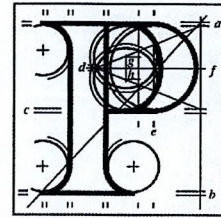


Our Case Number: ABP-310286-21

Your Ref: Michael Kennedy and Deirdre Reilly



**An
Bord
Pleanála**

Matthew J. Nagle and Solicitors
Broadview House
West End
Mallow
Co. Cork
P51 X9NK

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 / Madam,

An Bord Pleanála has received your recent letter in relation to the above mentioned case.

The contents of your letter have been noted.

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.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

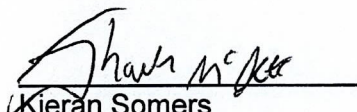
(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Kieran Somers
Executive Officer
Direct Line: 01-8737250

RA03

Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

LDG-041791-21.

**MATTHEW J. NAGLE & CO.
SOLICITORS**

BROADVIEW HOUSE, WEST END, MALLOW, COUNTY CORK, P51 X9NK
TEL: 022-42266 FAX: 022-42888 DX: 31 901 E.MAIL: info@naglesolicitors.ie

Our Ref: MJN.JC.958

Your Ref:

Date: July 8th, 2021

Mr. Kieran Somers,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

BY EXPRESS POST

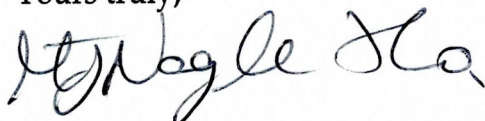
Our Clients: *Dr. Michael Kennedy and Dr. Deirdre O'Reilly*
Re: *ABP 305149-19 - Dublin to Cork Railway Line - elimination and upgrade of
Level Crossings between Limerick Junction and Mallow Order 2021*

Dear Mr. Somers,

We enclose Submission on behalf of our above-named Clients.

Please acknowledge receipt of same.

Yours truly,



MATTHEW NAGLE
MATTHEW J. NAGLE & CO.
matt.nagle@naglesolicitors.ie

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
09 JUL 2021	
Fee: €	_____ Type: _____
Time: _____	By: <i>Express Post</i>

MATTHEW J. NAGLE & CO.
SOLICITORS

BROADVIEW HOUSE, WEST END, MALLOW, COUNTY CORK, P51 X9NK
TEL: 022-42266 FAX: 022-42888 DX: 31 901 E.MAIL: info@naglesolicitors.ie

08 July 2021

Mr. Kieran Somers,
An Bord Pleanála,
64, Marlborough Street,
Dublin 1

Our Clients: Dr. Michael Kennedy and Dr. Deirdre O'Reilly

Re: Dublin to Cork railway line; elimination and upgrade of Level Crossings
between Limerick Junction and Mallow Order 2021.

ABP 305149-19

Dear Sirs,

We act for the above-named who have instructed us to make submissions to the Board regarding the above application by CIÉ and relating to the XC219/Buttevant part of the works

It appears to us that these works are properly road works rather than railway works and that it would considerably over stretch the definition of "railway works" contained in the Transport (Railway Infrastructure) Act 2001 to regard them as railway works when the essential nature of them is, in reality, the construction of a new road.

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

In these circumstances, we have to reserve our clients' position as regards whether the correct legislative process is being followed.

Our Clients own the property outlined in red on Drawing 1 **attached**.

They live in the house marked "H".

The works, as applied for, would have severe consequences for our clients in a number of respects.

NOISE

It will be noted from Drawing 1 that it is proposed to re-route the road, particularly, the section between B and C, closer to our Clients' house.

It will also be noted that whereas the existing road is either level with or below the level of our clients' property, the new road would continuously rise from the existing level of 87.86m at C to a new level of 94.69 at B (see levels on Drawing 2)

Thus, in the vicinity of our clients' house, the new road would be both closer than and considerably higher than the existing road.

Rather than remain relatively level, traffic would now have to ascend and descend the slopes on both sides of the bridge shown on Drawing 1.

In addition, on the new road, traffic would have to cross the proposed new culvert on our Clients' side of the bridge and the bridge itself which, clearly, would generate more noise than traversing a ground-supported road.

Furthermore, there would be the absence of the existing roadside walls and ditches, the road would be completely open and there would be no roadside sound absorption of any nature.

It is clear from the foregoing that the proposed road would generate a significant increase in noise at our clients' house in respect of which there is no consideration or provision.

It is stated in the XC 219 route options appraisal regarding noise that the green route (i.e. the route chosen) "... moves traffic away from receptors compared to the existing road."

