

Colm Moore  
42 Kenilworth Square  
Dublin 6

**Date:** 21st July 2021

**Re:** Railway works and all works necessary to eliminate and, where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24-kilometre section of the Dublin to Cork Railway Line.  
Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

Dear Sir,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed railway order and will take it into consideration in its determination of the matter.

A receipt for the fee lodged is enclosed.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Cork County Council and Limerick City and County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

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

If you have any queries in the meantime, please contact the undersigned officer of the Board.

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glao Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

**Dublin to Cork Railway Line  
(Elimination & Upgrade of Level Crossings  
Between Limerick Junction and Mallow)  
Order 2021**

**Case reference: NA04.310286**

**Submission by**

**Colm Moore  
9 July 2021**

**AN BORD PLEANÁLA**

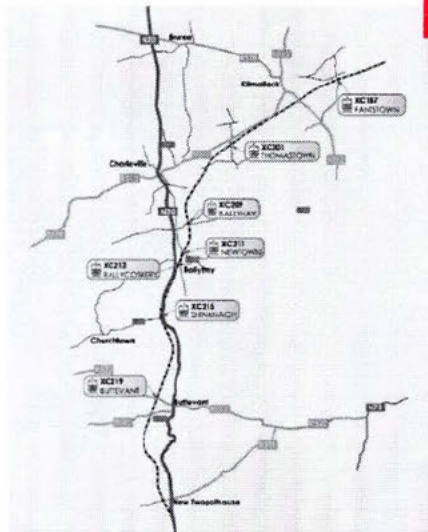
LDG- 041603-21

ABP- \_\_\_\_\_

**09 JUL 2021**

Fee: € 50 Type: Cash

Time: 15:58 By: hand



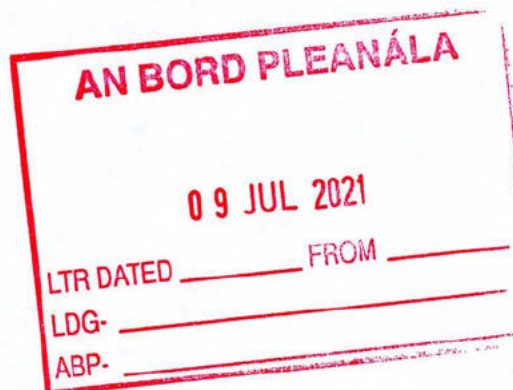
**Colm Moore  
42 Kenilworth Square  
Dublin 6**



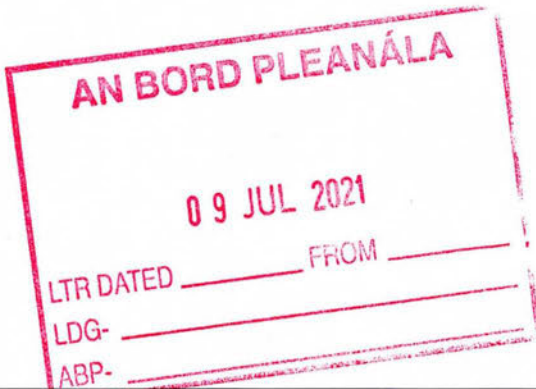
## General

These comments contain a large number of queries, comments, suggestions, and errata. These are intended to help inform the improvement of the proposed project, they are not intended to criticise. Some issues may affect more than one area and may be raised a number of times. The sequence of this document is generally in line with the public consultation documents.

Save as noted, I welcome the proposals as presented in the public consultation document. In particular, the resultant safety and speed improvements should assist in a move towards use of the railway and away from road transport.



# Railway Order

Draft Railway Order - Original Text	Comments
<p>RAILWAY ORDER</p> 	<p>1. The railway order should be subject to careful review, comparing it to previous railway orders and subjecting it to review of any legislative or administrative changes in the interim.</p>
TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001 (AS AMENDED AND SUBSTITUTED)	<p>2. Is this intended as part of the title? If so, it is very long and not included in Article 1.</p>
DUBLIN TO CORK RAILWAY LINE (ELIMINATION & UPGRADE OF LEVEL CROSSINGS BETWEEN LIMERICK JUNCTION AND MALLOW) ORDER 2021	<p>3. Change ampersand to "AND". Ensure title matches Article 1.</p>
ARRANGEMENT OF ARTICLES	
PREAMBLE	
PART I PRELIMINARY	
Article 1 Citation	
Article 2 Definitions/Interpretation	<p>4. Spacing on "/". 5. "Interpretation" or "Interpretations" ?</p>
Article 3 Incorporation of Enactments	
PART II RAILWAY WORKS, WORKS AND RELATED PROVISIONS	
Article 4 Construction, operation, improvement and maintenance of railway works and works	<p>6. Change to title case.</p>
Article 5 Discharge of Water	
Article 6 Deviation & Maximum Working Area	<p>7. Change ampersand to "and".</p>
Article 7 New roads including public roads and bridges which may be constructed and roads including public roads which may be altered realigned or closed	<p>8. Comma or not?</p>

<b>Draft Railway Order - Original Text</b>	<b>Comments</b>
Article 8 Tree Lopping	
Article 9 Period within which the Railway Undertaking is authorised to carry out the authorised and scheduled works	9. Change to title case.
<b>PART III ACQUISITION AND POSSESSION OF LAND AND RIGHTS</b>	
Article 10 Power to acquire land	10. Change to title case.
Article 11 Power to temporarily acquire and occupy land	11. Change to title case.
Article 12 Acquisition of Easements and other rights over land	12. Change to title case.
Article 13 Extinguishment of public rights of way and temporary interference with rights including rights of way	13. Change to title case.
Article 14 Use of air space	14. Change to title case. 15. "air space" or "air-space"?
Article 15 Period within which the Railway Undertaking may compulsorily acquire land and interests in land	16. Change to title case.
<b>PART IV MISCELLANEOUS and GENERAL</b>	17. Change to uppercase.
Article 16 Interference with Apparatus	
Article 17 Arbitration	
Article 18 Agreement between the Railway Undertaking and Road Authorities	18. Change to title case.
Article 19 Byelaws	
<b>SCHEDULES</b>	
The First Schedule The Railway Works and Works authorised by this Order	19. Change to title case.
The Second Schedule Land which may be acquired	20. Change to title case.
The Third Schedule Land of which temporary possession may be taken	21. Change to title case.
The Fourth Schedule Public rights of way which may be extinguished	22. Change to title case.
The Fifth Schedule New roads including public roads and bridges which may be constructed and roads including public roads which may be altered, realigned or closed	23. Change to title case.
The Sixth Schedule Explanatory Notes in relation to the decision of An Bord Pleanála	24. Change to title case.
The Seventh Schedule Agreements	
<b>PREAMBLE</b>	
(Including reasons and considerations)	25. Change to title case.



Draft Railway Order - Original Text	Comments
<p>AN BORD PLEANÁLA ("the Board") in exercise of the powers conferred on it by section 43 of the Transport (Infrastructure) Act 2001 (as amended and substituted) ("the 2001 Act") having considered an application, duly made on the [X] day of May 2021 by Córas Iompair Éireann ("the applicant"), for a Railway Order ("the order"), authorising railway works and all works necessary to enable the applicant to eliminate and, where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24 kilometre section of the Dublin to Cork Railway Line as follows:</p> <div data-bbox="478 683 1003 1097" data-label="Image"> </div>	<p>26. No need to define "the Board" here, as "Board" is defined in Article 2.</p> <p>27. No need to define "the 2001 Act" here, as "the 2001 Act" is defined in Article 2.</p> <p>28. Insert date.</p> <p>29. No need to define "the applicant" here, as "applicant" is defined in Article 2.</p> <p>30. Note that "the order" is separately defined in Article 2.</p> <p>31. Should this read "seven numbered" or "seven number".</p>
<ul style="list-style-type: none"> <li>• XC187 – Fantstown – Closure of existing level crossing: Divert traffic along existing roads to existing overbridge approximately 3 kilometres to the north east;</li> </ul>	<p>32. Change to "northeast".</p> <p>33. Change colon to semi-colon.</p> <p>34. Check capitalisation.</p>
<ul style="list-style-type: none"> <li>• XC 201 – Thomastown – Closure of existing level crossing. New road-over-rail bridge:</li> </ul>	<p>35. For consistency, remove the space from "XC 201".</p> <p>36. Change full stop to semi-colon.</p> <p>37. Change colon to semi-colon.</p> <p>38. Check capitalisation.</p>
<p>Tie into existing local road to south and new junction on Regional Road R515 to north;</p>	<p>39. Erroneous line return.</p> <p>40. "tie-in to" or "tie into"?</p> <p>41. Check capitalisation.</p>

