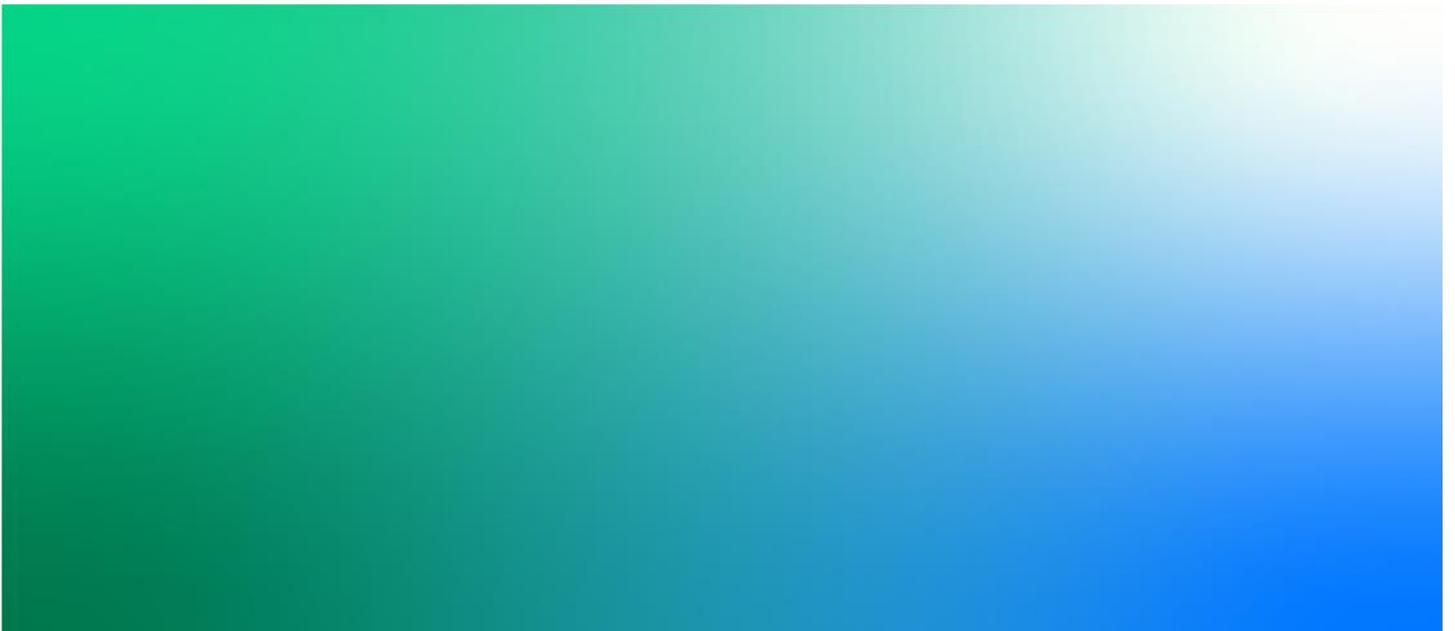


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Cork Line Level Crossings
Planning Compliance Report
Iarnród Éireann

March 2021



Cork Line Level Crossings

Project No: 32111000
 Document Title: Planning Compliance Report
 Document No.: 19
 Revision: A04
 Date: March 2021
 Client Name: Iarnród Éireann
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Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
A01	January 2020	Client Review	RK/LMG	RM	RM/GG	AB
A02	July 2020	Client Comments Addressed	LMG	RM	JK	AB
A03	December 2020	For Legal Comment	RM	JK	JK	AB
A04	March 2021	For Issue to An Bord Pleanála	LMG	RM	RM	AB

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Table of Acronyms

Acronym	Meaning
ABP	An Bord Pleanála
CA	Competent Authority
CCTV	Closed Circuit Television
CIÉ	Coras Iompair Éireann
EC	European Commission
EEC	European Economic Community
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
Ha	Hectares
IÉ	Iarnród Éireann
LC	Level Crossing
LAP	Local Area Plan
M	Metres
NDP	National Development Plan
NMU	Non-Motorised User
NPF	National Planning Framework
NPO	National Policy Objectives
NSO	National Strategic Objective
NTA	National Transport Authority
NIS	Natura Impact Statement
PCR	Planning Compliance Report
RSES	Regional Spatial and Economic Strategy
SAC	Special Area of Conservation
TII	Transport Infrastructure Ireland
WFD	Water Framework Directive

1. Introduction

1.1 Introduction and Purposes of this Report

Córas Iompair Éireann, hereafter referred to as CIÉ or 'the Applicant', is applying to An Bord Pleanála (ABP) for a Railway Order (RO) under the Transport (Railway Infrastructure) Act 2001 (as amended and substituted) ('the 2001 Act') to eliminate/upgrade seven public road level crossings on the Dublin-Cork Railway Line (hereafter referred to as 'the proposed Project'). Volume 4 of the Environmental Impact Assessment Report (EIAR), Figures 2 – 8, provide site location plans, site layouts and elevations for all proposed infrastructure at each site location.

The application is being made by CIÉ, Iarnród Éireann (IÉ), a wholly owned subsidiary of CIÉ, have developed the proposed Project from concept to application stage.

It is the policy of CIÉ and IÉ to eliminate where practicable and possible all level crossings on the rail network across Ireland. The proposed Project is located on the section of the Dublin – Cork Railway Line between Limerick Junction and Mallow Stations where rail speeds can reach up to 160km/hr. The proposed Project seeks to address the safety risks associated with the road rail interface at seven level crossings on this section of the line.

There is an underlying health and safety issue with any interface between a railway line and a public road. The function of a level crossing where there is an overlap in two different transportation modes is such that there is a heightened risk of an accident occurring. It is the duty of CIÉ to maintain the operational safety of the railway network and it is the policy of both CIÉ and IÉ to remove all level crossings in Ireland.

The application for the RO is made pursuant to the provisions of section 37 of the 2001 Act. This requires, inter alia, that an application shall be made in writing and shall be accompanied by:-

- (a) A draft of the proposed RO,
- (b) A Plan of the proposed railway works,
- (c) A Book of Reference to a Plan indicating the identity of the owners and of the occupiers of the lands described in the Plan, and
- (d) A statement of the likely effects on the environment of the proposed railway works

A statement of the likely effects on the environment of the proposed railway works is addressed by the preparation of the Environmental Impact Assessment Report (EIAR) which accompanies the application (previously referred to as an Environmental Impact Statement in section 39 of the 2001 Act). The EIAR has been compiled in accordance with the 2001 Act and EIA Directive 2014/52/EU. Further details in regard to the statutory requirements of the EIAR are set out in EIAR Volume 2, Chapter 4: EIA Process and Methodology.

The EIAR includes, at Volume 2, Chapter 5: Planning Policy Context, an overview of the prevailing strategic planning policy, aims and objectives relating to the proposed Project. However, it does not set out how the proposed Project complies with same. This report is the Planning Compliance Report (PCR), a separate document to the EIAR that forms part of the suite of documentation for the Railway Order application package. The PCR also sets out the prevailing planning policy relating to the proposed Project and also outlines compliance with same.

A Natura Impact Statement (NIS) (EIAR Volume 5, Appendix 7H) in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 and a Water Framework Directive (WFD) (2000/60/EC) Assessment have been prepared and accompany this application.