Clearly, that is not in fact the case as regards our clients' property as the route, in fact, moves traffic closer to our clients' house and for the other reasons outlined above will result in a significant increase in noise levels for our Clients.

Yet, the EIAR (par.10.7.2, chapter 10, page 22) concludes that no significant noise affects are predicted and that no noise mitigation measures are necessary.

It is submitted that conclusion is clearly incorrect and that noise mitigation measures are, in fact, essential.

LIGHT GLARE

We refer to Drawing 1.

It will be noted that traffic using the existing road (coloured green) is orientated away from our clients' house.

In addition, the level of the existing road is either the same or lower than our clients' house which is screened from it.

As a result, there is no existing issue with vehicle lights.

However, were to works to proceed, as will be noted from Drawing 1, vehicles driving Eastwards would, between about the areas marked A and B, be orientated in the direction of our Clients' house.

Whilst it appears from the slope shown on the Longsection on that drawing that for part of the distance headlights would be angled upwards, it is clear that for a section of about 50/100 metres they would be angled directly towards our client's house.

This would be exacerbated by the fact that the level of the new road in the areas in question would be up to more than 8 metres higher than the level of our clients' property.

As will be known, many trucks carry an array of headlights on their roof further increasing the height by about another 3 metres or so.

Thus, for part of the road, there would be headlamps directly facing our clients house and at a height of about 11 metres above it.

Whilst it has been estimated that about 1135 vehicles will drive eastwards on the road on weekdays in 2022 and that about 5% of those will be trucks, there is no consideration of or provision for the affect of headlamp glare on our clients' property.

In addition, as will be noted from Drawing 2 attached, 10 lamp posts are proposed in an area adjacent to our Clients' house some of which will have a height at their base of about 7 metres above the level of our clients' property.

When the height of the post itself is added to that, it is clear that there would be considerable glare from these lamp posts as well in respect of which there is also no consideration or provision.

PRIVACY/OVERLOOKING

At present our clients' property is not overlooked and is completely private.

It is clear that were the works to proceed the combination of the re-routing/re-orientation of the road and the height of it, as outlined above, would result in our clients' property being overlooked, particularly, by vehicles, cyclists and pedestrians on/near the proposed bridge and on the higher sections of the road between B and C.

No consideration of or provision has been made for this.

It appears from appendix 13A, "Landscape Mitigation Plans", that planting is only proposed at the base of embankments and there would be no roadside screening resulting in our clients' property being overlooked.

No mitigation measures for this are set out in appendix 1L "Schedule of Mitigation" (page 37)

OTHER ISSUES

Please see the report from Messrs, MHL, Consulting Engineers, **attached** regarding the above and other issues.

ORAL HEARING

It is submitted it is clear that the nature and extent of the works proposed and their implications could only be properly presented and considered at an oral hearing at which the proposed works for each crossing could be dealt with separately and in sequence.

We would be obliged if you would acknowledge receipt of this submission.

Yours truly,


Matt Nagle

Matthew J. Nagle & Co.

TECHNICAL NOTE

MHL Project Number:	21092TT
Project Title:	Railway Order – Dublin to Cork Railway Line (Elimination & Upgrade of Level Crossings between Limerick Junction and Mallow)
Author:	Brian Murphy, BE CEng MIEI
Date:	30/06/2021
Subject:	Third Party Submission – Dr Michael Kennedy & Dr Deirdre O'Reilly
Document Status:	Draft Internal / Not for Circulation



Introduction

Our clients reside at Creggane, Buttevant, Co Cork. Following the receipt of the letter of notification of an Application for Railway Order from CIÉ regarding the proposed Dublin to Cork Railway Line (Elimination & Upgrade of Level Crossings between Limerick Junction and Mallow) project, Dr Michael Kennedy and Dr Deirdre O'Reilly, acting through Matthew J. Nagle & Co. Solicitors engaged MHL & Associates Ltd to prepare this technical review.

This technical review sets out the impact of the proposals on the property owner from an engineering and operational viewpoint, referencing details included in the Railway Order Application.

Our clients enjoy a particularly peaceful and private situation at their residential property. The house is a dormer style property with upstairs rooms. Aside from being a family home, it is important that the applicant note that the house owners also work from the property in an upstairs room. The property is not currently overlooked from any direction. The R522 Station Road traverses their northern boundary. Our client's privacy is afforded to them by virtue of the agricultural setting (on three boundaries) and an historic dry-stone wall and established mature roadside trees and hedging at the roadside.