Draft Railway Order - Original Text	Comments
<ul style="list-style-type: none"> <li>• XC209 – Ballyhay – Upgrade existing level crossing to a 4-barrier CCTV controlled level crossing;</li> </ul>	<p>42. Use full words “closed-circuit television (CCTV)”. (Repeated).</p> <p>43. While in common railway parlance, is “CCTV controlled” correct? Surely it should be “CCTV monitored”? (Repeated).</p>
<ul style="list-style-type: none"> <li>• XC211 – Newtown – Closure of existing level crossing. New access road immediately east of the existing road-over-rail bridge to the north of XC211 Newton, tie in to existing local road to the east of XC211 Newtown;</li> </ul>	<p>44. Change full stop to semi-colon.</p> <p>45. Change comma to semi-colon.</p> <p>46. Check capitalisation.</p> <p>47. “Newton” - spelling.</p> <p>48. “tie-in to” or “tie into”?</p>
<ul style="list-style-type: none"> <li>• XC212 – Ballycoskery (Ballyhea Village) Closure of existing level crossing. New road-over-rail bridge to tie into existing local road to east and west of level crossing, new car park to existing school. Tie into Beechwood Estate and Ballyhea National School to north and existing local road to south;</li> </ul> <div data-bbox="487 1182 1020 1608" style="border: 2px solid red; padding: 10px; transform: rotate(-2deg); color: red; font-weight: bold;"> <p>AN BORD PLEANALA</p> <p>09 JUL 2021</p> <p>LTR DATED _____ FROM _____</p> <p>LDG- _____</p> <p>ABP- _____</p> </div>	<p>49. Note official name of village is Newtown Ballyhay<sup>1</sup>.</p> <p>50. Insert “-” before “Closure”.</p> <p>51. Change full stops to semi-colons.</p> <p>52. Change comma to semi-colon.</p> <p>53. “tie-in to” or “tie into”? (Repeated).</p> <p>54. Check capitalisation.</p>
<ul style="list-style-type: none"> <li>• XC215 – Shinanagh – Closure of existing level crossing. New access road to tie into existing road-over-rail bridge approximately 1km to the north; and</li> </ul>	<p>55. Change full stop to semi-colon.</p> <p>56. “tie-in to” or “tie into”?</p> <p>57. For consistency, change to “1 kilometre”.</p> <p>58. Check capitalisation.</p>


<sup>1</sup> See <https://www.logainm.ie/129602.aspx>



Draft Railway Order - Original Text	Comments
<ul style="list-style-type: none"> <li>• XC219 – Buttevant – Closure of existing level crossing. Construction of a new road-over-rail bridge and tie in to existing regional road to east and west.</li> </ul>	59. Change full stop to semi-colon. 60. Check capitalisation. 61. "tie-in to" or "tie into"? 62. Which regional road?
AND HAVING CONSIDERED the draft Order and documents that accompanied the application, the report of the oral hearing held under section 42 of the 2001 Act and the recommendations contained therein, the submissions duly made to it under section 40(3) or 41(4) and not withdrawn, submissions duly made to it by an authority referred to in section 40(1)(c) or (e), any additional information furnished to it under section 41 of the 2001 Act, the likely consequences for proper planning and sustainable development in the area in which it is proposed to carry out the railway works and for the environment of such works, the Environmental Impact Assessment Report and the Natura Impact Statement and the Board having carried out an Environmental Impact Assessment and an Appropriate Assessment, the matters referred to in section 143 of the Act of 2000,	63. Check spacing.
AND BEING OF OPINION THAT THE SAID APPLICATION SHOULD BE GRANTED and being also of the opinion that the acquisition of the land and any substratum of land specified in this Order are necessary for giving effect to this Order,	09 JUL 2021 LTR DATED _____ FROM _____ LDG- _____ ABP- _____
HEREBY AUTHORISES:	
The applicant to construct, maintain, improve and operate the railway works and works specified herein or any part thereof, in such manner and subject to such conditions, modifications, restrictions and requirements (and on such other terms) as the Board thinks proper and specifies herein.	
AND the Board hereby ORDERS as follows:	
PART I	
PRELIMINARY	
ARTICLE 1	
Citation	
(1) This Order maybe cited as the 'Dublin to Cork Railway Line (Elimination & Upgrade of Level Crossings between Limerick Junction and Mallow) Order 2020'	64. Use proper double quotes around title. 65. Change ampersand to "and". 66. Full stop.
ARTICLE 2	



Draft Railway Order - Original Text	Comments
Definitions/Interpretations	67. Spacing on "/". 68. "Interpretation" or "Interpretations" ?
(1) In this Order (save where the context otherwise requires): –	
"Act of 1961" means the Road Traffic Act 1961, as amended and substituted;	69. Not used in this document. Is it used in a referenced document?
"Act of 1993" means the Roads Act, 1993, as amended and substituted;	
"Act of 2000" means the Planning and Development Act 2000, as amended and substituted;	
"The Act", "the Act of 2001", "the 2001 Act" means the Transport (Railway Infrastructure) Act 2001 as amended and substituted;	70. Standardise wording but check the other legislation. 71. Check punctuation in original title.
"apparatus" includes any sub-station, inspection chamber, junction box, booster station, pipe, sewer, drain, duct, tunnel, conduit, wire, cable, fibre, insulator, and such other thing as may be used by an Undertaker for or in connection with the provision of a service to the public;	72. Delete hyphen from "sub-station"
"applicant" means Córas Iompair Éireann and or the railway undertaking;	09 JUL 2021
"authorised works" means the scheduled works and any other works authorised by this Order or any part of them and includes railway works and works and includes those described in the schedules to this Order;	73. Not used in this document. Is it used in a referenced document?
"Board" means An Bord Pleanála;	
"book of reference" means the book of reference to the plan, submitted to the Board pursuant to Section 37(3) of the Principal Act and certified by the Board as the book of reference for the purpose of this Order;	
"construct" includes build, make and put together;	
"execute" includes construct, maintain, improve and operate, and cognate words shall be construed accordingly;	
"land" includes tenements, hereditaments, houses and buildings and any other structure, land covered by water and any estate, right or interest in or over land and includes any substratum of land or substrata of land;	

Draft Railway Order - Original Text	Comments
<p>"level crossing" means an at grade intersection between a railway line and a road or passage;</p>	<p>74. What is a "passage"?</p> <p>75. What of paths and cycle paths under the Roads Acts?</p> <p>76. What of accommodation crossings, which are not associated with a road?</p>
<p>"limits of land to be used temporarily" means the limits so shown and described in the plan;</p>	<p>77. Not used in this document. Is it used in a referenced document?</p>
<p>"Local Authority" has the meaning assigned to it by the Act of 1993;</p> 	<p>78. Unnecessarily indirect - "'local authority' means a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014)"</p>
<p>"maintain" includes inspect, repair, adjust, alter, remove, reconstruct, renew, replace and cognate words shall be construed accordingly;</p>	
<p>"mechanical power" means electrical and any other motive power;</p>	<p>79. Not used in this document. Is it used in a referenced document?</p> <p>80. Does "motive power" include animal and human power?</p>
<p>"Minister" means the Minister for Transport;</p>	<p>81. Not used in this document. Is it used in a referenced document?</p>



