

An Bord Pleanála Oral Hearing

Córas Iompair Éireann/Iarnród Éireann

Dublin to Cork Railway Line Level Crossings

Brief of Evidence

EIA Co-ordination

Rory McDonnell BSc (HONS), MRUP, MTRPI

AN BORD PLEANÁLA	
(S)	11:55
27 SEP 2022	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

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), I confirm that I have over 20 years' experience. My experience has been accrued in both public and private town planning and environmental consultancy. One of my primary roles is in regard to the co-ordination and project management of Environmental Impact Assessment Reports (EIARs) for a range of projects including Bus Connects, Dublin, Craginagapple Windfarm, N.Ireland and Kyleakin Fish Feed Factory, Scotland. I have project managed and been the EIAR Co-ordinator in an extensive portfolio of projects ranging from industrial to energy and rail. I have also undertaken the co-ordination of EIARs in a number of different jurisdictions including Ireland, Northern Ireland and Scotland.
- 3 I have been involved in the Project since 2019 and have undertaken an EIA co-ordination role since the Preliminary Design stage of the Project. My involvement culminated in the submission of the EIAR addendum notice to An Bord Pleanála on the 31st of March 2022.

2. OVERVIEW OF EIA PROCESS AND STAKEHOLDER ENGAGEMENT

- 4 The Transport (Railway Infrastructure) Act 2001 (as amended) provides for the making of a Railway Order application by Córas Iompair Éireann (CIÉ) to An Bord Pleanála ('ABP'). The European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (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 Transport (Railway Infrastructure) Act 2001 ('the 2001 Act').
- 5 An examination, analysis and evaluation is carried out by ABP in order to identify, describe and assess, in the light of each individual case, 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, with particular attention to 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.
- 6 In carrying out an EIA in respect of an application made under section 37 of the 2001 Act, ABP is required, where appropriate, to co-ordinate the assessment with any assessment under the Habitats Directive or the Birds Directive.
- 7 The 2001 Act as amended (including by Statutory Instrument No. 743/2021) at section 37 requires, inter alia, that the application be made in writing and be accompanied by:
 - A draft of the proposed Railway Order;
 - A plan of the proposed railway works;
 - A book of reference to a plan describing the works which indicates the identity of the owners and of the occupiers of the lands described in the Plan; and
 - A report on the likely effects on the environment of the proposed railway works.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- 8 A report of the likely effects on the environment of the proposed railway works is addressed by the preparation of this Environmental Impact Assessment Report (EIAR) (previously referred to as an Environmental Impact Statement in section 39 of the 2001 Act prior to the amendments effected by S.I. No. 743/2021). As mentioned, this EIAR is based on a coordinated approach in order to facilitate An Bord Pleanála carrying out a coordinated assessment with any assessment under the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) or the Birds Directive (Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009).
- 9 In accordance inter alia with section 39 of the 2001 Act and the provisions of the EIA Directive, CIÉ, as the applicant for this Railway Order, has ensured that this EIAR is prepared by competent experts; contains a description of the proposed railway works comprising information on the site, design, size and other relevant features of the proposed works; contains a description of the likely significant effects of the proposed railway works on the environment; contains the data required to identify and assess the main effects which the proposed railway works are likely to have on the environment; contains 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; contains a description of the reasonable alternatives studied by the applicant – here 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; contains a summary in non-technical language of the above information; takes into account the available results of other relevant assessments under European Union or national legislation with a view to avoiding duplication of assessments; in addition to and by way of explanation or amplification of the specified information referred above, the EIAR contains such additional information specified in Annex IV to the EIA Directive relevant to the specific characteristics of the particular railway works, or type of railway works, proposed and to the environmental features likely to be affected and in this regard Annex IV sets out the information which is referred to in Article 5(1) of the EIA Directive. Further the EIAR includes the information that may reasonably be required for reaching a reasoned conclusion in accordance with section 42B of the 2001 Act on the significant effects of the proposed railway works on the environment, taking into account current knowledge and methods of assessment. This assessment has been undertaken in accordance with the above legislative and regulatory regime.
- 10 The consideration of alternatives is a mandatory part of the EIA process and as mentioned above is provided for in section 39 of the 2001 and the EIA Directive. Article 5(1)(d) of the Directive, for example, provides that the information to be provided by the developer shall include: *"A description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;"*
- 11 Specifically, in terms of railway works, this requirement has been transposed through Section 39 (1) of the Transport (Railway Infrastructure) as inserted by section 49 (b) of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended and substituted by the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 743/2021), which requires inter alia that the EIAR contain the following: *"(v) a description of the reasonable alternatives studied by the applicant 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."*
- 12 The Guidelines on the information to be contained in Environmental Impact Assessment Reports (EPA, 2022) states the following in respect of alternatives: *"The objective is for the developer to present a representative range of the practicable alternatives considered. The alternatives should be described with 'an indication of the main reasons for selecting the chosen option'. It is generally sufficient to provide a broad description of each main alternative and the key issues associated with each, showing how environmental considerations were taken into account in deciding on the selected option. A detailed assessment (or 'mini-EIA') of each alternative is not required"*.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- 13 Alternatives may be considered at several stages in the EIA process, reflective of initial stages where location and form are most relevant and at later stages where alternative designs may be required to address emerging environmental issues.
- 14 The purpose of the EIAR is to provide information to ABP, Cork County Council (CCC), Limerick City and County Council (LCCC), statutory consultees, local residents and other interested parties about the proposed Project, its scale and extent, its likely environmental impacts and applicable mitigation measures. This is to assist in enabling them to make an objective judgement and consider the acceptability of the proposed Project within the context of national, regional, local planning and environmental policy. ABP is the Competent Authority (CA) which carries out the Environmental Impact Assessment (EIA).
- 15 Potential solutions for the seven level crossings which form the proposed Project were initially identified in a Concept Stage Options Study in 2011. This was further developed in a Feasibility Study in 2019, which considered the following options: Do Nothing; Straight Closure; Alternative access/Overbridge; and Upgrade to 4 Barrier CCTV.
- 16 In 2020 for the sites where new infrastructure was identified as the preferred solution, further options were identified and assessed. These route options and the findings of the assessment, including the emerging preferred options were presented in the Preliminary Design Report and consulted upon alongside the EIA Scoping Report.
- 17 Public consultation is a useful tool in helping to identify local constraints which may be only locally known, and therefore not accounted for during previous parts of the process. It is therefore an important part of the EIA process, especially in the consideration of alternatives and the scoping of potential environmental impacts.
- 18 Full details of the Consultation with the public, key stakeholders, prescribed bodies and consultees is provided in EIAR Volume 5, Appendix 1H Public Consultation Report. A summary of the responses from the public consultation is provided in EIAR Volume 5, Appendix 1E.
- 19 To assist in developing the EIAR, consultation serves the following key objectives:
 - To establish a sufficiently robust environmental baseline of the proposed Project and its surroundings;
 - To identify, early in the process, specific concerns and issues relating to the proposed Project so that they can be discussed and appropriately accounted for in the design and assessment;
 - To ensure the appropriate involvement of the public and stakeholders in the assessment and design process; and
 - To comply in full with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.
- 20 The initial consultation period lasted ten weeks from Tuesday 12th November 2019 to Tuesday 21st January 2020. To support the public consultation, a dedicated information service was established. These services went live on 12th November 2019 at the launch of the public consultation.
- 21 Further non-statutory public consultation took place over a four-week period from Monday 10th February to Friday 6th March 2020. This consultation was organised immediately following the closure of the Cork Line Level Crossings consultation in response to significant stakeholder feedback regarding XC211 Newtown. A large number of submissions were received expressing a preference for an alternative to the emerging preferred route of the alternative access proposed in the case of the