1.2 Site Location & Current Status

The proposed Project is located within a 24km section of the Dublin – Cork Railway Line between Limerick Junction and Mallow and straddles the Cork/Limerick county boundary as set out at Figure 1.1 further below. The proposed Project seeks to address the safety risks associated with the road rail interface at seven level crossings on this section of the line.

Five of the level crossings are located within the functional area of Cork County Council (CCC) and two are within the functional area of Limerick City and County Council (LCCC). The location and type of each crossing is detailed in Table 1.1 and the locations of each site are provided at further below.

Table 1.1: Existing Level Crossings

Level Crossing	Co-ordinates	Crossing Type	Road Type	Local Authority
XC187- Fantstown	E: 563962 N:628368	C – Type (Gates normally CLOSED to road traffic)	Local	Limerick City & County Council
XC201- Thomastown	E:557627 N:624583	C – Type (Gates normally CLOSED to road traffic)	Local	Limerick City & County Council
XC209- Ballyhay	E:555182 N:619940	CD – Type* (Gates normally OPEN to road traffic by DAY and normally closed at other times)	Local	Cork County Council
XC211- Newtown	E:554787 N:617982	CD – Type (Gates normally OPEN to road traffic by DAY and normally closed at other times)	Local	Cork County Council
XC212- Ballycoskery	E: 554646 N:617659	CD – Type** (Gates normally OPEN to road traffic by DAY and normally closed at other times)	Local	Cork County Council
XC215- Shinanagh	E:553565 N:614500	CD – Type* (Gates normally OPEN to road traffic by DAY and normally closed at other times)	Local	Cork County Council
XC219- Buttevant	E:553331 N:609848	CX - Type (Gates normally OPEN to road traffic)	Regional	Cork County Council

*Note that the signalman can also directly control the signals at XC209 Ballyhay, it is not just automatic.

**Although CD Type crossing, operated on a 24-hour basis as a CX type crossing.

1.2.1 Site Location(s) for the Proposed Project

Level crossings XC187 Fantstown and XC201 Thomastown are in County Limerick, lying south of Limerick City close to the Cork-Limerick border, while the remaining sites are located in County Cork, north of Mallow.

Urban areas in close proximity to the sites are Kilmallock, which lies between existing level crossings XC187 Fantstown and XC201 Thomastown; Charleville, which lies to the south-west of XC201 Thomastown and north of crossing XC209 Ballyhay; and Buttevant, which is directly southeast of level crossing XC219 Buttevant.

The immediate context of each site and its wider surrounds is that of a rural landscape comprising of flat to gently undulating terrain. XC212 Ballycoskery has the greatest number of residential receptors nearby to the immediate north including the Beechwood Housing Estate. All of the other sites are sparsely populated with a prevailing agricultural use in the immediate area.

The Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) is the nearest designated site to the proposed Project (approximately 300m to the north of XC219 Buttevant). The SAC is

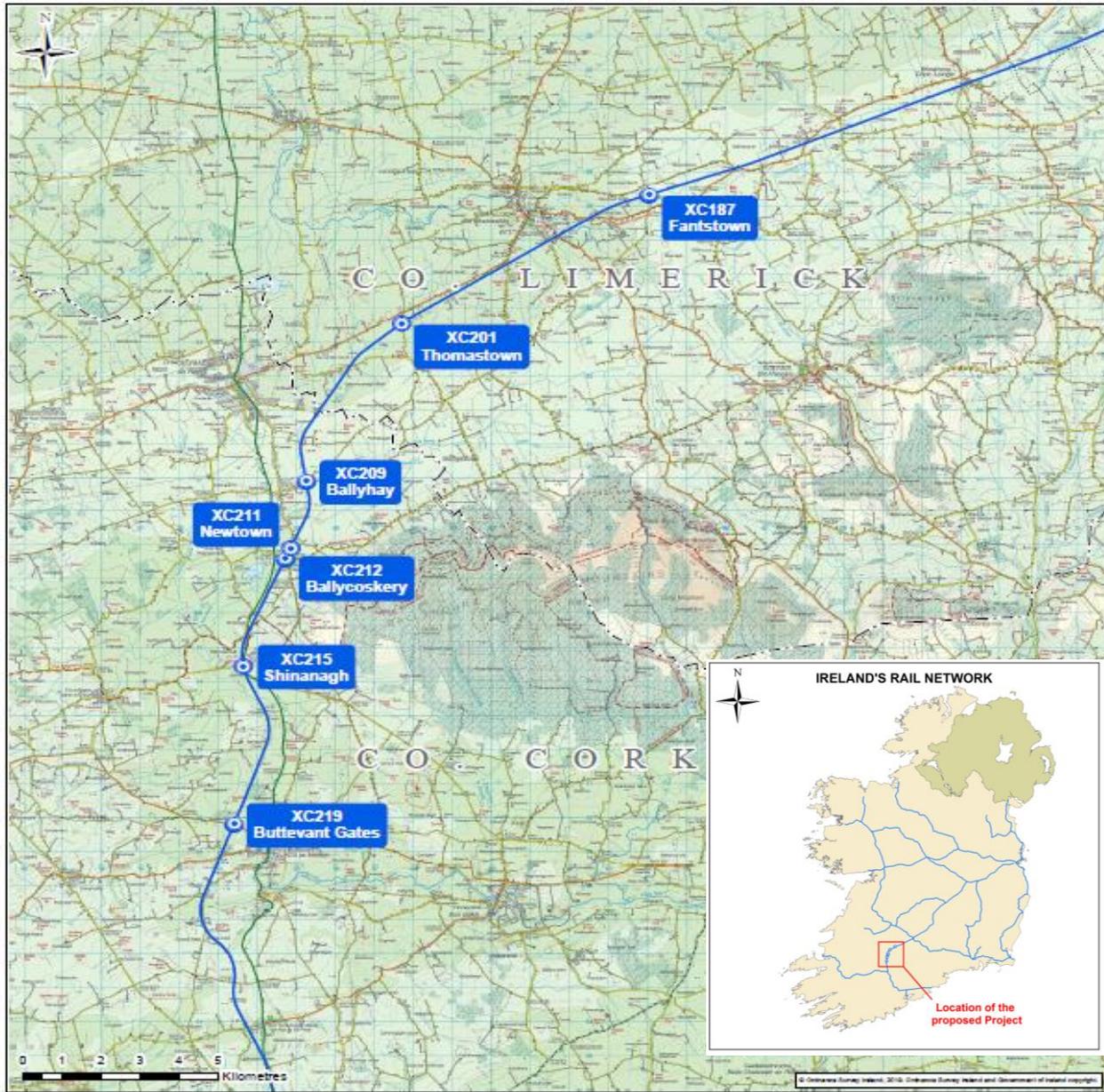
designated for a wide range of habitats and species, including freshwater pearl mussel, white-clawed crayfish, sea, brook and river lamprey, Atlantic salmon, twaite shad and otter (NPWS, 2012¹).

The overall site area (ha) within the Railway Order application boundary (the 'red line boundary') for each of the seven sites is approximately:

- XC187 Fantstown: 0.1ha;
- XC201 Thomastown: 2.07ha;
- XC209 Ballyhay: 0.098ha;
- XC211 Newtown: 2.101ha;
- XC212 Ballycoskery: 2.462ha;
- XC215 Shinanagh: 5.716ha; and
- XC219 Buttevant: 2.572ha.