Residential Amenity

Our clients house is located approximately 160m from the location of the proposed new railway bridge. The works will result in vehicular traffic traversing the railway line at a significantly higher level. The carriageway is to increase from approximately 88.6mAOD (at the existing at grade crossing) to 94.69mAOD at the new bridge.

No longitudinal section of the new road alignment is provided.

Our client is concerned that vehicles, particularly large HGV type vehicles, travelling over the new bridge will overlook their garden and house.

Our client is also concerned at the impact of high-beam headlight glare onto their property. No boundary treatment is referenced along the new road edge, excepting a roadside safety barrier. This vehicle restraint barrier provides minimal protection from headlight glare and will not provide any visual barrier for passing vehicles.

Similarly for noise impact. It is noted that the EIA concludes that "No significant noise effects were predicted during the operational phase therefore no mitigation is required." It is unclear what boundary treatments were assumed for the raised embankment/bridge to arrive at this conclusion. The Regional Road is likely to carry an AADT of approximately 3000 vehicles in the Design Year (2037).

The on-going use of the (former) Buttevant Train Station as a maintenance depot,



MHL & Associates Ltd. is a member of the Association of Consulting Engineers of Ireland ACEI 1013, the European Federation of Engineering Consultancy Associations (EFCA) and the International Federation of Consulting Engineers (FIDIC)



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serving the North Cork area in the past 2 years. Noise, generated by this depot, has been extremely impactful on our clients. Night-time work at the location is very intrusive. This impact has been relayed to Irish Rail by our clients. This impact points to the vulnerability of the subject house to noise in the vicinity. Noise barriers should be provided to control noise impact from the depot.

An appropriate high level boundary treatment, located along southern road edge of the new road, should be installed to protect the house owner's residential amenity.

Footpath Provision

Application drawing (Ref 32111000-JAC-LUH-XC219-DR-CH-0004(ii), Proposed Site Plan - Xc219 Buttevant - Sheet 2 OF 2) indicates that a footpath is to be provided from our client's property northwards. This is unclear and clarity should be provided on same. From chainage 410m westwards a "pavement/verge" is to be provided as far as the bridge. No roadside space is provided over the bridge on the southern side of the road. A reduced "pavement/verge" width is provided on the opposite side of the road. Local residents currently enjoy connectivity northwards as far as railway crossing. Connectivity across the rail tracks and onwards, whilst not formally provided for, is catered for by way of a sympathetic roadside boundary, appropriate to such a residential location.

The proposed road space will present a harsh pedestrian environment, not conducive to a comfortable walking environment. No pedestrian crossing provided for our clients to cross the bridge and so they are cut off from walking northward from their house. Failure to provide safe pedestrian connectivity could lead to pedestrians crossing the road at unsafe location possibly resulting in collisions with passing vehicles.

A safe continuous footpath should be provided through the length of the road alignment to accommodate safe access for local residents along the route.

Drainage

No drainage details are provided. Our client has particular concerns about roadside drainage. The increased R522 gradient (approximately 5%) will result in significantly *INCREASED* surface water flows in the direction of our client property. The applicant should demonstrate that all roadside drainage, including the roadside abounding our clients' property, is to be managed as part of the scheme works. Any increased infiltration of surface water in the vicinity of our clients' lands should be designed to consider the low-lying topographical location of their house, septic tank percolation area at the affected corner of the site and the private well. It should be noted that recent drainage works by Cork County Council in the vicinity of the subject property resulted in a surface water flooding on the property.