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

elimination of level crossing at XC211 Newtown. Initial findings had concluded that a new access road between the local road to the west of the level crossing and the Beechwood housing estate in the village of Ballycoskery. The submissions raised concerns in regard to the following: Increased traffic to adjacent to a residential area; Increased potential for anti-social behaviour; and a children's play around the area of the current cul-de-sac hammer head and this amenity will be lost.

- 22 The Project Team decided to hold a second period of consultation for XC211 Newtown. This consultation has taken local resident and stakeholder concerns into account and sought feedback on the elimination of XC211 Newtown in relation to a new access between the local road to the east of the overbridge to the north of the existing level crossing and the local road to the east of level crossing.
- 23 With respect to the EIA Scoping report, consultees were invited to make submissions in regard to the following:
- Is the scope of the proposed assessment for the EIAR adequate?
 - Is there any additional information that should be considered in the development of the proposed Project?
 - Are there any additional environmental issues that should be taken into consideration in preparing the EIAR?
- 24 The key issues raised during consultation with prescribed bodies and other consultees are addressed, where applicable, in each discipline chapter (Volume 3 of the EIAR).
- 25 Consultation has also taken place with ABP, Cork County Council and Limerick City and County Council as well as Prescribed bodies such as NPWS, NMS and IFI. Regular dialogue has also taken place with the M20 project team.
- 26 The resultant Environmental Impact Assessment Report (EIAR), the structure and contents of which are described in the precis of evidence by Heidi Sewnath, was submitted to the Board as part of a suite of documents in the application for a Railway Order in May 2021.
- 27 In December 2021, ABP wrote to the applicant to set out that certain application documents could not be accessed on the Board's project website owing to technical issues. The Board further outlined that it was of the opinion that an addendum public notice should be advertised allowing a further time period for members of the public, landowners and relevant prescribed bodies to make suggestions/observations on the railway order application. In compliance with the Board's request, the full suite of application documents, including the EIAR, were resubmitted to the Board in March 2022, with public notices advising that there would be an additional six-week period of consultation
- 28 Following the application in May 2021 a total of 51 submissions were made; subsequent to the additional consultation in March 2022, 2 further submissions were made. These submissions will be addressed by the applicant's project team during this oral hearing, as outlined in the Board's Agenda. Submissions relating to the EIA coordination and stakeholder consultation are addressed in this precis of evidence.
- 29 In order to properly focus on, and address, the issues raised in submissions and observations made to the Board on the application for development consent in relation EIA co-ordination it is necessary to understand the context in which those issues have been raised.
- 30 The following documents contain the required context and should be referred to throughout the Oral Hearing process:

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- SID application form at Appendix 1B 'Overall List of Figures'.
- EIAR Volume 1, Non -technical Summary
- EIAR Volume 2, Chapter 1 Introduction
- EIAR Volume 3, Chapter 2 Project Need and Alternatives
- EIAR, Volume 4, Figures.
- EIAR Volume 5, Appendix 1H Public Consultation Report.
- EIAR Volume 5, Appendix 1E Summary of Consultation.
- EIAR Volume 5, Appendix 1D Ballyhea Community Group Meetings.
- EIAR includes at Volume 5, Appendix 13B photomontages.

31 In addition to the above, this Precis sets out at Appendix 1 a list of missing/corrupted documents, as Issued to ABP.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

2. SUBMISSIONS/OBJECTIONS RECEIVED AND RESPONSES

(A) Responses to Issues in Submissions

32 In relation to the issues raised in submissions and observations 9 submissions raised concerns in regard to EIA Co-ordination and consultation. The concerns raised are specific in some cases but general in others. The table below provides an overview of the key themes emerging in regard to EIA Co-ordination and consultation and provides a response summary. Detailed responses to each submission are set out further below.

Issue/Theme Raised & Relevant parties	Response Summary
Lack of Consultation, lack of transparency in regard to the outcome of the consultation exercise and consultation undertaken during COVID Pandemic. Relevant parties: Betty Houlihan Board of Management (BOM) Ballyhay National School – James O'Brien, Noel Hanley, Councillor Ian Doyle, Margaret McNamara-Sihra	The initial non-statutory public consultation undertaken on this project was held over a total of 10no. Weeks. The second round of non statutory consultation following design changes at XC211 Newtown brought about by the first round was 4No. weeks. The design changes as a result of public consultation included at XC201 Thomastown, where the proposed bridge design was widened to allow for future widening and at XC211 Newtown where the proposed scheme alignment was moved to the opposite side of the railway tracks. EIAR Volume 5, Appendix 1H includes the Public Consultation Report for consultation (12th November 2019 to Tuesday 21st January 2020) and the further consultation on Monday 10th February to Friday 6th March 2020. EIAR Volume 5, Appendix 1E includes a Summary of Consultation from the initial consultation (12th November 2019 to Tuesday 21st January 2020) and the further consultation on Monday 10th February to Friday 6th March 2020. It is incorrect to state that the proposed Project was progressed during the health restrictions imposed by COVID-19. The recollection of the Project Team is that COVID-19 reached Ireland in late February 2020 and that restrictions started to come into force in mid to late March 2020. The first phase of public consultation took place between 12th November 2019 - 21st January 2020. The second phase took place from 10th February to 6th March 2020.
Lack of visual images supporting the scheme. Query over OS Mapping and Community Hall not being on drawings. Relevant parties: Bernadette Leahy Noel Hanley and Trustees of The Diocese of Cloyne -various reg lands Daniel Lucey	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. 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. The OS Mapping used does not appear to have included the Community Hall within the School Grounds.
Community Hall omitted in submitted drawings. Relevant parties: Bernadette Leahy Michael O'Kelly	The Community Hall is not on the public road where the nearest proposed works are located, it is an independent unit on a separate land area. The interaction between the proposed Project and the Community Hall is entirely related to access from the public road. The proposed Project will not inhibit access to the Community Hall during operation. During construction there may be temporary interruption that can be managed and agreed.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

Voluminous nature of the proposal. Relevant parties: Colm Moore	The proposal is a Strategic Infrastructure Development (SID) which is one of the most significant types of development application in Ireland. The proposal is accompanied by an Environmental Impact Assessment Report (EIAR), a Natura Impact Statement (NIS), a Planning Compliance Report (PCR), and the ABP Consultation File. The proposal is across two separate planning jurisdictions (Cork & Limerick) and at seven separate locations. Furthermore, some of the documentation necessary for a Railway Order (the Draft Order, Book of Reference and accompanying drawings, etc) is quite significant.
Missing/corrupted documents within the application package. Relevant parties: Colm Moore Maria O'Hanlon McInerney	The Applicant liaised closely with ABP IT Department to resolve all issues related to Missing/Corrupted files prior to the submission of the Addendum.
Screening & Scoping Report – potential for contamination on lands adjacent to the railway line. Relevant parties: Colm Moore	Whilst it is acknowledged that contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land may occur the screening and scoping report at this stage of the proposed scheme only identifies the likely impacts which occur as a result of construction and operation. These impacts have been assessed further in the EIAR chapters where more in depth survey and assessment work has taken place. Also, Ground Investigations will take place ahead of construction commencing and any contaminated lands identified will be removed and disposed of off-site by licensed operators.
Screening & Scoping Report - Consideration of walls to stop up level crossings. Relevant parties: Colm Moore	The construction and operational phase assessment within the EIAR includes consideration of the ancillary infrastructure.