¹ National Parks and Wildlife Service (Wildlife (Amendment) Act 2012

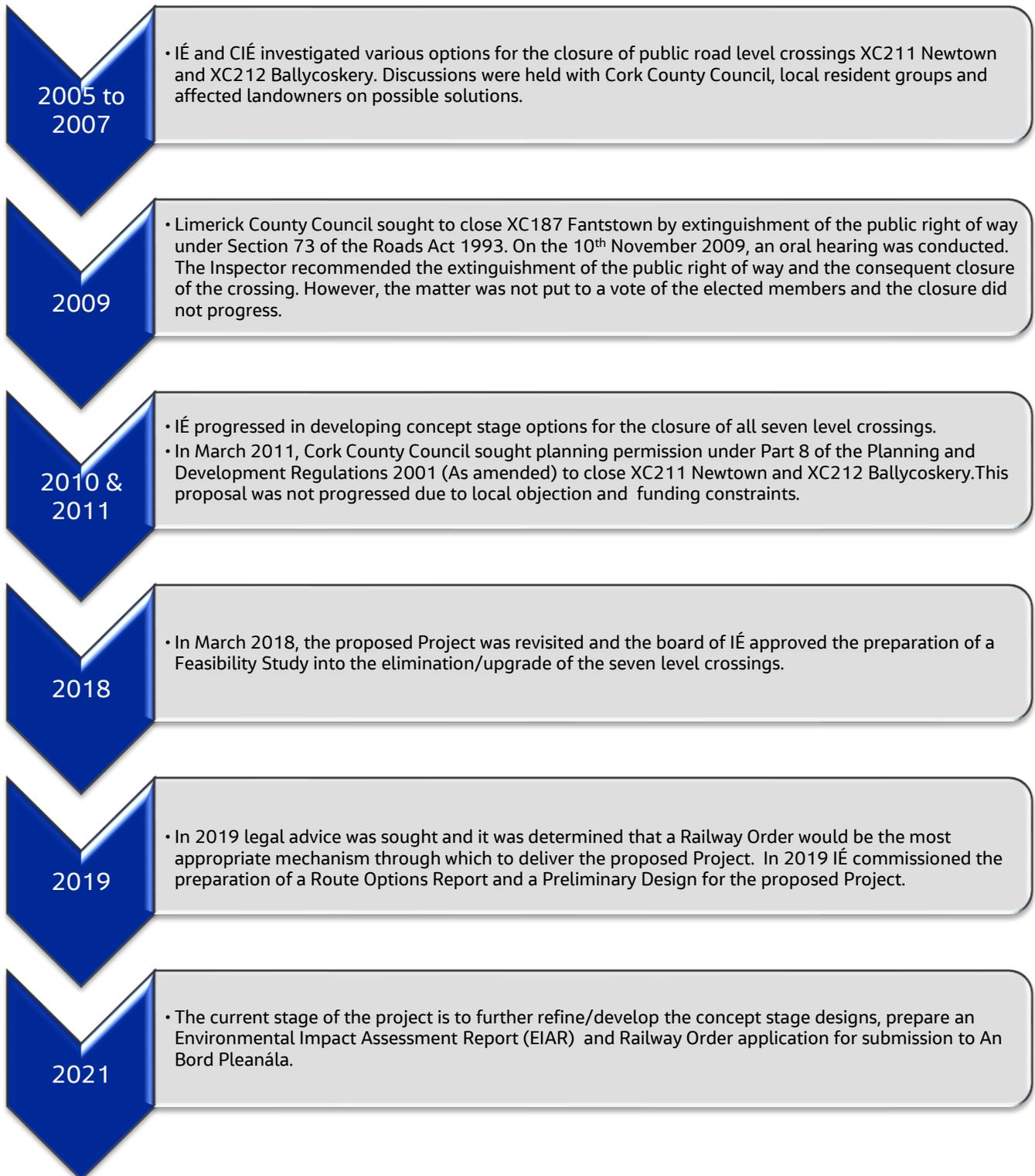
Figure 1.1: Locations of the Seven Level Crossings



1.3 History of the Project

Appendix A contains the history of the proposed Project, which is summarised below.

Figure 1.2: Summary of History of Project.



1.4 Project Need

The need for the proposed Project is set out in EIAR Volume 2, Chapter 2: Project Need and Alternatives. The proposed Project is an improvement to Ireland’s railway network infrastructure and seeks to address the safety risks associated with the road rail interface at the level crossings on this section of the Dublin – Cork Railway Line.

As detailed in Section 15 of the Transport Act 1950, safety is a duty of CIÉ, and the safety of the level crossings in this area needs to be reviewed as part of this responsibility.

The need for the project is two-fold. It is primarily driven by the need to increase safety and reduce the risk profile associated with any road/rail interface and it will also improve operational reliability. The following sections set out an overview of the key safety drivers from a legislative and policy context, it provides a summary of incidents and accidents associated with level crossings across Irelands railway network as well as those associated with the subject level crossings and it summarises the issues associated with the operational reliability of level crossings.

1.4.1 Safety

Legislative & Policy Context

Transport Act, 1950

It is the general duty of CIÉ, as detailed in Section 15 of the Transport Act 1950 (i.e. establishing legislation for CIÉ), to:

“provide or secure or promote the provision of an efficient, economical, convenient and properly integrated system of public transport for passengers and merchandise by rail, road and water with due regard to safety of operation, the encouragement of national economic development and the maintenance of reasonable conditions of employment for its employees and for that purpose it shall be the duty of the Board to improve in such manner as it considers necessary transport facilities so as to provide for the needs of the public, agriculture, commerce and industry”. (underlining emphasis added).

Railway Safety Act, 2005

Similarly, Section 36 of the Railway Safety Act 2005 (the 2005 Act), provides that it shall be the general duty of a railway organisation to ensure, in so far as is reasonably practicable, the safety of persons in the operation of its railway.

2030 Iarnród Éireann Rail Network Strategy Review, 2011

The 2030 Iarnród Éireann Rail Network Strategy Review (2011) sets out under 'Background' that a broad strategic goal for the rail network is:

“To provide safe, accessible and integrated rail services that contribute to the sustainable economic and regional development in an efficient manner”.

It further states that:

“The Irish Rail Network Wide Risk Model (NWRM) determined that train collision with vehicles at level crossings remains one of the single biggest accident types that contribute to the overall risk on the rail network.”

It continues under Section 2.3.5 (Safety) that:

“Current Irish policy on railway safety has its roots in the Railway Safety Investment Programme that was developed in 1999 following an in-depth Safety Review that had been carried out the previous year.”

It sets out that a Railway Safety Task Force was established to address the recommendations from the review. The Task Force recommends a series of investments including the closure or upgrading of level crossings. It further outlines under Section 4.2 (Rehabilitation of Infrastructure & other Key Investments) that over the 11 year period between 1999 and 2009 the Programme of investment has enabled IÉ to:

“Close or upgrade over 1,000 level crossings.”

IÉ 10-year Asset Strategy for User-Worked Level Crossings, 2013

The IÉ 10-year Asset Strategy for User-Worked Level Crossings (2013) outlines that:

“Ultimately, the elimination of level crossings is always going to be the best solution to reducing risk.”

Commission for Railway Regulation (CRR) Railway Safety Performance in Ireland, 2018

The Commission for Railway Regulation (CRR) Railway Safety Performance in Ireland 2018 sets out that “Level crossings are a significant risk to the railway and to any third parties who use them. The long-established trend... is a decrease in the in the number of level crossings; there were 1,701 level crossings in 2004 vs. 934 recorded for 2018.” It further states that “Sustained efforts by Iarnród Éireann have contributed greatly to reducing the risk presented by level crossings.”