Draft Railway Order - Original Text	Comments
<p>"national road authority" means the authority with responsibility for national roads, established under the Act of 1993, namely Transport Infrastructure Ireland;</p> <div data-bbox="493 302 980 593" style="border: 1px solid red; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center; color: red; font-weight: bold;">AN BORD PLEANALA</p> <p style="text-align: center; color: red; font-weight: bold;">09 JUL 2021</p> <p style="color: red;">LTR DATED _____ FROM _____</p> <p style="color: red;">LDG- _____</p> <p style="color: red;">APP- _____</p> </div>	<p>82. Should this read "<u>National Roads Authority</u>"? Transport Infrastructure Ireland is an operational name of the National Roads Authority<sup>2</sup>.</p>
<p>"occupier" includes a person occupying land under a tenancy for a period of more than one month;</p>	
<p>"owner" in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term whereof exceeds three years;</p>	
<p>"plan" means the plan of the proposed railway works together with all documents which accompany the application, including alignment drawings/plans, structural drawings/plans, property drawings/plans, all plans submitted to the Board pursuant to section 37(3) of the Principal Act and plans deposited or to be deposited at the head office of the Railway Undertaking pursuant to section 46(a) of the Principal Act;</p>	<p>83. Spacing on "/".</p>
<p>"Planning Authority" has the meaning assigned to it by the Act of 2000;</p>	<p>84. Not used in this document. Is it used in a referenced document?</p>
<p>"Principal Act" means the Transport (Railway Infrastructure) Act, 2001 as amended and substituted;</p>	<p>85. Check punctuation in original title.</p>
<p>"public road" means a public road within the meaning of the Act of 1993 and includes any road which may become a public road during the currency of this Order;</p>	
<p>"railway" means an existing railway, including the railway constructed, maintained, improved and operated pursuant to the Great Southern and Western Railway (Extension to Cork and Limerick) Act 1845 (as amended and substituted) and otherwise known as the Cork Dublin to Cork railway line or a railway or part of a railway for which railway works and works are authorised by this Order;</p>	<p>86. "Cork Dublin to Cork"? Change to "Dublin to Cork Railway Line".</p>

<sup>2</sup> See <http://www.irishstatutebook.ie/eli/2015/si/297/made/en/print>



Draft Railway Order - Original Text	Comments
<p>"railway infrastructure" means any land, buildings, bridges, structures, equipment, systems, vehicles, services or other thing used in connection with, or necessary or incidental to, the movement of passengers or freight by railway;</p> <div data-bbox="443 398 921 734" style="border: 1px solid red; padding: 10px; margin: 10px auto; width: fit-content;"> <p style="text-align: center; color: red; font-weight: bold;">AN BORD PLEANÁLA</p> <p style="text-align: center; color: red; font-weight: bold;">09 JUL 2021</p> <p>LTR DATED _____ FROM _____</p> <p>LDG- _____</p> <p>ABP- _____</p> </div>	<p>87. Use proper double quotes around "railway infrastructure".</p> <p>88. What of the movement of things that might not be classified as passengers or freight?</p> <p>89. What of non-railway infrastructure on the railway, e.g. telecoms?</p>
<p>"railway order" means an order made under section 43 of the Principal Act;</p>	
<p>"railway undertaking" means the person who made the application for this Order, namely Córas Iompair Éireann, or a person with whom such person has made an arrangement pursuant to section 43 (5) of the Principal Act;</p>	
<p>"railway works" means any works required for the purposes of a railway or any part of a railway, including works ancillary to the purposes aforesaid such as the elimination, closure and upgrade of level crossings, the provision of bridges including road-over-rail bridges, the parking by buses or by persons using vehicles who intend to complete their journey by railway, and relocation of utilities, and in this definition "works" includes any act or operation of construction, excavation, tunnelling, demolition, extension, alteration, reinstatement, reconstruction, making good, repair or renewal;</p>	
<p>"reconstruct" means wholly or partly rebuild, repair, restore, replace, alter and cognate words shall be construed accordingly;</p>	
<p>"rights" includes rights which exist or which the Railway Undertaking is authorised to create by this Order</p>	<p>90. End of sentence missing.</p>
<p>"relevant road authority" is a road authority in relation to a road or a proposed road the subject of this Railway Order and in whose functional area the road is located or is proposed to be constructed;</p>	
<p>"road authority" means the road authority as defined in the 1993 Act and includes the council of a county, the corporation of a county or other borough and a local authority as defined in the Local Government Act 2001 (as amended) or the national road authority or Transport Infrastructure Ireland;</p>	<p>91. Change to "Act of 1993".</p> <p>92. Dated language. See definitions above of "Local Authority" and "national road authority".</p> <p>93. Is the NRA a road authority?</p>

<b>Draft Railway Order - Original Text</b>	<b>Comments</b>
"road" has the meaning assigned to it by the Act of 1993 and includes any bridge, road-over-rail bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway;	94. What of paths and cycle paths under the Roads Acts?
"scheduled works" means the works specified in the Schedules to this Order or any part of them and shall also include all such other works and railway works referred to in this Order and the Schedules to this Order;	
"substratum of land" means any subsoil or anything beneath the surface of land required—	95. Is this unduly narrow? It may leave certain rights with the original landowner.
<ul style="list-style-type: none"> <li>• for the purposes of the authorised works, or</li> <li>• for any other purposes connected with this Order;</li> </ul>	
"undertaker" means any person or body with power and authority in relation to apparatus to relocate or cause it to be relocated;	96. Is this unduly narrow? Some utilities may have restricted rights, akin to a tenant or licensee.
"works" includes any act or operation of construction, excavation, tunnelling, demolition, extension, alteration, reinstatement, reconstruction, making good, repair or renewal and includes railway works as defined in the 2001 Act but also includes where the context so requires or admits other works authorised by this Order including such acts or operations as are included in the meaning assigned to "works" in the definition of "railway works" contained in the 2001 Act and the methods by which such said acts or operations are executed;	
(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface;	97. "air space" or "air-space"?
(3) Any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order;	
(4) References in this Order to points identified by letters, with or without numbers, shall be construed as reference to the points marked on the plan.	
(5) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands shall be construed as if the words "or thereabouts" were inserted after each such distance, direction and length, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.	
(6) Terms assigned in the defined Acts and used in this Order have the meanings assigned to them in those Acts unless otherwise herein appears.	
ARTICLE 3	
Incorporation of Enactments	



Draft Railway Order - Original Text	Comments
(1) The Regulation of Railways Acts, 1840–1893 and any other Act relating to railways shall apply to the railway works authorised by this Order so far as they are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order, and the Principal Act together with the Order shall be deemed to be the Special Act for the purposes of those enactments.	
PART II	
RAILWAY WORKS, WORKS AND RELATED PROVISIONS	
ARTICLE 4	
Construction, operation, improvement and maintenance of railway works and works	98. Change to title case.
(1) Subject to the provisions of this Order, the Railway Undertaking may— in the places and areas and on the lines shown on the Plans and in accordance with the authorised railway works and works including those more particularly described in the Schedules hereto – permanently remove and eliminate existing level crossings and level crossing infrastructure including all level crossing gates and do all such ancillary works in relation to the extinguishment of public and/or private rights of way across the level crossing; construct new road-over-rail bridges in place of existing level crossings as alternative accesses across the Dublin – Cork Railway Line; effect an upgrading by the replacement of an existing level crossing with a 4-barrier CCTV controlled level crossing; upgrade, realign and/or close existing roads; construct new roads and carry out the railway works and works referred to in the Schedules hereto and execute the authorised and scheduled works or any part thereof and all other necessary or ancillary works or things;	99. Spacing on “–”. 100. Spacing on “/”. (Repeated). 101. Change to “... Dublin to Cork Railway Line ...”.
(2) Subject to the provisions of this Order, the Railway Undertaking may, in the places and areas and on the lines and according to the levels shown on the Plans construct, improve, maintain and operate the railway works, works and railway specified in the Schedules hereto and execute the railway works and works and all other works and things necessary or ancillary thereto.	
(3) Construction of the works authorised by this Order shall be completed at the end of the period of 10 years from the date this Order comes into force or within such further period as An Bord Pleanála may allow on the application of the Railway Undertaking.	102. Perhaps “...shall be completed before the end ...”? 103. Somewhat duplicates Article 9(1). 104. However, what if the works or part thereof are abandoned?
(4) Paragraph (3) of this Article shall not apply to any works required for the operation or maintenance of the railway works authorised by this Order or for any works which are required for safety purposes.	