The following section includes responses to the specific representations made.

XC187

Submission: Betty Houlihan

33 *"Lack of Consultation: we also feel consultation with local residents on this decision has been extremely poor and that there has been a clear absence of meaningful engagement with concerns and issues raised."*

34 *"I am disappointed with the lack of knowledge provided at all stages of this process and the lack of consultation. The "done deal" Public Information Meetings was not consultation. Consultation is when CIE are prepared to listen to our views and take them onboard, or at least consider them."*

Response:

35 Concerns relating to the consultation process were also raised by Shane Houlihan, Patrick Irvin, Cllr PJ Carey, Gabriel Clery and Michael Donegan - Cappamore Kilmallock Municipal District.

36 Two public event days were held; one in County Limerick and one in County Cork. The first phase of public consultation took place between for a period of 10no. weeks between the 12th November 2019 - 21st January 2020. The second phase took place for a period of 4no. weeks from 10th February to 6th March 2020 following design changes at two sites, XC201 Thomastown and XC211 Newtown.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

37 At XC201 Thomastown, the proposed bridge design was widened to allow for anticipated growth in traffic in the future. At XC211 Newtown the proposed scheme alignment was moved to the opposite side of the railway tracks following a high number of submissions expressing concern about the proposed western alignment for the alternative access road.

38 EIAR Volume 5, Appendix 1H includes the Public Consultation Report for consultation (12th November 2019 to Tuesday 21st January 2020) and the further consultation on Monday 10th February to Friday 6th March 2020.

39 EIAR Volume 5, Appendix 1E includes a Summary of Consultation from the initial consultation (12th November 2019 to Tuesday 21st January 2020) and the further consultation on Monday 10th February to Friday 6th March 2020.

XC212

Submission: Board of Management (BOM) Ballyhay National School – James O'Brien, Noel Hanley, Councillor Ian Doyle, Margaret McNamara-Sihra

40 *"The BOM also records the absence from the present application to ABP of any material from the public consultation conducted in 2018 and subsequently. It notes that on this material not even a basic analysis has been provided. In line with article 5(2) of the EIA directive and stage 3 of the scoping process, the BOM would ask ABP to solicit this material from CIE as the inclusion of this "information [...] may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment."*

41 *"The BOM regrets that the proposed development was progressed during the public health restriction imposed by suppression of COVID 19. This has, in effect, rendered impossible any useful engagement with CIE regarding to the proposed development and permitted a significant deficit in equity to the advantage of CIE, a privileged body, at a time when persons affected by the proposed development could not leave their homes let alone take professional advice on the proposed development."*

Response:

42 The submission outlines similar issues to those raised by Betty Houlihan and responded to further above.

43 It is incorrect to state that consultation on the proposed Project was progressed during the health restrictions imposed by COVID-19. The recollection of the Project Team is that COVID-19 reached Ireland in late February 2020 and that restrictions started to come into force in mid to late March 2020. The first phase of public consultation took place between 12th November 2019 - 21st January 2020. The second phase took place from 10th February to 6th March 2020. The consultation took place outside the period of COVID-19 restrictions. The public also did not have to leave their home to view the proposed Project as information was available online and submissions could be made by email.

Submission: Bernadette Leahy

44 *"I pass the school everyday on my way to Ballyhea. Some of the maps in your documentation appear to be out of date. For example, the new community hall does not appear on any of the maps included in CIE's application. As this is a recent development I was inclined to think that the Ordnance Survey had not yet updated their maps. On closer inspection, I find that the maps for the school at Ballycoskery do not show the new classrooms added to the east end of the school building. I am certain that the new school rooms were built and opened in 2012. This would have allowed the Ordnance Survey ample time to update their maps. It seems to me that CIE has used maps to illustrate this development that are almost ten years out of date."*

Response:

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- 45 The OS Mapping used does not appear to have included the Community Hall within the School Grounds. The Community Hall is not on the public road where the nearest proposed works are located, it is an independent unit on a separate land area. The interaction between the proposed Project and the Community Hall is entirely related to access from the public road. The proposed Project will not inhibit access to the Community Hall during operation. During construction there may be temporary interruption that can be managed and agreed

XC212

Submission: Noel Hanley and Trustees of The Diocese of Cloyne -various reg lands

- 46 *"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:

- 47 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: Noel Hanley

- 48 *"The submission made to Board by CIE is one of the most problematic planning applications I have encountered. It is not one characterized by optimal workmanship. As a result it exhibits and unacceptable level of inaccuracies, omissions, and unsubstantiated assertions- sometimes in the face of substantial contrary evidence."*

Response:

- 49 As part of its consultee response to the proposed Project, Cork County Council, commented upon the adequacy of the EIAR, as follows:
- 50 *"I am satisfied that the Report has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the applicants, adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended."*
- 51 It further states: *"I am satisfied that given the nature of the proposed development, and the mitigation measures proposed, together with the low probability of a major accident / natural disaster, it is not likely that significant effects on the environment would arise in this regard, and that the reasoned conclusion is up to date at the time of making the decision."*
- 52 Similarly to Cork County Council, Limerick City and County Council, in its consultee response to the proposed Project commented, as follows: *"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 measures as appropriate."*

Submission: Michael O'Kelly

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- 53 *"....a research deficit combined with editorial deficiencies, both of which give rise to concerns regarding the material accuracy and the reliability of the PCA and EIAR."*
- 54 *"The Pedestrian and vehicular entrances to the Community Hall have been omitted in the documentation supporting this application. It is not explained how access to the Community Hall can be increased in the absence of any reference to the specific accesses to the hall. In this analysis, no effort has been made to compile a planning history/context for sights adjoining or close to the Community Hall as it was outside the frame of reference of this analysis."*
- 55 *"Both the PAC and the EIAR conducted no specific survey of the planning context of the Community Hall and the EIAR made no examination or analysis of the impact of the proposed development on the CH or of its impact on the CH. The EIAR...believe the CH has not yet been built. At least some materials presented in the EIAR derive from some earlier study, and exhibit many of the characteristics of a minestra riscaldata."*
- 56 *"The EIAR assessment presented in the application is fragmented and misleading in respect to its proposals."*

Response:

- 57 The Community Hall is not on the public road where the nearest proposed works are located, it is an independent unit on a separate land area. The interaction between the proposed Project and the Community Hall is entirely related to access from the public road. The proposed Project will not inhibit access to the Community Hall during operation. During construction there may be temporary interruption that can be managed and agreed.
- 58 The proposed Project will take HGVs and traffic not associated with the school or community hall further to the south and away from both uses. This will enhance safety, reduce congestion and improve local access.
- 59 The EIAR has assessed seven separate sites in two different jurisdictions. It is voluminous but that is a necessity in order to provide a comprehensive assessment of the overall proposed Project.

XC219 Buttevant

Submission: Daniel Lucey

- 60 *"Drawings presented to the Appellant on A3 sheets are not to correct scale and therefore it is difficult to analyse."*

Response:

- 61 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 presented are in line with the equivalent drawings and scales as 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

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

- Iarnród Éireann.

Generic

All Sites

Submission: Colm Moore

62 *"Some files were not downloadable from the An Bord Pleanála or Irish Rail websites. This was notified to the Board in my emails of the 26 & 27 May 2021 and the applicant in my emails of 27 May 2021 and 26 & 28 June 2021."*

Response:

63 This was addressed as per the Addendum submission and the Applicants detailed liaison with ABP to rectify this issue. However, the Applicant is not in receipt of any emails dated 27th May 2021, 26th June 2021 and 28th June 2021.

Submission: Colm Moore

64 *"There are discrepancies between the number of files hosted by An Bord Pleanála (approximately 389 files) and the applicant (approximately 343 files) for a total of approximately 403 files, with files apparently missing from one or other site."*

Response:

65 The difference in numbering may be attributed to the inclusion/exclusion of fly sheets, cover pages, index pages, etc. As part of the Addendum re-submission an EXCEL spreadsheet was forwarded to ABP containing a full list of the application documents, this included 384 files that were reviewed by ABP prior to their uploading to their website (as well as the Irish Rail Website).

Submission: Colm Moore

66 *"A limited number of additional files were findable with the standard 'html' view of the website."*

Response:

67 Noted.

Submission: Colm Moore

68 *"There may be other files missing that are on neither site. For example, 'Volume 4 Figures 4A-4J Ballyhay' would presumably have 10 files lettered A-J, but there is no 4F, 4G, 4H or 4I."*

Response:

69 The SID application form includes an 'Overall List of Figures' submitted with the application. Also, EIAR Volume 4 includes a list of Figures. The applicant has undergone a detailed process with ABP in regard to the review of documents associated with the application to help ensure, as far as possible, that all documents have been included and are accessible.

Submission: Colm Moore

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

70 *"The file "Appendix 13B Landscape Montages.Pdf" is approximately 1,132MB. This is so large that it will not fit on a compact disk (CD). On attempting to open the file, the message "There was an error opening this document. The file is damaged and could not be repaired". Is returned."*

Response:

71 There are a number of factors that could possibly contribute to a file not opening that can potentially be outside the control of the Applicant, including: software compatibility, computer capability and WIFI access. To overcome this issue two versions of Appendix 13B Montages were submitted with the Addendum and this included a low resolution version to reduce the amount of memory required. These versions have been checked by An Bord Pleanala and open.

Submission: Colm Moore

72 *"Message "Insufficient data for an image" from approximately seven files e.g. "Plan 2A Fantstown Existing Site Plan.pdf, "Plan 4A Fantstown Proposed Site Plan.pdf and "Figure 3A Thomastown Site Location Plan.pdf."*

Response:

73 On further review of these files, it was found that they could open on both the Project and ABP websites but some issues were encountered in opening these on home laptops. These drawings were checked and the resubmitted versions open on home laptops.