Specifically, in regard to manned or ‘attended’ level crossings, the number nationwide has reduced from 72 in 2012 to 51 in 2018.

CRR Statement of Strategy 2018 – 2020

The CRR Statement of Strategy 2018 – 2020 states under the heading ‘Railway Interfaces’ that:

“While the number of level crossings continues to decline, they are a significant area of risk given the reliance of third parties to operate and use the level crossing correctly. Misuse by level crossing users remains a cause for concern and we will continue to work with Iarnród Éireann and the road safety authority on reducing risk at level crossings.” (underlining added emphasis).

NTA Draft Integrated Implementation Plan 2019-2024

The National Transport Authority (NTA) has prepared the Draft Integrated Implementation Plan 2019-2024 and one of its objectives under Section 7.2 for rail investment is to:

“Continue investment in a level crossing closure programme.”

To put these national policy statements into context: the permitted line speed of trains at the level crossing locations can reach up to 160km/hr. There are 30 to 35 scheduled trains (combined directions) passing over the subject level crossings daily. The majority of these trains are locomotive hauled express services to / from Cork each weighing 440 tonnes and capable of carrying up to 420 passengers.

Incidents and Accidents

EIAR Volume 2, Chapter 2: Project Need and Alternatives sets out incident and accident statistics associated with level crossings across Ireland’s railway network and those specific to the subject level crossings.

In the first six months of 2019, IÉ reported 51 incidents at public road level crossings, an increase of 82% on the same period in 2018. This figure includes cars and Heavy Goods Vehicles (HGVs) colliding with barriers and near-misses between vehicles and trains.

EIAR Volume 2 Chapter 2; Project Need and Alternatives provides details regarding operational incidents at Ardahan and Spa in October and November 2015. The incidents illustrate that there are occasions (albeit rare) of trains failing to stop at a danger signal and continuing through a level crossing that is open to traffic.

EIAR Volume 2, Chapter 2: Project Need also makes reference to a gate strike at XC219 Buttevant on 2nd July 2010. Although there were no injuries or fatalities as a result of this accident, a track recording vehicle struck one of the gates which resulted in damage to the gate and track recording vehicle. The incident occurred approximately 30 seconds after a passenger service passed through XC219 Buttevant in the opposite direction.

Furthermore, EIAR Chapter 2: Project Need and Alternatives outlines those accidents/incidents associated with the subject level crossings during the period 2015 – 2020. It indicates a range of accidents/incidents from, inter alia, inappropriate crossing operation, crossing equipment failure, road vehicle strikes, and the gate keeper not being

in attendance. Clearly, the accidents/incidents outlined only cover a 6 years period and provide a snapshot of the safety risks over a narrow period in time.

Operational Reliability

EIAR Volume 2, Chapter 2: Project Need and Alternatives sets out under section 2.2 that the National Development Plan (2018-2027) states that the Dublin-Belfast, Dublin-Limerick and Dublin-Cork lines will be *“subject to an examination to move to higher speeds leading to improved connectivity to regional cities through improved rail journey times”*

The 2030 Rail Network Strategy Review (2011) outlines under ‘Phase 3: 2020-2025 Electrification of the Core Rail Network’ the planned electrification of the Dublin - Cork railway line. The eventual electrification of the Dublin-Cork Railway line will allow for quicker train acceleration speeds, lower fuel costs and fewer CO₂ emissions. While the electrification of the line is not part of the proposed Project, the proposed Project would improve the efficiency of train operations on the line by reducing the number train delay minutes which can occur due to inefficient operation of level crossings.

EIAR Volume 2, Chapter 2: Project Need and Alternatives provides a breakdown of minutes lost on the Dublin-Cork Railway Line service as a result of accidents/incidents associated with the subject level crossings and how this impacts upon the efficiency of the railway network. Again, the information available only provides a snapshot of the situation from a four-year period from 2016-2019.

The efficiency of the local road network is also a consideration. XC212 Ballycoskery, XC215 Shinanagh and XC219 Buttevant are generally open to road traffic and only closed to road traffic to facilitate the movement of trains. However, XC209 Ballyhay and XC211 Newtown are open to road traffic during the day and closed to road traffic at night to facilitate the movement of trains. XC187 Fantstown and XC201 Thomastown are generally closed to road traffic and opened to road traffic as required when the movement of trains allow. XC187 Fantstown and XC211 Newtown are closed at night.

The proposed elimination of five of the level crossings and their replacement with a bridge or road diversion generally at the locations with the most significant traffic use will remove driver and pedestrian/cyclist delay and allow unfettered movement 24hours a day, seven days a week.

1.5 Proposed Project

The proposed Project is described in detail in EIAR Volume 2, Chapter 3: Project Description. The proposed Project includes the extinguishment of the existing public rights of way across six of the seven subject level crossings and for each to be stopped up. XC209 Ballyhay will remain open and is to be upgraded as per Table 1.2below.

The key elements of the proposed Project are set out in Table 1.2 below.

Table 1.2: Overview of the Key Elements of the proposed Project

Location	Infrastructure	Description
XC187 Fantstown	N/A	Closure of existing level crossing: Divert traffic along existing roads to existing overbridge approximately 3 kilometres to the north east.
XC201 Thomastown	1no. road-over-rail bridge.	Closure of existing level crossing. New road-over-rail bridge. Tie into existing local road to south and new junction on Regional Road R515 to north.
XC209 Ballyhay	CCTV solution	Upgrade existing level crossing to a 4-barrier CCTV controlled level crossing.

Location	Infrastructure	Description
XC211 Newtown	New access road.	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.
XC212 Ballycoskery (Ballyhea Vilage)	1 no. road-over-rail bridge, 2no. retaining walls.	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.
XC215 Shinanagh	Tie into existing road-over-rail bridge. Upgrade of existing junction on N20, closure of existing N20 junction at current level crossing location. Resurfacing of section of existing local road.	Closure of existing level crossing. New access road to tie into existing road-over-rail bridge approximately 1km to the north.
XC219 Buttevant	1no. road-over-rail bridge, 1no. portal frame road over river bridge culvert, 1no. ditch box culvert, 1no.access road box culvert, 2no. retaining walls.	Closure of existing level crossing. Construction of a new road-over-rail bridge and tie in to existing regional road to east and west.

1.5.1 Ancillary Infrastructure

The proposed Project includes a range of ancillary infrastructure including, walls/fencing to stop up existing level crossings (where relevant) car parking, traffic signage, road markings, lighting, electricity connection and fencing. Furthermore, XC209 Ballyhay includes a Relocatable Equipment Building (REB), underground electricity cabling and relocation of the gate keepers hut.

1.5.2 Construction Arrangements

Construction of the proposed Project is planned to take place over 18 months. A detailed construction plan and schedule will be developed for the proposed Project to ensure that the construction phasing allows for maximum efficiency while minimising potential for environmental impact. An outline Construction Environmental Management Plan (CEMP) has been prepared with the application (Volume 5, Appendix 1I). Detailed information in regard to the construction programme for the proposed Project is set out at EIAR Volume 2, Chapter 3: Project Description.

1.6 Consultation

EIAR Volume 2, Chapter 1: Introduction sets out the consultation process undertaken for the proposed Project. The section below provides an overview.