Draft Railway Order - Original Text	Comments
(5) The Railway Undertaking shall construct and maintain at its own expense each CCTV apparatus and new crossing barriers constructed by the Railway Undertaking pursuant to this Order.	
(6) The Railway Undertaking shall construct and maintain at its own expense each new gate, wall, fence or such other structure associated with closing and/or stopping up and/or preventing access across all proposed level crossings to be extinguished pursuant to this Order.	105. Spacing on "/". (Repeated).
(7) The Railway Undertaking shall demolish at its own expense any existing building or structure required to pursuant to this Order and set out in the First Schedule.	
ARTICLE 5	
Discharge of Water	
(1) The Railway Undertaking may alter the level or the course of, or make use of for the drainage of water, any surface watercourse or any sewer or drain and may construct provide and use any underground or overground tanks or pipes or outfalls or culverts to assist in such drainage in connection with the construction, maintenance or operation of the works and for that purpose may make any convenient connections with any such surface watercourse, sewer or drain, subject, however, to the following provisions:	
(a) The Railway Undertaking shall not discharge any water into, or interfere with, any surface watercourse, sewer or drain except with the consent of the sanitary authority to which it belongs which consent shall not be unreasonably withheld or delayed and in accordance with such terms and conditions as such sanitary authority may reasonably impose;	
(b) The Railway Undertaking shall take such steps as may be reasonably practicable to ensure that any water discharged into any such public surface watercourse, sewer or drain under the powers conferred on the Railway Undertaking by this Article is free from soil or polluting or deleterious material;	
(c) Should any dispute occur in relation to any of the provisions of this Article between the Railway Undertaking and the sanitary authority such dispute shall be referred to arbitration in accordance with the provisions of Article 17 of this order.	
ARTICLE 6	
Deviation & Maximum Working Area	106. Change ampersand to "and".
(1) In constructing, maintaining, improving and executing any of the railway works and works authorised by this Order, the Railway Undertaking may make modifications to allow for innovations in construction methods or technology and may deviate horizontally by 0.5 metres from the positions shown on the plans;	



Draft Railway Order - Original Text	Comments
(2) In constructing, maintaining, improving and executing any of the railway works and works authorised by this Order, the Railway Undertaking may make modifications to allow for innovations in construction methods or technology and may deviate vertically from the levels shown on plans to any extent not exceeding 1 metre upwards or downwards.	
ARTICLE 7	
New roads including public roads and bridges which may be constructed and roads including public roads which may be altered, realigned or closed	107. Change to title case. 108. Comma or not?
(1) In addition to and or in exercise of the powers conferred by section 50 of the Principal Act and subject to paragraph (2) of this Article, the Railway Undertaking may in connection with or for the purpose of railway works or works on, in, over, under or adjacent to and in proximity to any road and any public road and in accordance with the plans herein do any one or more of the following:	
(a) alter the width of the carriageway of the road including altering the width of any footway, cycle track, verge or other land within the boundary of the road;	109. What of paths and cycle paths under the Roads Acts?
(b) break up, alter or interfere with the level of any carriageway, kerb, footway, cycle track, verge of other land within the boundary of the road;	110. What of paths and cycle paths under the Roads Acts?
(c) realign or alter the road;	111. What of paths and cycle paths under the Roads Acts?
(d) carry out works to the carriageway of the road for the purpose of deterring or inhibiting vehicles [other than authorised vehicles] from passing along the tracks of the railway or from passing along any particular section or sections of the road;	112. Unless it is defined in a referenced document, change "carriageway" to "roadway" (Roads Act 1993). 113. Change square brackets to round brackets.
(e) stop up or close part of the road;	
(2) Before exercising any power under paragraph (1) of this Article the Railway Undertaking shall obtain the consent of the relevant Road Authority, which consent shall not be unreasonably withheld or delayed.	
(3) The authorised works may be executed on, in, over, under or adjacent to the roads including public roads specified in the Fifth Schedule.	



Draft Railway Order - Original Text	Comments
(4) The Railway Undertaking may, with the consent of the relevant Road Authority, construct new roads, including bridges and road-over-rail bridges, specified in the Fifth Schedule with all necessary works connected therewith by way of diversion from or in substitution for or in replacement of or an extension of an existing road or public road or as an additional road.	
(5) Each new road constructed under this Article shall, unless otherwise agreed between the Railway Undertaking and the Road Authority, be maintained by and at the expense of the relevant Road Authority upon the expiry of the period of twelve months after its completion.	
(6) Should any dispute occur in relation to any of the provisions of this Article between the Railway Undertaking and the Road Authority such dispute shall be referred to arbitration in accordance with the provisions of Article 17 of this Order.	
(7) The construction of bridges by the Railway Undertaking in accordance with Article 4 herein and referred to in the First and Fifth Schedules hereof include bridges to carry a road or public road over the railway including all works referred to herein with all necessary and ancillary works connected therewith.	
(8) Subject to paragraph (9) of this Article, the Railway Undertaking shall maintain at its own expense each bridge constructed by the Railway Undertaking pursuant to this Order to carry a public road over the railway.	
(9) Where a bridge carries a public road over the railway, the Railway Undertaking and the relevant Road Authority may enter into agreements upon such terms as may be agreed between them for the maintenance, improvement, or relaying of the road surface.	
(10) Before exercising any power under paragraph (7) of this Article, the Railway Undertaking shall obtain the consent of the relevant Road Authority, which consent shall not be unreasonably withheld or delayed.	
(11) Should any dispute occur in relation to any of the provisions of this Article between the Railway Undertaking and the Road Authority such dispute shall be referred to arbitration in accordance with the provisions of Article 17 of this Order.	
(12) Any person exercising any power lawfully vested in any person to open or break up any road to which this Order relates or any road in which a railway is laid or to lay down, repair, alter or remove any apparatus, shall in all respects comply with any reasonable conditions specified by the Railway Undertaking as necessary for or in connection with the construction, maintenance, improvement operation or protection of the railway or the railway works.	
(13) No powers referred to in this Article shall be exercised so as to affect a railway or its safety or operation without the prior consent in writing of the Railway Undertaking, which consent shall not be unreasonably withheld or delayed.	

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Draft Railway Order - Original Text	Comments
(14) Further to the provisions of this Article, the Railway Undertaking may, for the purpose of executing the works authorised by this Order or for any purpose incidental thereto, request a Road Authority by order to close permanently any roads specified in the Fifth Schedule to traffic and to close temporarily any one or more of the roads, including public roads specified in the Fifth Schedule to traffic and the following provisions shall apply in relation to such a request:	
(a) The Railway Undertaking shall give to the Road Authority not less than twenty-one days' prior notice in writing of its requirement to close permanently each road including each public road.	
(b) The Railway Undertaking shall give to the Road Authority not less than twenty-one days' prior notice in writing of its requirement to close temporarily each road including each public road and such notice shall:	
(i) Specify the road which is required to be closed temporarily;	
(ii) State the period for which, in the reasonable opinion of the Railway Undertaking, it is necessary to close temporarily such road;	
(iii) Give particulars of any alternative route or routes if any which the Railway Undertaking believes will be available while such road is closed temporarily;	
(iv) Contain a brief description of the works which the Railway Undertaking proposes to carry out while such road is closed temporarily.	
(v) State whether the order closing the road is required to be subject to conditions as to whether any and if so what traffic or persons may be allowed use the road and at what times and on what if any conditions.	
(15) A request made to a Road Authority under paragraph (14) shall not be unreasonably refused or delayed.	
(16) The Railway Undertaking shall provide reasonable access for pedestrians going to or from premises abutting on a road affected by the powers conferred by paragraph (14).	
(17) The Railway Undertaking may provide such access for vehicular traffic along the road closed in consequence of the exercise of the powers conferred by paragraph (14) as the Railway Undertaking from time to time considers reasonable having regard to the nature of the works and the need to preserve the safety of persons and vehicles permitted to use the road, and the Railway Undertaking may impose such restrictions and conditions upon the passage of vehicles on the road as it considers reasonable in the circumstances.	
(18) The provisions of paragraphs (14) to (17) are without prejudice to the power of the Railway Undertaking to execute, in an emergency, works immediately necessary to eliminate or reduce danger or risk to persons or property.	
ARTICLE 8	
Tree Lopping	
(1) The Railway Undertaking may lop, remove or cut any tree, shrub or hedge that obstructs or interferes with any works authorised by this Order, subject to any mitigation or other specific actions relevant to trees protected by a Tree Preservation Order.	114. Subject to normal rules regarding breeding season, etc.