TECHNICAL NOTE

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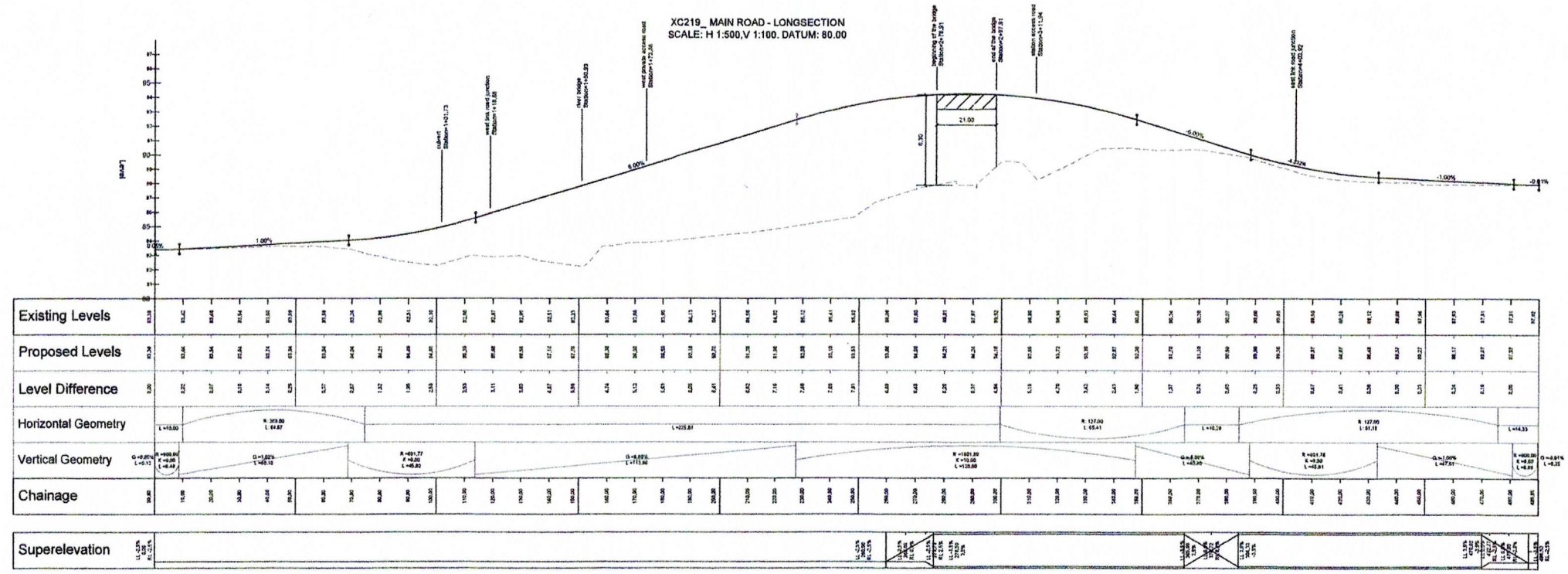
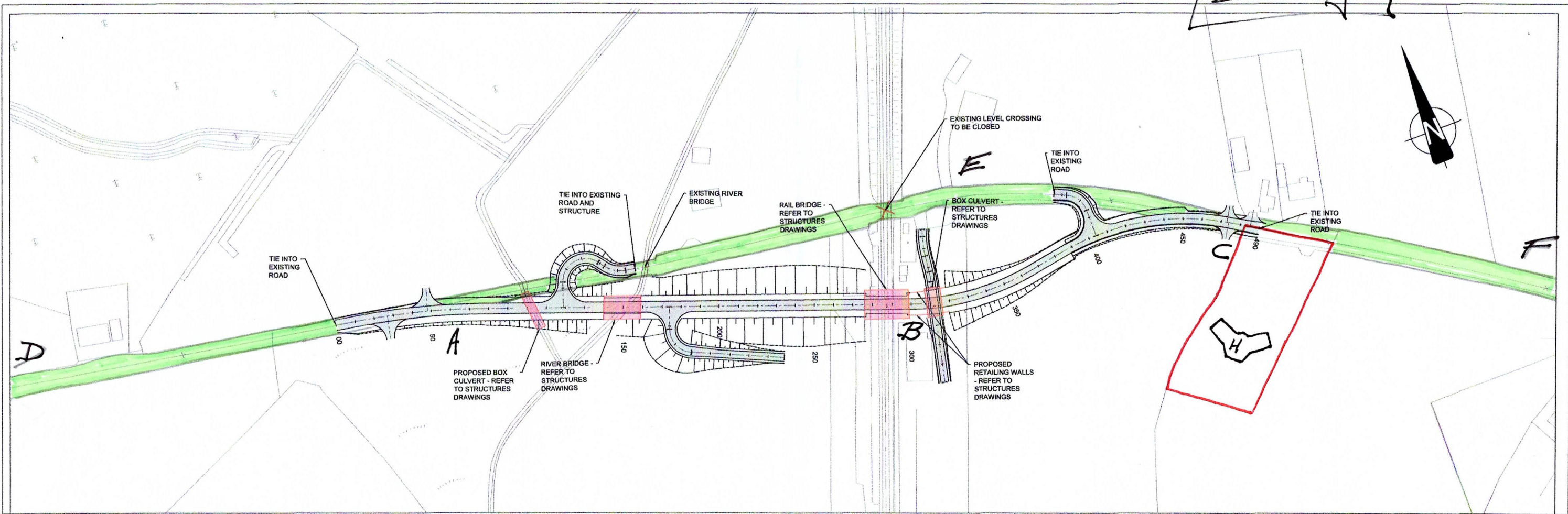
**Property Boundary**

Removal of boundary wall and mature trees will result in a significant loss of privacy. Our clients require that appropriate boundary accommodation works be constructed in advance of the overall road works to minimise the impact of the work on our client. The EIA notes that the construction stage works will generate a significant noise impact. It sets out particular mitigative measures to alleviate this issue.