1.6.1 Initial Consultation

The initial consultation period lasted ten weeks from Tuesday 12th November 2019 to Tuesday 21st January 2020. To support the public consultation, a dedicated information service was established. These services went live on 12th November 2019 at the launch of the public consultation and included the following;

- Email: CLLC@irishrail.ie.
- Post: Cork Line Level Crossings Project, c/o Jacobs, Mahon Industrial Estate, Blackrock, Cork, T12 HY54.
- Website: www.irishrail.ie/CorkLineLevelCrossings.

These services were used to respond to any stakeholder queries, to accept public consultation feedback forms and to arrange meetings with local communities, landowners, local elected representatives or interested groups as required.

1.6.2 Public Consultation Events

The public consultation included both the Preliminary Design Report and the EIA Screening & Scoping Report.

All relevant information regarding the proposed Project was stored online and made available to members of the public at the local events which took place, as set out in Table 1.3 below.

Table 1.3: Information Events

Date	Venue	Time
Tuesday 19th November 2019	Charleville Park Hotel, Charleville, Co. Cork	2.00pm to 8.00pm
Wednesday 20th November 2019	Deebert House Hotel, Deebart, Kilmallock, Co. Limerick	2.00pm to 8.00pm

1.6.3 Further Consultation (XC211 Newtown ‘Blue Route’)

Further non-statutory public consultation took place over a four-week period from Monday 10th February to Friday 6th March 2020. This consultation was organised immediately following the closure of the Cork Line Level Crossings consultation in response to significant stakeholder feedback regarding XC211 Newtown.

In the first Cork Line Level Crossings consultation that ran from 12th November 2019 until 21st January 2020, a large number of submissions was received expressing a preference for the Blue Route over the chosen Green Route in the case of the elimination of level crossing at XC211 Newtown. The Project Team decided to hold a second period of consultation for XC211 Newtown. This consultation has taken local resident and stakeholder concerns into account and sought feedback on the elimination of XC211 Newtown in relation to the Blue Route, feedback on the Preliminary Design Report and Environmental Impact Assessment (EIA) Screening & Scoping Report.

1.6.4 Stakeholder and Consultation Report

Further detailed information on the public consultations that took place for the proposed Project is provided in the Stakeholder and Consultation Report that forms part of the suite of Railway Order Application documents and is available to the general public on the project website: <https://www.irishrail.ie/about-us/iarnrod-eireann-projects-and-investments/cork-line-level-crossings-project>. In addition, a summary is contained, at EIAR Volume 5, Appendix 1E and 1H.

1.6.5 Key Stakeholder Information

Consultation has taken place with a number of key stakeholders which includes, but is not limited to, the following:

- An Bord Pleanála; and
- Cork County Council and Limerick City and County Council within which the proposed Project is located.

The first pre application consultation with An Bord Pleanála took place on the 17th October 2019. The second meeting with An Bord Pleanála took place on 9th July 2020 and the final meeting took place on the 4th February 2021.

A meeting was held with Cork County Council on 22nd January 2020 and a meeting with Limerick City and County Council was held on 8th January 2020. A further meeting was held with Cork County Council on 3rd December 2020. Limerick City and County Council Planning Department confirmed by email on the 18th December 2020 that they had no further comments and copied the Operations Section and Kilmallock Area Office into the email should they have further comments. No further comments were received.

Table 1.4: An Bord Pleanála Pre-application Consultations

An Bord Pleanála	
Issues Raised	Response/Where this is addressed
<p>The Board’s representatives enquired as to why a Railway Order application is being pursued in this particular instance.</p> <p>The Board requested a further rationale for pursuing a Railway Order application to be submitted in due course.</p>	<p>The Project Team replied that it was of the opinion that a Railway Order application under the Transport (Railway Infrastructure) Act 2001, as amended, would be the most appropriate legislative mechanism to pursue as the proposed Project comprise of ancillary works necessary for a railway line.</p>
<p>The Board advised that the prospective applicant give careful consideration as to whether the proposed works could be considered to fall within the meaning ‘railways works’ which could be the subject of a railway order under the Transport (Railway Infrastructure) Act 2001. Any legal advice or submission in this regard could be submitted to aid the Board’s consideration of this matter.</p>	<p>A legal opinion prepared by Conleth Bradley (Senior Counsel) on behalf of CIÉ was issued to the Board on the 11th February 2020.</p> <p>The opinion of Senior Counsel is that <i>“I am of the view that the works required in the replacement of seven numbered manned level crossings come within the ambit of the 2001 Act and accordingly CIÉ should make an application for a Railway Order to carry out these works.”</i></p>
<p>The Board enquired as to whether consideration had been given to applying for a separate consent for each individual site as opposed to applying for a Railway Order application for all seven sites. It also remarked that it considered an EIAR for all seven sites as the best approach in terms of efficiency and with respect to the assessment of cumulative effects.</p>	<p>As detailed in the legal advice prepared by Senior Counsel 44 sets out that <i>“A perusal of a Railway Order applied for in recent years illustrates in detail the nature of the varied works in different locations. It would be contrary to the scheme of the legislation and the Railway Order process to apply for a series of separate railway orders. Rather, these are all works in one proposed Railway Order to facilitate one railway line, from Dublin to Cork.”</i></p> <p>Furthermore, seven separate Railway Order applications in such close proximity with seven separate Environmental Impact Assessments and applications could be viewed as ‘project splitting’. In combining all seven proposals into one application it allows a more comprehensive assessment and public/stakeholder engagement process.</p>
<p>Consultation letters have issued to statutory consultees (including the two relevant local authorities). No consultations have taken place with representatives from the National Parks and Wildlife Service (NPWS) to date. Particular attention was drawn to the benefit of discussions with the NPWS and TII in relation to this project.</p>	<p>NPWS and TII responded to the consultation; NPWS consultation information is provided in EIAR Volume 3, Chapter Biodiversity. TII advised that the proposed Project should comply with all TII Standards for design and safety, consultation with county roads engineers was required and that the Project Team should engage with the M20 Project Team.</p>
<p>The Board advised that public consultations need to be as robust as possible and should be commenced at an early stage so as to ensure thorough and meaningful engagement.</p>	<p>A robust public consultation exercise has been undertaken. This is set out in Section 1.6 and EIAR Volume 5, Appendix 1H The Consultation Report detailing the responses is included within the suite of Railway Order application documents (EIAR Volume 5, Appendix 1H).</p>
<p>The Board’s representatives commented that there is a need for a proportionate balance between the optimum engineering design and solutions which take account of planning and environmental matters. In particular, the possible solution (overbridges and roads) at Ballycoskery/Newtown needs very careful consideration in terms of the scale and extent of the works proposed and the impact on pedestrian/cycle movements and community connectivity. The relationship of the Shinanagh works to the preferred N20/M20-corridor should also be resolved in full in advance of any application.</p>	<p>Volume 2, Chapter 3: Project Description includes a specific section on the proportionality of the proposed Project.</p> <p>The Project Team has engaged with the M20 Project Office. This is summarised in EIAR Volume 2, Chapter 1: Introduction section 1.4.7 No significant concerns/issues were raised in regard to the proposed Project at Shinanagh.</p>
<p>Given the scale of the works, a further meeting/meeting would be required to examine the planning and environmental considerations if the project is to be advanced as a Railway Order</p>	<p>A further meeting took place with An Bord Pleanála on 9th July 2020 and is detailed at Table 1.5.</p>

An Bord Pleanála	
application. More detailed issues relating to EIA and AA would also need to be discussed.	