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(2) With regard to paragraph 1 above, where a tree, shrub or hedge lies on land not owned by the Railway Undertaking and for the purpose of works authorised by this railway order, needs to be lopped or cut, the Railway Undertaking shall serve on the owner or occupier of the land or, in the case of a public road, on the Road Authority charged with the maintenance of such road, on which such tree, shrub or hedge is standing, notice in writing of its intention so to lop or cut, and, after the expiration of 28 days from the date of such service the Railway Undertaking may lop or cut any tree, shrub or hedge if the owner or occupier has not already done so.	115. Subject to normal rules regarding breeding season, etc. 116. In other parts of the document, numbers are written as words.
(3) Where an occupier or owner of land cuts or lops any tree, shrub or hedge under this article, the reasonable expense (if any) incurred by him or her in so doing shall be paid to him or her on demand by the Railway Undertaking, and the amount of such expenses shall be recoverable from the Railway Undertaking, in default of agreement, as a simple contract debt in any court of competent jurisdiction.	
ARTICLE 9	
Period within which the Railway Undertaking is authorised to carry out the authorised and scheduled works	117. Change to title case.
(1) Subject to paragraph 2 and so far as is reasonably practicable, execution of the authorised works shall be substantially completed by the end of the period of 10 years beginning on the date on which this Order comes into operation pursuant to section 43(4) of the Principal Act.	
(2) Paragraph 1 of this Article does not apply to any works which are required for safety or maintenance purposes in connection with the operation of the railway.	
PART III - ACQUISITION AND POSSESSION OF LAND AND RIGHTS	118. Hyphen or not?
ARTICLE 10	
Power to acquire land	119. Change to title case.
(1) Subject to the Principal Act, the Railway Undertaking may acquire compulsorily and use all or such part of the lands shown on the plans and specified in the Second Schedule and the rights in under or over land described in the Second Schedule as the Railway Undertaking may require for the purposes of the execution of the works authorised by this Order and the operation of the railway or for purposes incidental or ancillary thereto.	
(2) In relation to any such acquisition of land the provisions of Sections 4 and 8 of the Railways Act 1851 shall not apply.	
ARTICLE 11	
Power to temporarily acquire and occupy land	120. Change to title case.



Draft Railway Order - Original Text	Comments
(1) Subject to the Principal Act, the Railway Undertaking may enter upon, occupy and take temporary possession of the land shown in the plan and specified in the Third Schedule or any part of that land, for the purpose of carrying out the authorised works.	
(2) In particular, and without prejudice to the generality of paragraph 1—	121. Change to "paragraph (1)—".
(a) the Railway Undertaking may—	
(i) enter on and take temporary possession of that land for the provision of working sites and access for construction purposes or for purposes in connection with the works authorised by this Order, and	
(ii) for those purposes, remove any structures thereon, construct other structures, cut and remove anything growing on that land or part thereof, and generally do all things to and on that land that are required to adapt it for those working sites or that access,	
(b) where, in the exercise of the powers conferred on the Railway Undertaking by the Principal Act and this Order, a part of a building has been compulsorily acquired or interfered with for the purpose of carrying out railway works, the Railway Undertaking may enter on, and take temporary possession of, another part of that building with a view to minimising the damage or injury done or likely to be done by the acquisition or removal of, or interference with, that part of the building so acquired or interfered with.	
(3) Before giving up possession of land specified in the Third Schedule and subject to any agreement to the contrary with the owners and occupiers of the land, the Railway Undertaking shall remove all temporary works and structures constructed by it on the land and shall restore the land as far as possible to its former state.	
(4) The Railway Undertaking shall not be required to acquire any land of which it takes temporary possession pursuant to this Article.	
(5) The Railway Undertaking shall pay to the owners and occupiers of land of which it takes temporary possession under this article compensation for any loss, injury or damage thereby suffered or expenditure thereby incurred as if that loss, injury, damage or expenditure were suffered or incurred in consequence of the exercise by the Railway Undertaking of a power conferred upon it by section 48 of the Principal Act, and the amount of the compensation shall be determined in accordance with that section.	
ARTICLE 12	
Acquisition of Easements and other rights over land	122. Change to title case.
(1) Subject to the Principal Act, the Railway Undertaking may acquire compulsorily such rights over the lands, water, railways or roads shown on the plan and specified in the Second Schedule as may be required for the purposes of the execution of the authorised works and the operation of the railway, together with such rights as are necessary for the full and free exercise at all times of the first-mentioned rights.	
ARTICLE 13	

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Draft Railway Order - Original Text	Comments
Extinguishment of public rights of way and temporary interference with rights including rights of way	123. Change to title case.
(1) The Railway Undertaking may extinguish the public rights of way shown on the plans and specified in the Fourth Schedule for the purposes of the execution of the works and authorised works and the operation of the railway or for purposes incidental or ancillary to those purposes.	
(2) The Railway Undertaking may extinguish the public rights specified in the Fourth Schedule.	
(2) The Railway Undertaking may temporarily interfere with or stop up the public rights, including public rights of way specified in the Fourth Schedule of this Order.	
ARTICLE 14	
Use of air space	124. Change to title case. 125. "air space" or "air-space"?
(1) Without prejudice to Article 13, the Railway Undertaking may enter on and use so much of the air-space over a road or public road as is reasonably required for the purposes of, or in connection with the execution of the authorised works and the operation, maintenance or improvement of the railway or for purposes incidental or ancillary to those purposes.	126. "air space" or "air-space"?
(2) The power under paragraph 1 of this Article may be exercised in relation to a road or public road without the Railway Undertaking being required to acquire any part of the road or any easement or other right in relation to the surface of the road.	
ARTICLE 15	
Period within which the Railway Undertaking may compulsorily acquire land and interests in land	127. Change to title case.
(1) The powers conferred on the Railway Undertaking by this Order compulsorily to acquire permanently land or rights over land, water or a road and, subject to paragraph 3, the power conferred to enter upon and take temporary possession of land shall cease at the end of the period specified in the Act of 2000, section 217(6), beginning on the date on which this Order comes into operation pursuant to section 43(4) of the Principal Act.	
(2) The powers of the Railway Undertaking compulsorily to acquire land or rights over land shall, for the purposes of this article, be deemed to have been exercised if a notice to treat has been served in respect of the land or rights before the end of the period mentioned in paragraph 1.	
(3) Notwithstanding paragraph 1, the Railway Undertaking shall be entitled to remain in temporary possession of land pursuant to this Order after the end of the period mentioned in paragraph 1 where possession of the land was taken before the end of that period.	
PART IV	
MISCELLANEOUS AND GENERAL	

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ARTICLE 16	
Interference with Apparatus	
(1) This Article applies where it appears to the Railway Undertaking, in relation to apparatus in the vicinity of a place in which it proposes to execute authorised works, that —	
(a) the functioning of the apparatus will, or is likely to, interfere with the execution of those works or the proper functioning of the railway, or	
(b) the execution of the authorised works or the operation of the railway will or is likely to interfere with the proper functioning of the apparatus.	
(2) The relevant undertaker may and, upon reasonable request by the Railway Undertaking, shall without unreasonable delay do either or both of the following:	
(a) remove the apparatus and/or relocate it or other apparatus in substitution for it in such other position or location as may be agreed with the Railway Undertaking,	128. Spacing on “/”.
(b) take such further or other steps or make such further or other provision with the agreement of the Railway Undertaking as secures the apparatus and the authorised works and the proper functioning of each of them respectively from mutual interference or damage.	
(3) Subject to paragraph 4, the Railway Undertaking shall pay to the undertaker an amount equal to the cost reasonably incurred by the undertaker in the discharge of its obligations under paragraph 2.	
(4) Where an undertaker, in the course of the discharge of obligations under paragraph 2, unnecessarily provides, in substitution for existing apparatus, apparatus that, whether because of its type, construction, design, layout, placement or any other feature, is an improved or superior version of the existing apparatus, the sum payable by the Railway Undertaking under paragraph (3) shall not exceed the cost that would have been reasonably incurred by the undertaker if the substituted apparatus had not been an improved or superior version of the existing apparatus.	
(5) An undertaker may permit the Railway Undertaking to carry out or cause to be carried out such portion of the undertaker's obligations under this Article as the undertaker agrees, in accordance with such conditions as are agreed between the Railway Undertaking and the undertaker, but the undertaker is not obliged to enter into any such agreement.	
(6) In this Article —	
“apparatus” means any item of infrastructure (including, in particular, any substation, inspection chamber, junction box, booster station, pipe, sewer, drain, duct, tunnel, pylon, conduit, wire, cable, fibre or insulator) used for or in connection with the provision or acceptance of a service to the public;	
“undertaker”, in relation to apparatus, means a person or body with power and authority, independently of the operation of this Order, to locate or relocate the apparatus, or cause it to be located or relocated, as provided for in this Article.	
ARTICLE 17	
Arbitration	