Submission: Colm Moore

74 *"Message "Out of Memory" from "Figure 8M Buttevant Construction Sequence Plan.pdf" and "Figure 7O Shinanagh Construction Sequence Plan.pdf"*

Response:

75 This figure was checked, it eventually opened but took quite some time to do so. The file was reviewed and an updated version that opens much more quickly was submitted with the Addendum.

Submission: Colm Moore

76 *"Quite a few file names carry incorrect dates or references. For example, "Volume 4 Figures 7I-7P Shinanagh.pdf ", the reference "7I" should read "7A". With "24 Letter 5.8.20 & Meeting Minute 14.8.20 FLY Sheet.PDF and "24 Letter 5.8.20 & Meeting Minute 4.8.20.Pdf the "Record of 2nd Meeting" is actually dated 09/07/2020."*

Response:

77 The Addendum has amended the dates of the meeting minutes. Updates were made, where required.

Submission: Colm Moore

78 *"With more than 400 files and thousands of pages the application contains large amount of duplication and is severely bloated. There is a need for existing layout, proposed layout, structures, land & miscellaneous drawings, and administrative, railway order & EIAR documents but not much more. The Non Technical Summary of the EIAR alone has 31 files and approximately 146 pages. This would seem to not comply with the ordinary ideas of 'non technical' or 'summary'. Combined, these pose a substantial burden in understanding the documents participating in the public consultation."*

Response:

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

79 The proposal is a Strategic Infrastructure Development (SID) which is one of the most significant types of development application in Ireland. The proposal is accompanied by an Environmental Impact Assessment Report (EIAR), a Natura Impact Statement (NIS), a Planning Compliance Report (PCR), and the ABP Consultation File. The proposal is across two separate planning jurisdictions (Cork & Limerick) and at seven separate locations. Furthermore, some of the documentation necessary for a Railway Order (the Draft Order, Book of Reference and accompanying drawings, etc) is quite significant.

Submission: Colm Moore

80 *"The above issues are not raised as an objection to this project. They are raised in the context of a railway program that will cost several billion euros to implement and the need for the associated railway order applications to take due care in their documentation."*

Response:

81 Noted.

Submission: Colm Moore

82 *"What does "red line boundary" mean on drawings?"*

Response:

83 The red line boundary shows all the land the applicant seeks to acquire permanently for the scheme, as well as land over which the applicant seeks to acquire rights and land over which the applicant seeks temporary possession (if required).

Submission: Colm Moore

84 *"Possibly some mixed up colouring on drawings, e.g. rights of way that are completely unrelated to the railway or project are marked."*

Response:

85 Rights of way are included as would be required for an equivalent planning application. Those on, adjacent to and within the vicinity have been included for completeness.

Submission: Colm Moore

86 *"The following drawings do not appear to be included as separate drawings in the Railway Order set*

- a. Proposed elevation – XC209 Ballyhay – Drawing No. 32111000-JAC-SDN-XC209-DR-S-002.*
- b. Planning – XC212 Ballycoskery – Drawing No. 2111000-JAC-HGN-XC212-DR-CB-0001(i).*
- c. Planning – XC212 Ballycoskery – Drawing No. 32111000-JAC-HGN-XC212-DR-CB-0001(ii)."*

Response:

87 Two sets of drawings have been provided, those associated with the EIAR and those associated with the Railway Order. The drawings are consistent but the same types of drawings are not necessarily required for both.

Submission: Colm Moore

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

88 *"Planning – XC212 Ballycoskery – Drawing No. 2111000-JAC-HGN-XC212-DR-CB-0001(i) – Plan – this drawing appears to have spurious detail (possibly survey lines), that is not included on other drawings. The level of detail makes the drawing almost illegible in places."*

Response:

89 It is considered that the drawing is legible. The intent is to provide as much detail as possible

Screening and Scoping Report – CLLC Screening - Scoping Report

Submission: Colm Moore

90 *"8.4.3 – XC209 Ballyhay – "The 2016 census of the Thomastown..." Ballyhay and Thomastown confused."*

Response:

91 Noted.

Submission: Colm Moore

92 *"8.4.5 – XC215 Shinanagh – "A motorway road network runs directly parallel to the railway line." – this motorway has not been fully designed never mind built."*

Response:

93 Noted.

Submission: Colm Moore

94 *"10.3.1 – XC187 Fantstown – No industrial land uses are indicated. Therefore, historic land use is unlikely to represent a source of contaminated land, other than the rail line itself. This may be naïve. There may be contamination from the railway construction, railway operation and/or improper disposal of waste on adjacent land. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land."*

95 *"10.3.2 – XC201 – Thomastown – There are a number of small dwellings located in the surrounding areas, but no industrial use is noted. Based on historic land use, there are unlikely to be any additional sources of potential contamination, other than material used during the construction of the exiting railway line. This may be naïve. There may be contamination from the railway construction, railway operation and/or improper disposal of waste on adjacent land."*

