the NPF.

It sets out in Chapter 7 'Enhanced Regional Accessibility' that *"In rail, funding is being provided to conduct an all-island Strategic Rail Review which will specifically consider the potential for enhanced inter-urban and inter-regional rail connectivity over the period to 2040, including the opportunities for higher speeds on the network."*

Under the heading 'Sustainable Mobility' it comments that *"Allocations provided under the National Development Plan (NDP) largely support the development, or protection and renewal, of infrastructure assets such as cycle-tracks, rail infrastructure or bus fleets..."*

'Regional Cities Commuter Rail' is identified as a 'Strategic Investment Priority'.

The section entitled 'Public Transport: Protection & Renewal' outlines that *"Allocations under this NDP mean that the railway network will be appropriately funded over the entire period and that funding will benefit passengers across the rail network through increased service reliability and punctuality, improved journey times and ensuring continued safety of rail services."*

It further states at 'Public Transport: New Infrastructure' that *"A new train protection system will also be funded which will maintain and enhance safety on the network, while the indicative allocations also support the implementation of a number of initiatives to support the development of rail freight."*

In general, the revised NDP includes a heightened emphasis on the need to tackle climate change and the promotion of sustainable transport, including rail projects, is seen as part of that solution.

National Investment Framework for Transport in Ireland

The Department of Transport (DoT) has finalised the National Investment Framework for Transport in Ireland (hereafter referred to as NIFTI) (DoT 2021) to ensure alignment with the policies of the NPF. NIFTI sets out the Department of Transport's strategy for the development and management of Ireland's land transport network (roads, public transport, walking and cycling) over the next two decades. The NPF and its projections around population and settlement patterns are central to the development of NIFTI. The purpose of NIFTI is to enable the delivery of Project Ireland 2040 and the ten National Strategic Objectives (NSOs) by guiding the appropriate investment in Ireland's roads, active travel and public transport infrastructure.

To invest sustainably, NIFTI establishes hierarchies which prioritise environmentally sustainable and proportional solutions to a given transport need or opportunity. In combination, it is intended that these hierarchies will ensure that we tackle the right problems with the right solutions.

The foreword sets out that *"We recognise the significant value embedded in the existing transport system. To fully realise the benefits of historical investment, we will protect and renew transport infrastructure across the network to ensure accessibility, connectivity and safety."*

It comments under 'Key Transport Challenge Increasing sustainable mode share to reduce emissions and address urban congestion' that *"The role of the rail network, including its scope and service levels, needs to be considered in detail. This should include examination of the possibility of introducing higher-/high-speed rail and increased use of the rail network by freight."*

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National Sustainable Mobility Policy

The National Sustainable Mobility Policy (Department of Transport, 2022) sets a framework for active travel and public transport to support the 51% reduction in greenhouse gas emissions by 2030. The vision for the policy is: *'To connect people and places with sustainable mobility that is safe, green, accessible and efficient.'*

The Policy includes three key principles, as follows:

- 1) Safe and Green Mobility;
- 2) People Focused Mobility; and
- 3) Better Integrated Mobility.

It sets out under 'Summary' that *"we will support safe and green mobility by (inter alia) "Improving journey times and reliability on the inter-urban and regional rail network."*

Goal 1 (improve mobility safety) sets out the following: *"Goal 1 aims to improve the safety of all mobility options including active travel, road and rail and to prioritise the safety and security of those working on/travelling by sustainable mobility."*

It is clear that safety is a key aspect of National Sustainable Mobility policy and should be a key focus of existing and proposed transport infrastructure.

Road Safety Strategy 2021 – 2030

The Road Safety Strategy 2021 – 2030 (RSA 2021) works towards achieving 'Vision Zero' which is to achieve the long term goal of eliminating deaths and serious injuries in road traffic collisions by 2050. The strategy *'involves the promotion of the safer modes (e.g., public transport, such as bus and rail travel), and the promotion and provision of safe road environments for otherwise healthy, active modes. This includes walking and cycling, where the risks of death and serious injury in the event of a collision are higher than for protected in-vehicle road users.'*

The Strategy acknowledges that *'The promotion and increased uptake of public transport can greatly contribute to fatality and serious injury reductions over the course of the 2021-2023 strategy'. It continues 'The substantial societal benefits of increased active travel (i.e. walking or cycling) must also be acknowledged in light of Ireland's climate objectives, including reduced emissions, traffic congestion and noise pollution, and increased physical activity and its related health benefits.'*

Under the heading 'Safe and Healthy modes of travel' it outlines that *"Safe and healthy modes of travel acknowledges that there is a substantial difference in fatal and serious injury risks across different modes of travel."* It continues to state that *"It involves the promotion of the safer modes (e.g., public transport, such as bus and rail travel), and the promotion and provision of safe road environments for otherwise healthy, active modes."*

Enhancing the road network through safety interventions is a key theme of the strategy, it is also clear that promotion of public transport options is preferred over the private car to reduce overall travel risks.