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Draft Railway Order - Original Text	Comments
(1) Paragraphs 2 to 4 apply to any dispute arising between the Railway Undertaking and any other party in relation to the execution of the authorised works or the exercise by the Railway Undertaking of the powers granted by this Order.	
(2) The Railway Undertaking and the other party shall use their best endeavours to resolve the dispute on mutually acceptable terms.	
(3) If, after such period as the Railway Undertaking or the other party considers reasonable, the dispute has not been resolved to the satisfaction of both parties, the following shall apply:	
(a) either party may, by 14 days' notice in writing to the other party, require the subject-matter of the dispute to be submitted to a single arbitrator and shall, in that notice, nominate a person to arbitrate upon the subject matter of the dispute;	129. In other parts of the document, numbers are written as words.
(b) the party receiving the notice may, within that period of 14 days, by a counter-notice, either —	130. In other parts of the document, numbers are written as words.
(i) accept the arbitrator nominated by the party serving the original notice, or	
(ii) nominate at least 2 alternative persons to act as arbitrator;	131. In other parts of the document, numbers are written as words.
(c) if any one of the persons nominated by the parties is acceptable to both parties, the subject-matter of the dispute shall be referred to the arbitrator as soon as may be after that person has indicated his or her willingness to act as arbitrator;	
(d) if —	
(i) after service of the notice and counter-notice, the parties fail to agree upon an arbitrator, or	
(ii) the person agreed upon to be the arbitrator has failed to indicate, within 14 days of being so requested, his or her willingness to act, either party may apply to the Chairman for the time being of the Irish Branch of the Chartered Institute of Arbitrators for the appointment of an arbitrator;	132. In other parts of the document, numbers are written as words.
(e) the arbitrator so appointed by the Chairman of the Irish Branch of the Chartered Institute of Arbitrators shall notify the parties in writing of his or her appointment as soon as may be thereafter and shall conduct the arbitration in accordance with the rules of the Irish Branch of that Institute.	133. Does the Chartered Institute of Arbitrators still use the title "Chairman"?
(4) The Arbitration Act 2010 shall apply to the arbitration, and the decision of the arbitrator in relation to the dispute and all matters connected with it shall be binding on the parties.	
.	134. Delete stray punctuation.



Draft Railway Order - Original Text	Comments
ARTICLE 18	
Agreement between the Railway Undertaking and Road Authorities	135. Change to title case.
(1) The Railway Undertaking may, from time to time, enter into and carry into effect and thereafter from time to time alter, renew or vary contracts, agreements or arrangements with any one or more Road Authority in relation to —	136. “and thereafter from time to time alter, renew or vary contracts, agreements or arrangements” sounds quite unilateral.
(a) laying down, making, paving, metalling or keeping in repair any road and the railway thereon, or	
(b) altering the levels of the whole or any part of any road in which the Railway Undertaking is authorised to lay down the railway, and the proportion to be paid by them, or either of them, of the expenses of any such works.	
ARTICLE 19	
Byelaws	137. “Bye-laws” or “Byelaws”? What does the empowering act say? (Repeated). 138. Why are bye-laws being authorised here? Surely they would be best authorised by primary legislation?
(1) Pursuant to the power conferred by Section 66 of the Principal Act, the Railway Undertaking may make bye-laws for the management, control, operation and the regulation of the railway and in relation to the repair, improvement, extension and development thereof and, without prejudice to the generality of the foregoing, in relation to any one or more of the following matters—	
(a) the prevention of the commission of nuisances in or upon railway vehicles or apparatus,	
(b) the prevention of trespass upon and/ or damage to railway vehicles or apparatus,	139. Spacing on “/”.
(c) the removal from or the prohibition of the use on a railway line of any vehicle or thing which is or may become a danger to life, health, the operation or maintenance of a railway or would otherwise interfere with the proper operation of a railway.	
(2) Bye-laws under paragraph 1 may contain such incidental, subsidiary and ancillary provisions as the Railway Undertaking considers necessary or expedient for the purposes of the bye-laws.	

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(3) A person who contravenes a bye-law under paragraph 1 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €600 or such other fine as may be fixed from time to time by law.	

- 140. Review punctuation in long paragraphs / lists.
- 141. Check spacing.
- 142. Check all legislative references.
- 143. Different hyphens used "-", "- " and "—", apparently randomly.





## Websites and Documents

1. Some files were not downloadable from the An Bord Pleanála<sup>3</sup> or Irish Rail<sup>4</sup> websites. This was notified to the Board in my emails of 26 & 27 May 2021 and the applicant in my emails of 27 May 2021 and 26 & 28 June 2021.
2. 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.
3. A limited number of additional files were findable using the 'directory index' view<sup>5</sup> of the An Bord Pleanála website that were not findable with the standard 'html' view of the website.
4. 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.
5. The file "APPENDIX 13B Landscape Montages.pdf" is approximately 1,132 MB. 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.
6. 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".
7. Message "Out of Memory" from "Figure 8M Buttevant Construction Sequence Plan.pdf" and "Figure 7O Shinanagh Construction Sequence Plan.pdf".
8. Quite a few file names carry incorrect dates or references. For example, "Volume 4 Figures 71-7P Shinanagh.pdf", the reference "71" 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.
9. With more than 400 files and thousands of pages, the application contains large amounts of duplication and is severely bloated. There is a need for existing layout, proposed layout, structures, land & miscellaneous drawings and administrative, railway order & EIA documents, but not much more. The Non Technical Summary of the EIA 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 and participating in the public consultation.
10. 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.
11. What does "Red Line Boundary" mean on drawings?
12. Possibly some mixed-up colouring on drawings, e.g. rights of way that are completely unrelated to the railway or project are marked.
13. Is there space at each bridge or level crossing for an extra track or tracks or an increase in width required by an increase in track speed, if such is needed at some point in the future? It would be appropriate for there to be a proper assessment now of future needs in this regard.
14. Bridges and parapets should be designed with future electrification of the railway at 25 kV AC in mind.

<sup>3</sup> See <https://www.pleanala.ie/en-ie/case/310286>

<sup>4</sup> See <https://www.irishrail.ie/en-ie/about-us/iarnrod-eireann-projects-and-investments/cork-line-level-crossings-project>

<sup>5</sup> See <https://www.pleanala.ie/publicaccess/EIA-NIS/310286/>



15. What are the minimum sightlines over bridges?
16. All bridges should have at least one footway. In places where there is no footway, ensure there is a rubbing strip between each carriageway and parapet / divider of sufficient width (not including width of gutter) for someone to take refuge.
17. Where there is a footway on a road approaching a bridge, there should also be a footway on that side of the bridge.
18. How much footway is proposed? There seems to be a blurring of what is footway and what is verge.
19. The maximum slope of all footways should be no more than 5%. Slopes steeper than this are difficult, especially for wheelchair users.
20. Why are some bridges designed with a concrete divider (between roadway and footway) and a metal parapet?
21. Reduce the kerb radius at residential junctions and add speed tables / dished kerbs.
22. Footways should be continuous across private entrances. Pedestrians should not have to stop for vehicles exiting driveways. See DMURS.
23. Ban parking in passing bays on new roads.
24. Provide suitable signage and turning areas where roads are closed.
25. Provide wildlife passes under the railway and each new road and at bridges and culverts.
26. Consider options of revising the Ballyhoura Way waymarked route, without necessarily lengthening it.
27. XC209 Ballyhay - while it is perhaps more complicated than the other locations, adding a bridge would be desirable.
28. 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-0002
  - 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)
29. 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.
30. Planning - XC212 Ballycoskery - Drawing No. 2111000-JAC-HGN-XC212-DR-CB-0001(i) - Longitudinal Profile A-A - steps are missing at the pedestrian ramp.
31. Existing XC212 Ballycoskery Level Crossing - visibility appears poor. Have any interim measures been taken?
32. Ballyhea National School - ensure turning area is sufficient for more than one bus / coach at a time.
33. Ballyhea National School - bus stop should be near school entrance, possibly with only wheelchair accessible parking spaces being nearer.
34. Ballyhea National School - is it appropriate to have the railway maintenance / emergency access via the school access road? Is it appropriate to have a direct approach to the gate?
35. Ballyhea National School - long flights of steps are unsafe. Ensure any steps comply with the Building Regulations.
36. Shinanagh - "Existing IE Access to Be Retained" - the layout here may have changed in recent years. The access appears to have been misidentified. It is south of the bridge, not north of the bridge and the proposed works would appear to obliterate it. The proposed level changes to the location north of the bridge would seem to make an access point impractical.