96 *"10.3.3 – XC209 – Ballyhay – Based on historic and current land use, there are no anticipated additional sources of potential contamination, other than materials used during the construction of the existing railway line. This may be naïve. There may be contamination from the railway construction, railway operation and /or improper disposal of waste on adjacent land."*

97 *"10.3.4 – XC211 – Newtown & XC212 Ballycoskery – Therefore, based on land use, it is unlikely that there will be additional potential sources of contamination other than the materials used during the construction of the existing rail line. This may be naïve. There may be contamination from the railway construction, railway operation and /or improper disposal of waste on adjacent land."*

98 *"10.3.5 – XC215 – Shinanagh – Therefore, based on land use, it is unlikely that there will be additional potential sources of contamination other than the materials used during the construction of the existing*

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

rail line." This may be naïve. There may be contamination from the railway construction, railway operation and /or improper disposal of waste on adjacent land."

- 99 *"10.3.6 – XC219 – Buttevant – No industrial land uses are indicated within 500m. Therefore, no potential sources of contaminated land, other than the materials used during construction of the rail line are anticipated to be encountered at this stage . this may be naïve. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land."*

Response:

- 100 Whilst it is acknowledged that contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land may occur the screening and scoping report at this stage of the proposed scheme only identifies the likely impacts which occur as a result of construction and operation. These impacts have been assessed further in the EIAR chapters where more in depth survey and assessment work has taken place. Also, Ground Investigations will take place ahead of construction commencing and any contaminated lands identified will be removed and disposed of off-site by licensed operators.

Submission: Colm Moore

- 101 *"10.3.5 – XC215 Shinanagh – "Desktop Study Hydrogeology – There is one karst spring, named as St Declan's Well – perhaps "St Declans Well"? Is this Tobernadeecla? There may be several springs locally and this one appears to be between the railway and existing N20."*

Response:

- 102 The reference to this feature has come from the GSI karst landform dataset which has named it as St Declan. It should be noted that this karstic feature was not identified as an active groundwater abstraction location. Refer to EIAR Volume 4, Figure 8.3.

Submission: Colm Moore

- 103 *"14.3.4 XC211 – Newtown & XC212 Ballycoskery – Table 14.4 XC211 – Newtown & XC212 – Ballycoskery Traffic Counts 2011."*

Response:

- 104 The point being made is not understood.

Submission: Colm Moore

- 105 *"14.4 Potential Impacts – XC187 – Fantstown (mis formed title) – Potential Construction Phase Impacts – "There is no construction phase to the proposed Project at this location and so there will be no effects from construction." – modest amounts of construction would appear to be required i.e. a wall."*

Response:

- 106 EIAR Volume 2, Chapter 3: Project Description sets out under the heading at 3.4.2 'Ancillary Infrastructure' that "The proposed Project includes a range of ancillary infrastructure including, walls/fencing to stop up existing level crossings (where relevant)..." Section 3.4.3 XC187 Fantstown specifies that a key element of the proposed Project includes "construction of a 2.4m high block wall on both sides of the existing level crossing to stop up access across the Dublin – Cork Railway Line." The construction and operational phase assessment includes consideration of the ancillary infrastructure.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

Submission: Colm Moore

107 *"14.4 Potential Impacts – 14.4.2 XC209 – Ballyhay – Potential Construction Phase Impacts – There is no construction phase to the proposed Project at this location and so there will be no effects from construction." – modest amounts of construction would appear to be required, i.e. foundations for level crossings gates, lighting, & CCTV masts, etc."*

Response:

108 As above.

Submission: Colm Moore

109 *"17.2.1 Introduction – "with respect to road safety, Ireland is currently ranked 4th safest EU country and is targeting a further 22% reduction in road deaths by 2020." – While Ireland has low levels of fatalities, this is in part due to the suppression of ordinary activities – children playing in public or people walking or cycling."*

Response:

110 Noted.

111 Addendum Notice Submissions 2022.

Submission: Maria O'Hanlon McInerney

112 *"By way of a general comment BOM wishes [sic] to note the remarkable manner in which a second advertisement of this case by CIE has come about. While not surprising, the list of omissions etc. made on the first application of this case is yet another item in a long list of errors, omissions, and inaccuracies that characterizes the application made by CIE (Allegato I). It is surprising that such poor quality work should have been accepted by ABP which may wish to note the extra expense incurred by entities such as the BOM in having to deal with CIE's inability to present a proper application."*

Response:

113 Out of all the representations received in regard to the consultation process only one (Colm Moore) stated that some of the documents were inaccessible online. The Applicant is not aware of any other instances stating a lack of access to any of the application documents. It is also noted that no issues were raised in regard to any of the 'hard copy' application documents deposited for public view. It was only when the aforementioned representation made the Applicant aware there was an issue that a detailed process was undertaken whereby all display locations were checked and a review of the digital application websites undertaken with the An Bord Pleanála IT team. This review found a limited number of additional documents either missing or corrupted and all efforts were made to address this issue through the submission of the Addendum and further furnishing of application documents, where necessary.