Adopted Development Plans – Transport Related Updates

The Tables below capture any new or amended transport related aims/objectives or policies within both the Limerick City and County Development Plan 2022 – 2028 and the Cork County Council Development Plan 2022 – 2028.

| Limerick City and County Development Plan 2022 – 2028 | | | | |
|--|----|----|--|--|
| Policy | TR | P1 | National Investment Framework for Transport Investment | It is a policy of the Council to support the implementation of the Department of Transport's National Investment Framework for Transport Investment. |
| Policy | TR | P5 | Sustainable Mobility and Regional | It is a policy of the Council to support sustainable mobility, enhanced regional accessibility and connectivity within Limerick, in accordance |

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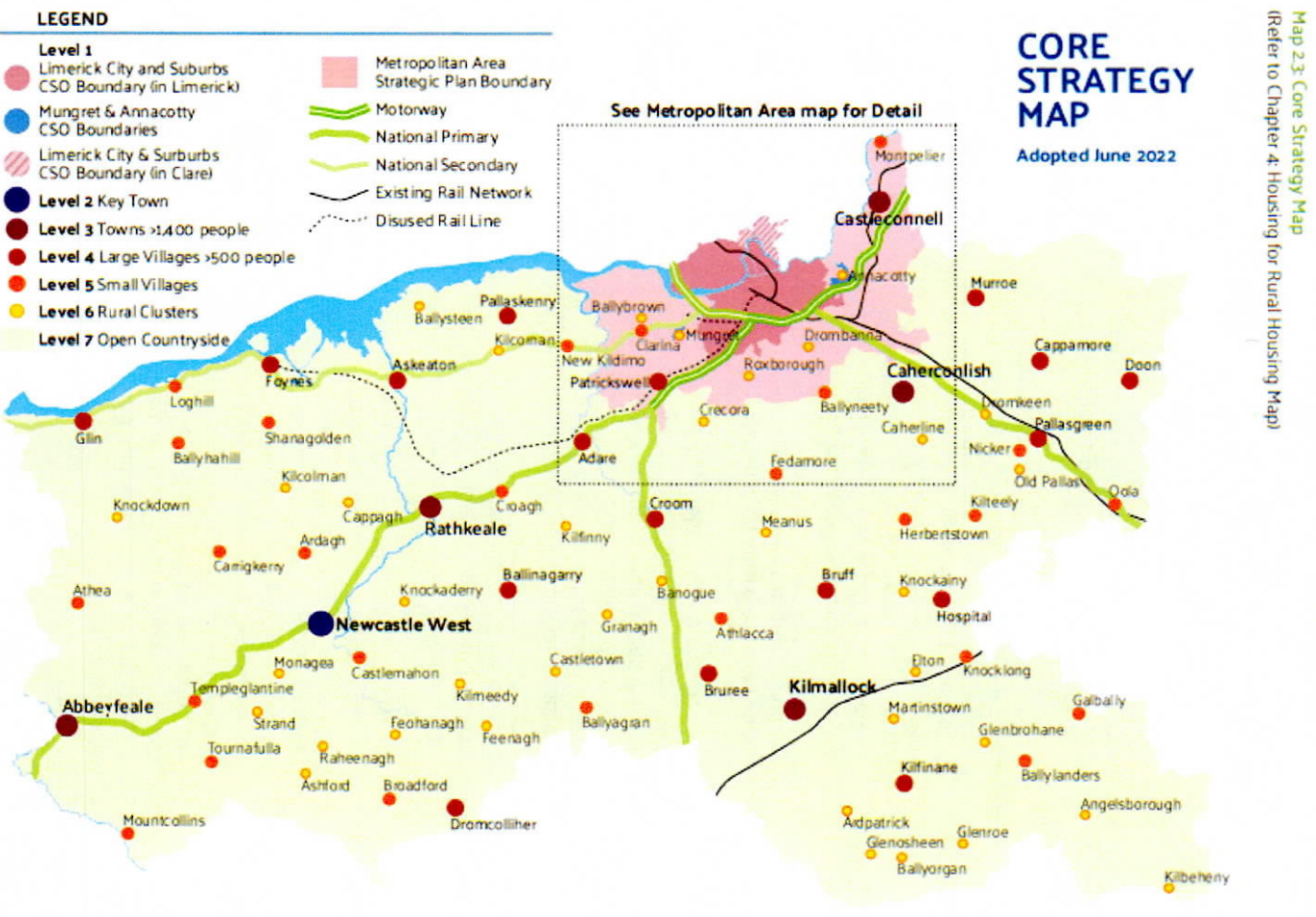
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|--|--|
| Accessibility | with the National Strategic Outcomes of the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region. |
| Policy TR P6 Delivery of Transport Infrastructure in line with National Policy | It is a policy of the Council to support the delivery of transport infrastructure identified within the National Planning Framework, National Development Plan 2021-2030 (and any update) and the Regional Spatial and Economic Strategy for the Southern Region and to support enhanced connectivity within Limerick and inter-urban connectivity within the regions. |