A further and final pre-application consultation was held with An Bord Pleanála on the 9th July 2020. A summary of the salient points raised is set out in Table 1.5 below.

Table 1.5: Second Pre-Application Consultation Meeting 9th July 2020

An Bord Pleanála	
Issues Raised	Response/Where this is addressed
<p>CCTV Controlled Level Crossing – the Board’s representatives stressed the importance of showing alternative options for the seven manned level crossings as part of the EIAR. In particular, the Board enquired if due consideration was given to CCTV at all the level crossings such as proposed for Ballyhay.</p> <p>The Board’s representatives stressed the importance of setting out full justification of the preferred options and justification of the proportionality of the engineering works arising in the context of planning and environmental impacts.</p>	<p>Volume 2, Chapter 2: Project Need and Alternatives sets out the alternative options considered to eliminate/upgrade the subject existing level crossings. CCTV was considered as a potential solution for each site as part of the Feasibility Study (EIAR Volume 5, Appendix 1K)</p> <p>Proportionality is addressed at Volume 2, Chapter 3: Project Description. It sets out what the Project Team considers is ‘Proportionality’ in both legal and planning terms and applies a ‘proportionality test’ to the proposed Project. Furthermore, it reviews the principles of design for Bridges and Alignments and provides a review of traffic volumes associated with each level crossing.</p>
<p>Newtown and Ballycoskery – the Board’s representatives referred to the change of design for the proposed development at Newtown and Ballycoskery and requested the prospective applicant to expand on the design and in particular, the headroom of the bridge, retaining walls, access to the housing estate and school in proximity to the proposed development</p> <p>The Board enquired if there was any feedback from local residents at Newtown and Ballycoskery in relation to pedestrian connectivity to the school.</p>	<p>The headroom for the bridge is 5.1m and the maximum height of the retaining wall is 10.8m.</p> <p>As discussed at the meeting with ABP, the current situation is that traffic using the existing level crossing passes directly in front of Ballyhea National School. The proposed Project will move traffic not associated specifically with the school further to the south which will improve amenity as well as safety. Furthermore, a dedicated car park and turning area is proposed as betterment for the school.</p> <p>Concerns have been expressed by local residents regarding connectivity to the school. EIAR Volume 5, Appendix 1E sets out specific responses to the key concerns raised.</p>
<p>Ballyhay – the Board’s representatives queried the extent of the public consultation with Ballyhay local groups.</p>	<p>For the avoidance of doubt, note that ‘Ballyhay’ Village is spelt Ballyhea Village.</p> <p>As discussed with ABP a number of options were put before the local groups but there was no consensus. The key concerns were largely based on connectivity and potential impacts upon amenity. This is addressed in further detail at EIAR Volume 5, Appendix 1E and 1F.</p>
<p>Thomastown – the Board noted that at Thomastown, following public consultation, the proposed overbridge will now be a wider two-way bridge. The Board suggested there needs to be justification for increasing the size of the bridge relative to the landtake required.</p>	<p>As set out above, proportionality is addressed at Volume 2, Chapter 3: Project Description. The two proposed lanes are limited to the bridge itself and are not on the proposed approaches. This has been agreed with Limerick County Council.</p>
<p>Buttevant – the Board requested more detail in relation to watercourses at Buttevant.</p>	<p>Further information regarding the watercourses at Buttevant is provided at EIAR Volume 3, Chapter 9: Water as well as within the Natura Impact Statement (NIS) that accompanies this EIAR.</p>

An Bord Pleanála	
Shinanagh – the prospective applicant mentioned potential archaeology sites at Shinanagh and have undertaken geo-physical surveys of the land. There is a church with an old graveyard and marked depressions in the field adjacent. The prospective applicant is consulting with the National Monuments service to undertake archaeological test trenching and intends to have finished testing prior to submitting the application.	See EIAR Volume 2, Chapter 1: Introduction, section 1.4.6 and Table 1.8. The Project Team has closely engaged with NMS resulting in further geophysical surveys and test trenching. NMS has prepared a Mitigation Strategy which has been incorporated into EIAR Volume 3, Chapter 12: Cultural Heritage.
Other Archaeological Sites – the Board enquired if there are other sites of archaeological interest. The prospective applicant said in Newtown there is an old ring fort and an old wall designated in that area. The National Monuments Service have provided direction and the prospective applicant has undertaken geo-physics surveys.	As above regarding engagement with NMS.
Other matters – the prospective applicant mentioned difficulty accessing lands near the proposed development site at Ballycoskery. The Boards representatives advised the prospective applicant to carry out as much survey work as possible.	ACSU were able to carry out carried out a geophysical survey within the proposed alignment at XC212 Ballycoskery in November/December 2020. This has been set out in EIAR Volume 3, Chapter 12: Cultural Heritage.

Table 1.6: Final Pre-Application Consultation Meeting 4th February 2021

An Bord Pleanála	
Issues Raised	Response/Where this is addressed
The Applicant made the Board aware that this was the final pre application meeting and would follow up with a letter to the Board formally ending the consultation process.	The Applicant issued a letter to the Board on the 9 th February 2021 closing the pre application consultation process. The Board subsequently confirmed in a letter dated 2 nd March 2021 that it considered the pre application process in respect of this case to be concluded and that it is now open to the Applicant to now lodge an application for a railway order.
The Applicant made the Board aware that the proposed bridge/road alignment at Ballyhea Village (XC212 Ballycoskery) is generally in line with the reservation made for a possible new road alignment as set out in the Fermoy Municipal District Local Area Plan 2017.	This Planning Compliance Report (PCR) includes an excerpt from the LAP at Appendix F, Figure F.3.
The Board requested that a separate chapter be included within the EIAR to set out mitigation and monitoring measures for ease of reference.	It was clarified in the 9 th February 2021 letter to the Board that the EIAR does not include a standalone mitigation and monitoring measures chapter but does include a Schedule of Mitigation Measures Appendix. The Board confirmed this approach was acceptable as long as they are included somewhere in the EIAR.
The Board requested that all plans submitted are to an appropriate scale and suggested that visual be provided with respect to key locations for the proposed development.	The plans/elevations accompanying the application include appropriate scales and are included at Volume 4, Figures. Furthermore, EIAR Volume 3, Chapter 13 Landscape & Visual includes photomontages for key locations.

The pre application consultation process with An Bord Pleanála has been completed. The engagement has helped to inform the Project Team with regards to the key issues that will be taken into consideration during the processing of the Railway Order application. It is considered that all of the salient points raised by An Bord Pleanála have been addressed and to summarise:

- 1) ABP has accepted that the proposed Project falls within the remit of a Railway Order and CIÉ can make an application for same;
- 2) One Railway Order application can be made for all seven sites;
- 3) Consultations have taken place with key consultees, including the NPWS and TII;

- 4) A meaningful and extensive public engagement exercise has taken place and has helped to shape the proposed Project; and
- 5) CIÉ has applied the principle of proportionality in the design and application of the proposed project. This is addressed at Volume 2, Chapter 3: Project Description.

1.6.6 Cork County Council Consultation

EIAR Volume 5, Appendix 1A, included at Table 1.7below, all consultation that has taken place with Cork County Council and where this has been addressed within the EIAR. Furthermore, EIAR Volume 5, Appendix 1A includes minutes of the meeting held between the Project Team and Cork County Council on the 22nd January 2020. It should be noted that a final consultation teleconference meeting was held on the 3rd December 2020 and is summarised further below.