114 A Railway Order Strategic Infrastructure Development (SID) application is typically very detailed and by its nature requires a significant volume of supporting material and reports, including Railway Order Documents and an Environmental Impact Assessment Report (EIAR). The total number of files/documents submitted with the application was approximately 384. Unfortunately, whilst all efforts are made to reduce any omissions and prevent any software corruptions it can and does happen. The Applicant has worked with ABP to resolve these issues and ensure the public as well as consultees have access to all application documentation.

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

APPENDIX 1 – List of Missing/Corrupted Documents as Issued to ABP

Corrupted Files/Files that didn't open on ABP website		
Document Location	Document Name	Issue
EIAR	Appendix 13B Landscape Montages	Unable to open on Project and ABP Websites
EIAR	Appendix 13B Landscape Montage Low Res	Unable to open on Project and ABP Websites
EIAR	Figure 8M Buttevant Construction Sequence Plan	This figure eventually opened but took quite some time to do so. The file was fixed to help it open much more quickly.
EIAR	Appendix 3A GI Final Factual Report All Sites	Unable to open on Project and ABP Websites
Railway Order	Draft Cork Line Level Crossings Railway Order	Could open on Project and ABP Websites but ABP stated some issues in opening on home Laptops. The file was double checked for any errors.
EIAR	Volume 1 – Non Technical Summary (NTS)	Could open on Project and ABP Websites but ABP stated some issues in opening on home Laptops. The file was double checked for any errors.
EIAR	Volume 4 of the EIAR Figures titled 2A – 2D Fantstown	Could open on Project and ABP Websites but ABP stated some issues in opening on home Laptops. The file was double checked for any errors.
EIAR	Volume 4 Figures 3A-3R Thomastown	Could open on Project and ABP Websites but ABP stated some issues in opening on home Laptops. The file was double checked for any errors.
Missing Files		
Document Location	File Name	Issue
An Bord Pleanála Consultation File	Number 18. EIAR Screening & Scoping Report 2	A duplication was found of the first Scoping/Screening Report (item No.10 of the ABP file replicated at No.18) and the second Scoping Screening Report was missing.
Railway Order	List of Railway Order Application Figures	Found to be missing from all hard copy display locations.
Railway Order	XC187 Fantstown Plan 1A – 4A	Found to be missing from ABP hard copy display only.
Railway Order	XC201 Thomastown Plan 1A – 4a (ii)	Found to be missing from ABP hard copy display only.
Railway Order	XC209 Ballyhay Plan 1A – 4A	Found to be missing from ABP hard copy display only.
Railway Order	XC211 Newtown Plan 1A – 4A(ii)	Found to be missing from ABP hard copy display only.
Railway Order	XC212 Ballycoskery Plan 1A – 4A (ii)	Found to be missing from ABP hard copy display only.
Railway Order	XC215 Shinanagh Plan 1A – 4A (i-v);	Found to be missing from ABP hard copy display only.
Railway Order	XC219 Buttevant Plan 1A – 4A (ii)	
EIAR	List of Volume 4 Figures and EIAR Chapter Figures	Found to be missing from all hard copy display locations
EIAR	Volume 4 EIAR Chapter 7 Biodiversity Figures 7.1 – 7.10	Found to be missing from all hard copy display locations
EIAR	Volume 4 EIAR Chapter 8, Soils, Geology & Hydro Figures 8.1 – 8.4	Found to be missing from all hard copy display locations
EIAR	Volume 4 EIAR Chapter 10 Noise & Vibration Figures 10.1 – 10.6	Found to be missing from all hard copy display locations

**Cork Line Level Crossings Oral Hearing
Brief of Evidence of Rory McDonnell
EIA Co-ordination**

EIAR	Volume 3 EIAR Chapter 12, Cultural Heritage Figures 12.1 – 12.9	Found to be missing from all hard copy display locations and digital folder
EIAR	Volume 4 EIAR Chapter 17 Cumulative Impacts Figures 17.1	Found to be missing from all hard copy display locations
EIAR	Volume 5 Appendices List	Found to be missing from all hard copy display locations
EIAR	Appendix 1H – Public Consultation Report & XC211 Newtown Further Consultation Report Merged	Appendix 1H was supposed to include both the initial public consultation exercise report and the second public consultation in regard to XC211 Newtown. It was found that the second public consultation exercise report was missing.
EIAR	Appendix 3A GI Final Factual Report ALL Sites	It was found that some sections were missing from Cork and Limerick hard copy display
EIAR	Appendix 10A Calibration Certificates	It was found that some pages were missing from Cork and Limerick hard copy display
Updated Files		
Document Location	File Name	Issue
An Bord Pleanála Consultation File	Number 24. Letter 5.8.20 & Meeting Minutes 4.8.20	Updated to reflect correct dates
An Bord Pleanála Consultation File	ABP Contents Page	Updated to reflect correct dates.