In general, the updates to transport related policies seek to link the Plan firmly with national and regional Plans/Strategies, such as the NPF, RSES and NIFTI. The promotion of sustainability mobility and enhanced connectivity are key themes.

| Cork County Council Development Plan 2022 - 2028 | |
|---|--|
| Aim | To support the delivery of an efficient transport system in the County, supporting connectivity and competitiveness, and to make sustainable travel modes an attractive and convenient choice for as many people as possible in order to deliver economic, social, health, wellbeing, environmental and climate action benefits. |
| TM12-6: Local Link | Support investment in sustainable transport infrastructure that strengthens the connections between rural and urban areas. |
| TM 12-1: Integration of Land Use and Transport | Support and facilitate the integration of land use with transportation infrastructure, through the development of diverse, sustainable, compact settlements, to achieve sustainable transport outcomes, with the pattern, location and design of new development in the County to support existing and planned well-functioning, integrated public transport, walking and cycling transport modes. |
| TM12-3: Rail Transport | a) Encourage the enhancement of service provision in tandem with planned population and employment growth; b) Secure the delivery of new stations to support planned population growth in: Carrigtwohill (Carrigtwohill West), Midleton (Waterrock), Cobh (Ballynoe), and Monard; c) Secure the delivery of a Park & Ride facilities where and as appropriate including at Carrigtwohill and Dunkettle/North Esk. d) Support the provision of rail infrastructure, including depot facilities, to deliver CMATS objectives for rail service provision. e) Support other agencies in delivering an appropriate integrated land-use and transportation framework to maximise rail use and facilitate connectivity with other transport modes. f) Provision of enhanced rail station access and multi modal facilities to include secure, sheltered bicycle parking, public bicycle sharing facilities, bicycle maintenance stations, EV charging, park and pool facilities, car sharing facilities, where appropriate. |

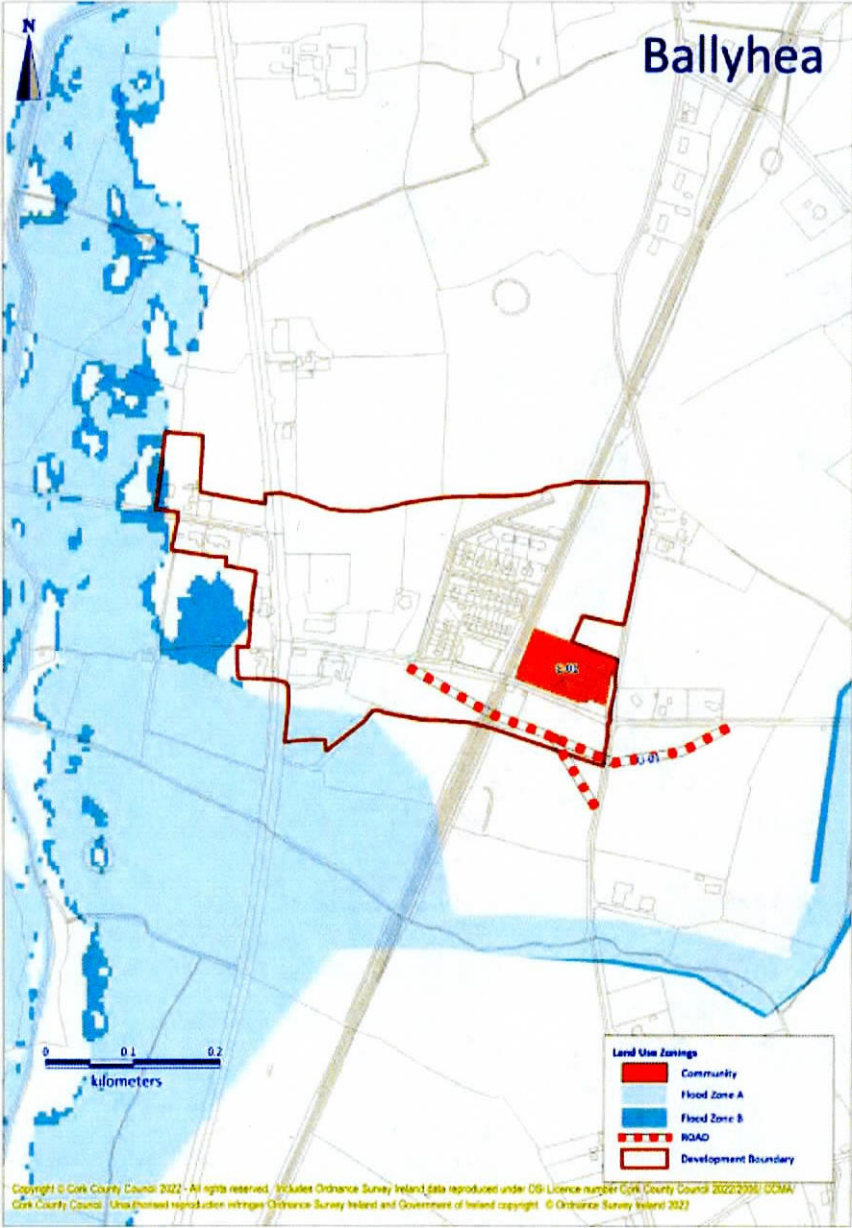
Similar to the Limerick, there is an emphasis on enhanced connectivity and sustainable modes of transport. The council clearly supports the enhancement of railway infrastructure.