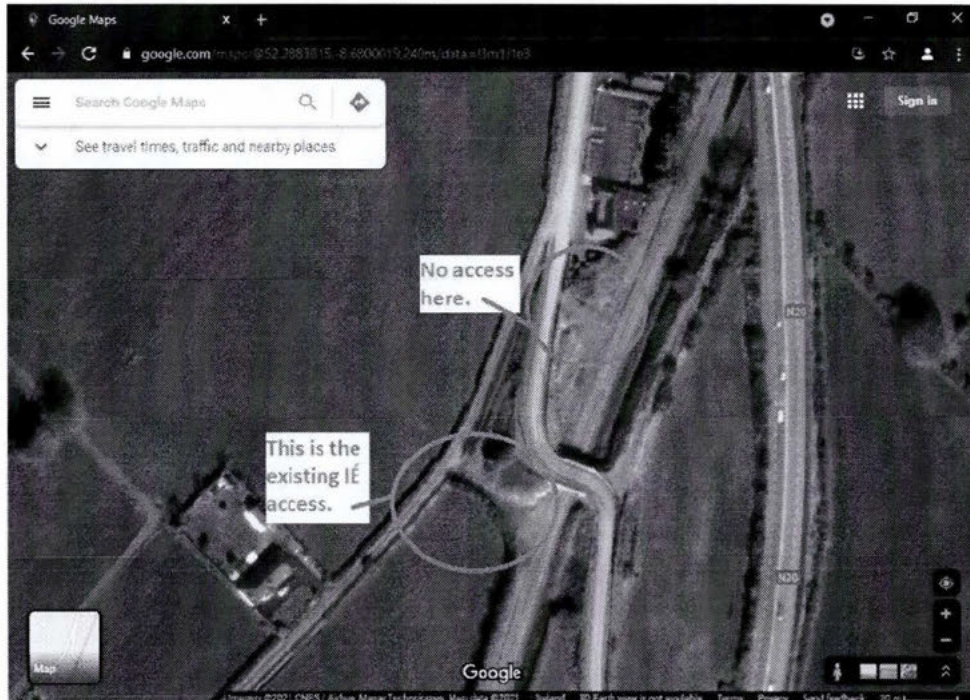


Image 1: From <https://www.google.com/maps/@52.2883815,-8.6800019,240m/data=!3m1!1e3>

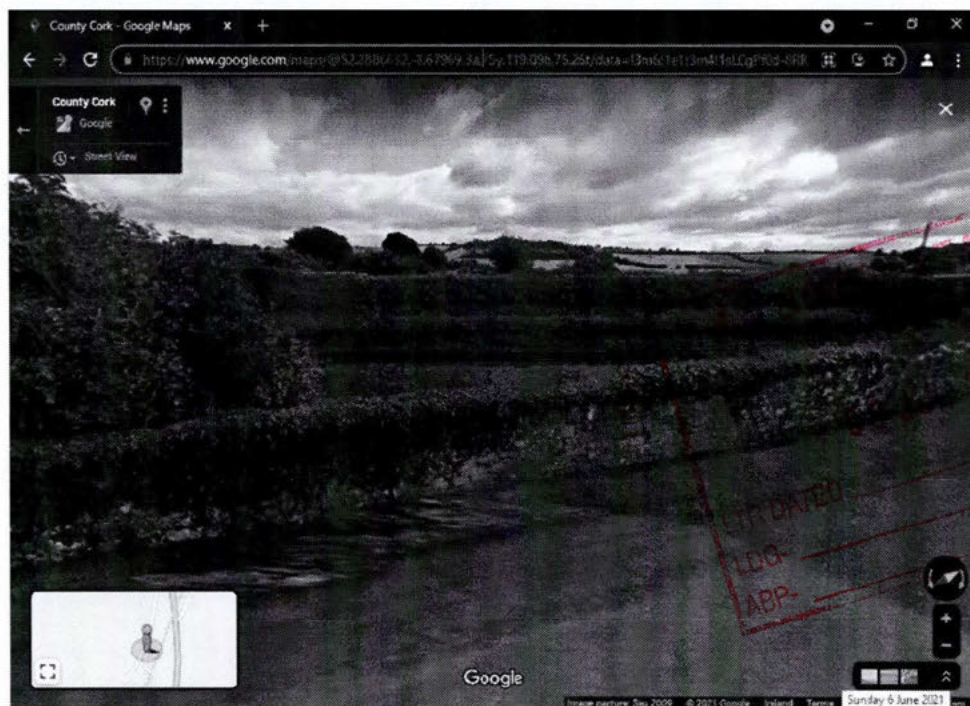


Image 2: From <https://www.google.com/maps/@52.2886632,-8.67969,3a,75y,119.09h,75.26t/data=!3m6!1e1!3m4!1sLCgPf0d-8RR2JjgeWCbxkQ!2e0!7i13312!8i6656>

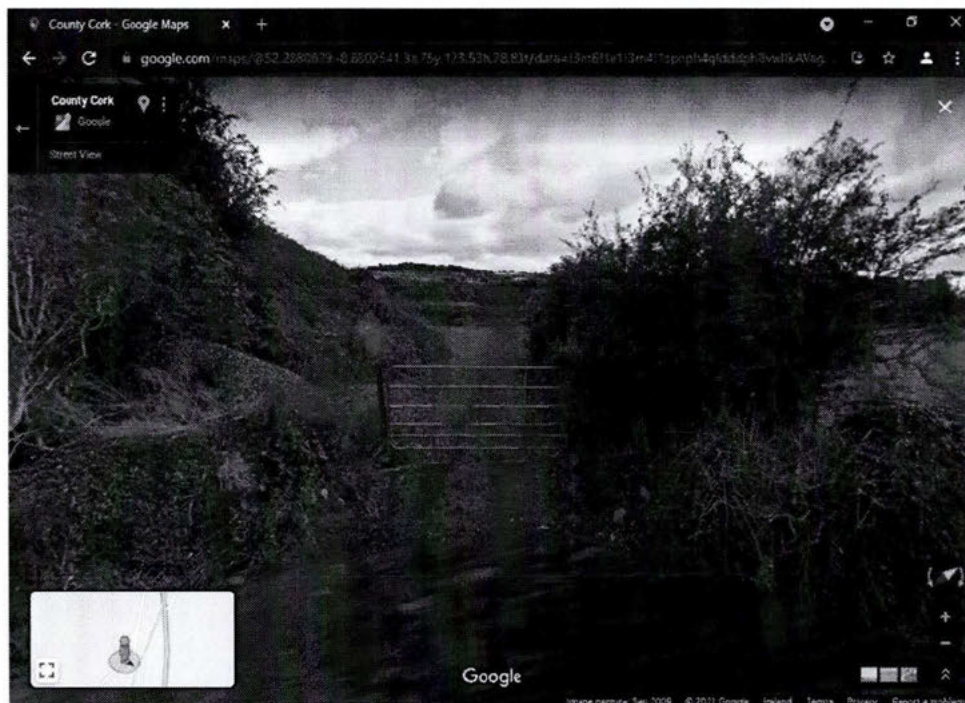


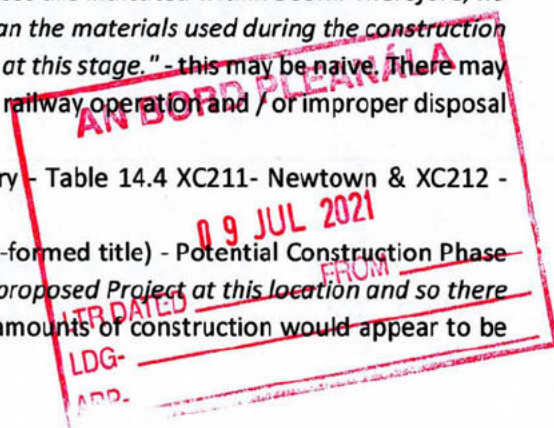
Image 3: From <https://www.google.com/maps/@52.2880829,-8.6802541,3a,75y,123.53h,78.83t/data=!3m6!1e1!3m4!1spoph4qldddph8vwllkAVag!2e0!7i13312!8i6656>

37. Shinanagh - "*Imphrick Church and Graveyard*" (a graveyard is a cemetery with an associated religious building) is also described as "*Imphrick Cemetery*". The former appears to be correct.
38. Figure 10F Permanent Road Section - "*Typical Road Cross Section*" - "*Typical depth of tarmac minimum 20mm to be confirmed at Detailed Design stage*" - check depth.