The Planning and Roads Departments of the Council have helped to shape the proposed Project and the key points raised by Cork County Council are summarised in Table 1.7below.

Table 1.7: Cork County Council Consultation Summary

Cork County Council Consultation Summary		
Department	Issues Raised	Response/Where this is addressed
Roads	Noted that the proposals will improve road safety and provide accessibility for motorists on a permanent basis on those gates which were closed at night. General queries regarding the Railway Order process, the road design, river bridge design, gradient, footpaths and speeds.	See Volume 5, Appendix 1A for responses to the queries raised by the Roads Department. The final communication from the Roads Department was received on 2 nd December 2020 and sets out that the Council will take the proposed new roads in charge.
Heritage	States that if the level crossings XC211 Newtown and XC212 Ballycoskery are like the other level crossings (modern) <i>“there is no heritage issue with replacement.”</i>	Volume 3, Chapter 12: Cultural Heritage assesses the likely impact and significance of effect on Cultural Heritage as a result of the construction and operation of the proposed Project.
Environment	<i>“Crossings located at Ballyheha, Newtown, Ballycoskery, Shinanagh and Buttevant are all located within the catchment of the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code:2170). It is recommended that a mammal survey for otter should be carried out in respect of each of these sites and consultation should take place with NPWS and IFI in relation to each of these sites as there is potential for direct and indirect impacts on the SAC and fisheries.”</i>	Volume 3, Chapter 7: Biodiversity includes consideration of mammal habitats. A Natura Impact Statement (NIS) has been included in the application package and the Project Team have been in contact with both the NPWS and IFI as set out at Table 1.8.
Planning	Considered the principle of the proposed Project to be sound and commented that if the Dublin-Cork Rail line is to be electrified and if the County seeks to encourage more sustainable forms of transport this type of project is necessary. The health and safety concerns associated with level crossings and the need to replace/upgrade was also acknowledged.	Noted. The points raised by the Planning Department have been considered at Volume 2, Chapter 2: Project Need and Alternatives.

The meeting held with Cork County Council on the 3rd December 2020 further discussed the proposed CCTV upgrade at XC209 Ballyhay. In general, the Council also asked for clarification on the public consultation process undertaken and whether there would be further opportunity for stakeholders and members of the public to make submissions. The Council advised that the Cork National Road Office should also be contacted. There was some discussion regarding the design at Ballycoskery and the landscaping of the scheme.

The consultation and engagement with Cork County Council has been very positive. The Project Team have taken into consideration all of the issues raised and these have been addressed both within the design of the proposed Project and within the EIAR.

1.6.7 Limerick City and County Council Consultation

EIAR Volume 5, Appendix 1B, included at Table 1.8 below, all consultation that has taken place with Limerick City and County Council and where this has been addressed within the EIAR. EIAR Volume 5, Appendix 1B includes minutes of the meeting held between the Project Team and Limerick County and City Council on the 8th January 2020.

The Planning and Roads Departments of the Council have helped to shape the proposed Project and the key points raised by Limerick City and County Council are summarised in Table 1.8 below.

Table 1.8: Limerick City and County Council Consultation Summary

Limerick City and County Council (LCC) Consultation Summary		
Department	Issues Raised	Response/Where this is addressed
Roads	General queries regarding road design, width, gradient and extinguishment of roads. Requested widening of the bridge at XC201 Thomastown to 'future proof' the design.	See Volume 5, Appendix 1B for full responses to the queries raised by the Roads Department.
Heritage/Environment	Comments received in regard to the EIA Screening and Scoping Report, including: further guidelines and plans to reference within the EIAR, AA Screening and the potential for a Natura Impact Statement (NIS), the importance of public consultation, the need to stress the increased safety of the rail network following the works and citing accident figures, detail measures to prevent run off and preparation of a construction environmental management plan (CEMP), potential fragmentation of badger habitats, archaeology and landscape should be addressed within the EIAR and comments on the eventual electrification of the railway line and how that will help in regard to climate issues. In addition, further comments were received requiring the removal of any trees/hedges to be addressed in the EIAR, the need for replanting, wildlife surveys, consideration of archaeology and potential run off to the local watercourse.	See EIAR Volume 2, Chapter 1: Introduction for full responses to the queries raised by the Heritage/Environment Department. In summary, an NIS has been included in the application package. A robust public consultation exercise has been undertaken. This is outlined in Sections 1.6 and Volume 5, Appendix 1E and 1H. Furthermore, a Consultation Report has been prepared and are included within the suite of Railway Order application documents (EIAR Volume 5, Appendix 1H). Increased safety and the need for the proposed Project has been set out at Volume 2, Chapter 2: Project Need and Alternatives. An outline CEMP is included at EIAR Volume 5, Appendix 1I. Volume 3, Chapter 7: Biodiversity includes consideration of mammal habitats. Climate is considered at Volume 3, Chapter 16: Cross Cutting Themes. Volume 3, Chapter 13: Landscape & Visual considers landscape visual impacts, including removal of trees/hedges. Volume 3, Chapter 12: Cultural Heritage includes an assessment of archaeology. Run off is considered at Volume 3, Chapter 9: Water.
Planning	General queries in regard to the Railway Order process and what would be required of the Planning Department going forward.	Volume 2, Chapter 5: Plans, Policy and Guidance sets out the planning context for the proposed Project. The Railway Order Application also includes a Planning Compliance Report.

The consultation and engagement with Limerick City and County Council has helped to inform the process. The Project Team has taken into consideration all of the issues raised and these have been addressed both within the design of the proposed Project and within the EIAR.

In particular, the initial design for the proposed bridge at XC201 Thomastown was widened as a direct result of the consultation with Limerick City and County Council as well as through engagement with the public.

1.6.8 Cappamore-Killmallock Municipal District Council (MDC) 16th January 2020

Members of the Project Team met with the Cappamore-Killmallock MDC on the 16th January 2020 and gave a presentation on the proposed Project. The minutes of the meeting as well as the key points discussed and responses are provided at EIAR Volume 5, Appendix 1C.

1.6.9 Ballyhea Village Community Group Meeting 3rd December 2019

Members of the Project Team met with the Ballyhea Village Community Group on the 3rd December 2019. As a direct consequence of this engagement, a further consultation exercise was undertaken from 10th February to 6th March 2020 (see EIAR Volume 5, Appendix 1D). The outcome of the further consultation was broad support for the 'Blue Route' as is now proposed. The minutes of the meeting as well as the key points raised by the Community Group and responses are provided in further detail at EIAR Volume 5, Appendix 1D.

1.6.10 Ballyhea Landowner/Stakeholder Meetings 4th/7th December 2020

Members of the Project Team met with key landowners and stakeholders for each of the proposed Project sites. The Project Team provided a further update on the status of the proposed Project and talked through the latest plans for each site. A range of issues were highlighted from suggested further design changes, to concerns regarding potential impacts upon amenity, noise, visual impact and traffic.

EIAR Volume 5, Appendix 1D provides an overview of the key points raised during this final round of consultation with the local community.

1.7 Consultation with Prescribed Bodies and other Consultees

Prescribed bodies and other consultees were issued letters in July 2019 advising of the proposed Project and seeking initial views. Furthermore, the consultees identified in Table 1.9 below were issued with the EIA Screening and Scoping Report for consultation on the 19th November 2019 and were provided with an updated EIA Screening and Scoping Report (specifically on the Blue Route Option for XC211 Newtown) on the 10th February 2020.