Appendix 2 – Limerick City and County Council Development Plan 2022 – 2028 –
Map 2.3, Core Strategy Map



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Appendix 4 Cork County Development Plan 2022 – 2028 - Ballyhea Map



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Appendix 5 - Cork County Development Plan 2022 – 2028 - Charleville Greenbelt CV-GB1-1 – Ballyhay

Greenbelt 1 BV-GB1-1 – Buttevant

County Development Plan Objective RP 5-4: Rural Area under Strong Urban Influence and own Greenbelts (GB1-1)

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and/or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm;
- b) Persons taking over the ownership and running of a farm on a full-time basis (or part-time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working full-time in farming (or part-time basis) where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they proposed to build a first home for their permanent occupation.
- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they proposed to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

The policy within GB1-1 areas is framed for housing and is silent on road and rail infrastructure projects. However, the policy does place a moratorium on development within such zoned areas and does not preclude such projects from coming forward.

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Appendix 6 - Cork County Development Plan 2022 – 2028 - Stronger Rural Area – Newtown, Ballyhea, Shinanagh

Objective RP 5-6 Stronger Rural Area

These rural areas generally have stable population levels based on a traditionally strong agricultural base. Therefore in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that the applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and/or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a full time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they proposed to build a first home for their permanent occupation.
- d) Persons working full-time in farming (or part time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation
- e) Persons whose predominant occupation is farming / . Natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation
- f) Persons whose permanent employment is essential to the delivery of social and community services intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation
- g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they proposed to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

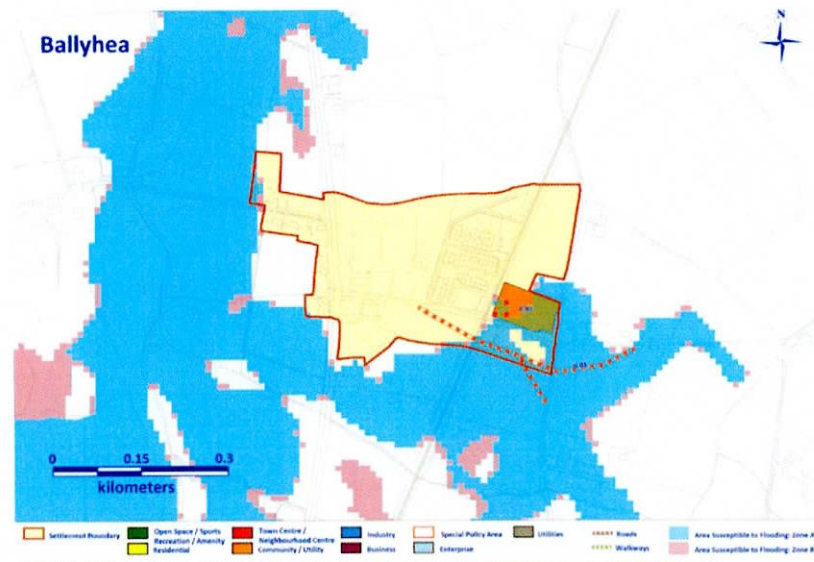
The policy within Objective 5-6 areas is framed for housing and is silent on road a rail infrastructure projects. However, the policy does place a moratorium on development within such zoned areas and does not preclude such projects from coming forward.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
Planning**

APPENDIX 7 - Fermoy Municipal District Local Area Plan (FMDLAP) 2017

Fermoy Municipal District Local Area Plan (FMDLAP) 2017 – Ballyhea Village Zoning Figure

The FMDLAP 2017 includes, as set out below “*reservation for possible construction of a new road alignment*”. It also sets out that “*This may result in the creation of a new parking area in front of the school.*” This is linked to Objective U-01.



| Zoning | Objective |
|-------------------|---|
| Settlement | The area is zoned as a settlement within the LAP |
| Road | 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 |
| Community/Utility | Use for School Expansion |