1. 8.4.3 - XC209 Ballyhay - *"The 2016 census of the Thomastown ..."* - Ballyhay and Thomastown confused.
2. 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.
3. 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 naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
4. 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 materials used during the construction of the existing rail line."* - this may be naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
5. 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 rail line."* - this may be naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
6. 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 naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
7. 10.3.5 - XC215 - Shinanagh - *"Therefore, aside from potential materials associated with the construction of the existing rail line, there are unlikely to be any additional sources of contamination."* - this may be naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
8. 10.3.5 - XC215 - Shinanagh - Desktop Study - Hydrogeology - *"There is one karst spring, named as St Declas Well"* - perhaps "St Declan's Well"? Is this Tobernadeecla? There may be several springs locally and this one appears to be between the railway and existing N20.
9. 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 the construction of the rail line, are anticipated to be encountered at this stage."* - this may be naive. There may be contamination from the railway construction, railway operation and / or improper disposal of waste on adjacent land.
10. 14.3.4 XC211 - Newtown & XC212 - Ballycoskery - Table 14.4 XC211- Newtown & XC212 - Ballycoskery Traffic Counts 2011
11. 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.



12. 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 crossing gates, lighting & CCTV masts, etc.
13. 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 a low level of fatalities, this is in part due to the suppression of ordinary activities - children playing in public or people walking or cycling.





## Preliminary Design Report

1. Executive Summary - "There are 7 remaining manned public road level crossings in operation on the Dublin to Cork line between Limerick Junction and Mallow stations (XC187, XC201, XC209, XC211, XC212, XC215 and XC219)." - every word in this sentence is necessary for it to be true. There are other level crossings between Heuston and Cork Kent that have not been closed.

Name	Location	Comment	Link
Accommodation Crossing	Loughmoe, Tipperary	Possibly closed, but not obviously so.	<a href="http://www.openstreetmap.org/#map=17/52.72734/-7.83176">www.openstreetmap.org/#map=17/52.72734/-7.83176</a>
Accommodation Crossing	Thurles, Tipperary	Possibly closed, but not obviously so.	<a href="http://www.openstreetmap.org/#map=18/52.69574/-7.82338">www.openstreetmap.org/#map=18/52.69574/-7.82338</a>
XC133 Grange CCTV	R497, Donohill, Tipperary	Seems to be in operation. Not on Google Streetview.	<a href="http://www.openstreetmap.org/#map=17/52.52907/-8.14207">www.openstreetmap.org/#map=17/52.52907/-8.14207</a>
Accommodation Crossing	Emly, Limerick	Possibly closed, but not obviously so.	<a href="http://www.openstreetmap.org/#map=18/52.48803/-8.23446">www.openstreetmap.org/#map=18/52.48803/-8.23446</a>
XC164 Emly CCTV	Emly, Limerick	Seems to be in operation.	<a href="http://www.openstreetmap.org/#map=19/52.45757/-8.33348">www.openstreetmap.org/#map=19/52.45757/-8.33348</a>
XC196 McCarthy L.	Kilmallock, Limerick	Recently closed. Still listed on Irish Rail website.	<a href="http://www.openstreetmap.org/#map=18/52.37853/-8.60440">www.openstreetmap.org/#map=18/52.37853/-8.60440</a>
XC197 O'Brien T./David O'Brien	Kilmallock, Limerick	Replaced by bridge. Still listed on Irish Rail website.	<a href="http://www.openstreetmap.org/#map=18/52.37853/-8.60440">www.openstreetmap.org/#map=18/52.37853/-8.60440</a>
XC226 Kilnockin No1/Cashman N./Traf (U)	Mallow General Hospital, Mallow, Cork	Possibly closed, but not obviously so.	<a href="http://www.openstreetmap.org/#map=17/52.15093/-8.66155">www.openstreetmap.org/#map=17/52.15093/-8.66155</a>
Accommodation Crossing	Grenagh, Cork	Possibly closed, but not obviously so.	<a href="http://www.openstreetmap.org/#map=18/51.99492/-8.58300">www.openstreetmap.org/#map=18/51.99492/-8.58300</a>

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2. 2. Need for the Scheme - 2.3 Physical Activity - *"This criterion relates to the health benefits derived from using different transport modes. This criterion is not considered relevant for differentiating between route options for this project because all options would be expected to have a broadly similar impact on physical activity."* - improving safety and travel times on public transport does impact physical activity.
3. 2.5 Accessibility and Social Inclusion - *"This criterion relates to the potential benefits that accrue to those suffering from social deprivation, geographic isolation and mobility and sensory deprivation from the proposed project. This criterion is not considered relevant for differentiating between options for this project because all options would be expected to have a broadly similar impact."* - note that reductions in severance and improvements in public transport will have impacts against social deprivation, geographic isolation and mobility and sensory deprivation issues.
4. 4. XC187 Fantstown - 4.1 Introduction - *"There are also pedestrian wicket gates at the crossing but the gatekeeper has no function in relation to the use of these gates."* - are these gates to be closed?
5. Table 4.1 – XC187 2011 Traffic Counts - *"85% Speed 0"* - surely the 85% Speed must be above 0?
6. 6. XC209 Ballyhay - 6.1 Introduction - *"There are also pedestrian wicket gates at the crossing but the gatekeeper has no function in relation to the use of these gates."* - are these gates to be closed?
7. 7. XC211 Newtown - 7.1 Introduction - *"There are also pedestrian wicket gates ..."* - is this correct, there appears to be no such gates?
8. 8. XC212 Ballycoskery - 8.1 Introduction - *"There are also pedestrian wicket gates"* - is this correct, there appears to be no such gates?
9. 9.3 Options Considered - *"Figure 5.3 below shows the 4no. alternative route options that were considered."*
  - ☐ Green Option – New road alignment to East of level crossing. Requires Pink or Orange tie-in Option.
  - ☐ Blue Option – New road alignment to North of level crossing. Requires Pink or Orange tie-in Option.
  - ☐ Red Option – New road-over-rail bridge to West to level crossing. New junction on N20." - only three, not four, options are presented, although two further tie-in options are presented.
10. 9.5.2 Design Speed - *"The design speed was proposed to be consistent with anticipated vehicle speeds and existing road alignment."*
  - ☐ Current AADT: 1053 (4.9% HGV's)
  - ☐ Current 85% Speed: 50.1km/h
  - ☐ Proposed Design Speed: 50km/h." - is a design speed of 50 km/h appropriate for a road that will have a default speed limit of 80 km/h?





11. 10.5.2 Design Speed - *"The design speed was proposed to be consistent with anticipated vehicle speeds and existing road alignment.*

☐ *Current AADT: 2185 (9.6% HGV's)*

☐ *Current 85% Speed: 72.6km/h*

☐ *Proposed Design Speed: 50km/h*

*As part of the alignment design it would be advised that the 50km/h speed limit in Buttevant would be extended over the proposed alignment. Consultation would be required with the relevant department of Cork County Council to progress this separately to the Rail Order process." - is a design speed of 50 km/h appropriate for a road that has a Current 85% Speed: 72.6km/h and will have a default speed limit of 80 km/h?*

12. General Arrangement Plan - XC212 Ballycoskery - 32111000-JAC-HGN-XC212-DR-CH-0001 - RRM 025 - Broken Edge of Carriageway Line - line is drawn incorrectly as a solid white line.
13. Appendix C. Structural Design - Approval in Principle and General Arrangement Drawings: XC201 - Thomastown - 3.0 Structure Description - *"The proposed structure is a single span bridge with a 0° skew and square span of 18.3m between faces of supports. The bridge deck is parallel to the carriageway and square to the bankseat abutments. The reinforced earth walls are parallel to the railway track and are therefore at a 2.7° skew to the carriageway and bridge structure."* - on drawing "Plan and Profile - XC201 Thomastown" - 32111000-JAC-HML-XC201-DR-CH-0001 this is shown as 21 metres.