Property Visibility Splay

Our client's property is located in the 80kph inter urban speed zone. The proposed boundary works on the property will require the setting back of the roadside boundary. Stopping Sight Distance for an 80kph design speed is 160m, as per TII Publication DN-GEO-03060. This visibility splay is not provided at the entrance in the applicant design. The applicant should provide details of this visibility splay. It is further submitted that the applicant should request of Cork County Council that the 50kph urban speed limit be extended to the far side of the proposed works. Failure to provide adequate sightlines at our clients' entrance, and at other junctions along the extents of the scheme, would present a significant road safety hazard to road users.

DRAWING 1



Legend - Plan

- Verge
- Carriageway
- Centre Line
- Carriageway
- Verge

Legend - Long Section

- PROPOSED
- EXISTING

Rev	By	Date	Description
0	MN	NOV'19	FIRST ISSUE

Project: CORK LINE LEVEL CROSSINGS

Component: PRELIMINARY DESIGN

Title: PLAN AND PROFILE - XC219 BUTTERVANT

Design: MN

Drawn: MN

Checked: FMD/SK

Date: JUL '19

Drawing No: 32111000-JAC-HML-XC219-DR-CH-0001



PLAN 4A (ii)
XC219 - BUTTEVANT

NOTES:

1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED

LEGEND

- | | |
|--|---------------------------|
| | PROPOSED ROAD ALIGNMENT |
| | PROPOSED PAVEMENT / VERGE |
| | PROPOSED STRUCTURE |
| | WAYLEAVE - RIGHT OF WAY |
| | RED LINE BOUNDARY |
| | IRISH RAIL LAND OWNERSHIP |
| | PROPOSED SAFETY BARRIER |
| | PROPOSED FENCELINE |
| | PROPOSED GATE |
| | LAMP POST |
| | PROPOSED MASONRY WALL |
| | IR BARRIER |
| | EXISTING IR BARRIER |
| | PALISADE GATE |
| | PALISADE GATE |

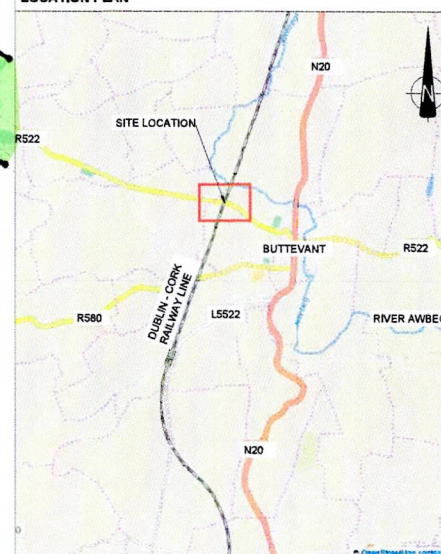
DRAWING PREPARED BY:

NAME: JOHN ROCKS

COMPANY: JACOBS ENGINEERING UK LTD.

ADDRESS: SECOND FLOOR, ROCHESTER BUILDING, 28
ADELAIDE STREET, BELFAST

LOCATION PLAN



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PLAN VIEW 02

Scale (1:500)
View Rotated 0° Clockwise



Iarnród Éireann
Infrastructure

Rev	By	Date	Description
0	JR	OCT '20	DRAFT ISSUE FOR COMMENT
1	AB	DEC '20	MINOR REVISIONS
2	AB	APR' 21	FINAL

Project:	CORK LINE LEVEL CROSSINGS		
Component:	RAILWAY ORDER SCHEME DRAWING		
Title:	PROPOSED SITE PLAN - XC219 BUTTEVAULT - SHEET 2 OF 2		
Designed:	SK	File Name:	Drawing No.
Drawn:	JR	Original scales:	32111000-JAC-LUH-XC219-DR-CH-0004(ii)
Checked:	EMD	Scale:	DEC '20