Table 1.9: Prescribed Bodies and other Consultees

Consultees	
Architectural Heritage Advisory Unit (AHAU)	Fáilte Ireland
An Taisce	Teagasc
Transport Infrastructure Ireland (TII)	The Arts Council (An Chomhairle Ealaíon)
National Transport Authority (NTA)	Gas Networks Ireland
National Museum of Ireland	Geological Survey Ireland
Bat Conservation Ireland	Health Service Executive
Birdwatch Ireland	Irish Water
Coillte Teoranta	Inland Fisheries Ireland
Department of Communications, Energy and Natural Resources	National Parks and Wildlife Service
Department of Culture, Heritage and the Gaeltacht	Office of Public Works (OPW)
Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs	Irish Aviation Authority

Consultees	
Department of Agriculture, Fisheries & Food	The M20 Cork to Limerick Project
National Parks and Wildlife unit- Development Applications Unit	Commission for Railway Regulation
Environmental Protection Agency ESB Networks	Waterways Ireland

The key issues raised as well as the corresponding section in the EIAR addressing the issue are summarised in EIAR Volume 2, Chapter 1: Introduction, Table 1.8.

2. Key Legislation

2.1 Transport (Railway Infrastructure) Act, 2001 as amended and substituted

This application for a RO is made pursuant to the provisions of Section 37 of the Transport (Railway Infrastructure) Act 2001 Act (as amended and substituted) ('the 2001 Act'). As set out further above, this requires, inter alia, that an application shall be made in writing and shall be accompanied by:-

- A draft of the proposed RO;
- A Plan of the proposed railway works;
- A Book of Reference to a Plan indicating the identity of the owners and of the occupiers of the lands described in the Plan; and
- A statement of the likely effects on the environment of the proposed railway works.

2.1.1 Definitions/Interpretations

The draft of the proposed RO, styled the Dublin to Cork Railway Line (Elimination & Upgrade of Level Crossings Between Limerick Junction and Mallow) Order 2020 provides for a number of definitions and interpretations in addition to setting out the railway works and works the subject of this proposed RO and includes proposed provisions in relation to the incorporation of enactments. In addition, section 69 of the 2001 Act provides that the Regulation of Railways Acts, 1840 to 1889, and any other Act relating to railways, shall, in so far as they are not inconsistent with the provisions of the 2001 Act, apply to railway undertakings and any railway constructed under the 2001 Act.

Further, the 2001 Act, Part 1 (Preliminary and General), section 2(1) (Interpretation) sets out that '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 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;" 'Railway Infrastructure' is defined in the 2001 Act as meaning 'any land, buildings, 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;"

The proposed RO comprises railway works, works and railway infrastructure including bridge infrastructure over the Dublin-Cork Railway Line with supporting infrastructure on lands immediately adjacent to the Railway Line. The proposed Project includes constructing new road-over-rail bridges in place of existing level crossings as alternative accesses across the Dublin-Cork Railway Line, permanently removing and eliminating existing level crossings and level crossing infrastructure including all level crossing gates and such ancillary works in relation to extinguishing public and/or private rights of way across the level crossing; effecting an upgrading by the replacement of an existing level crossing with a 4-barrier CCTV controlled level crossing; upgrading, realigning and/or closing existing roads; constructing new roads and carrying out railway works and works described in the proposed RO and schedules thereto and all other necessary or ancillary works. Accordingly, the proposed RO provides for the safe and efficient operation of the said railway line while allowing for safety and maintaining access for those travelling along and across an existing railway line.

Part 1 (Preliminary and General) (2) Interpretation sets out that the "'applicant' in Part 3, means the Agency, CIÉ, or any other person applying for a railway order"

Part 3 (Railway Orders) (37) (1) sets out "The Agency, CIE, or any other persons with the consent of the Agency, may apply to the Minister for a railway order."

2.1.2 Exempted Development

A Railway Order is deemed to be 'exempted development' for the purposes of the Planning and Development Act 2000 (as amended) and Part IV of the 2000 Act is disapplied, by virtue of Section 38 of the 2001 Act as inserted by section 115(6) of the Dublin Transport Authority Act 2008 which inter alia references 'railway works' specified or pursuant to a Railway Order: "38.(1) Each of the following shall be exempted development for the purposes of the Act of 2000: (a) development consisting of the carrying out of railway works including the use of the railway work or any part thereof for the purposes of the operation of a railway, authorised by the Board and specified in a railway order or of any incidental or temporary works connected with such development; (b) development consisting of the carrying out of railway works for the maintenance, improvement or repair of a railway that has been built pursuant to a railway order. (2) Part IV of the Act of 2000 does not apply and is deemed never to have applied to developments specified in subsection (1)."

The existence of a Railway Order is a necessary prerequisite to its 'exempted development' status.

2.2 Planning and Development (Strategic Infrastructure Act) 2006

The proposed Project is considered Strategic Infrastructure Development (SID) under the Planning and Development (Strategic Infrastructure) Act 2006. Generally it is noted that section 6(c) of the Planning and Development (Strategic Infrastructure) Act 2006 amended the definitions section (section 2(1)(g)) in the Planning and Development Act 2000 so that the definition of 'strategic infrastructure development' includes inter alia any proposed railway works referred to in section 37(3) of the Transport (Railway Infrastructure) Act 2001 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006). It is further noted that the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No.296/2018) apply inter alia to applications for permission to An Bord Pleanála for strategic infrastructure development under section 37E of the Planning and Development Act 2000. In addition, section 54 of the Planning and Development (Amendment) Act 2010 amended section 172 of the Planning and Development Act 2000 and refers to the carrying out of an environmental assessment by An Bord Pleanála in respect of an application for consent for proposed development which includes inter alia a Railway Order granted under section 43 of the Transport (Railway Infrastructure) Act 2001.

Part 3 (Amendments of principal Act (Including Amendments Consequential on Part 2) sets out under Section 6(c) 'Strategic Infrastructure Development' means (g) "any proposed railway works referred to in section 37(3) of the Transport (Railway Infrastructure) Act 2001 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006." (p.37).

Section 37 (3) of the Planning and Development (Strategic Infrastructure) Act 2006 refers to "an application under sub section (1)" (p. 91) and requires the same suite of documents and information required to be submitted as under Section 37(2) of the Transport (Railway Infrastructure) Act 2001 (as set out in Section 2.1 above).

Section 37 Sub section 1 refers to "The Agency, CIÉ or any other person with the consent of the Agency, may apply to An Bord Pleanála (referred to subsequently in this Act as the 'Board') for a railway order." (p.91).

The main body of the legislation sets up a new division in ABP mandated to deal with planning applications for SID. The Transport (Railway Infrastructure) Act 2001 (S.I. No. 55 of 2001) was significantly amended by Section 49 of the Planning and Development (Strategic Infrastructure) Act 2006, amending the Railway Orders process. Instead of an application to the Minister for Transport, the application is now made to the same division of ABP that deals with other developments of strategic importance.

2.3 Directive 2014/52/EU

As set out in Volume 2, Chapter 4: EIA Process and Methodology of the EIAR, the initial Directive of 1985 (Council Directive 85/337/EEC) and its three amendments (see paragraph 4.8 References in Volume 2, Chapter 4) were codified by Directive 2011/92/EU of 13 December 2011. Directive 2011/92/EU was amended in 2014 by Directive 2014/52/EU (which came into force in May 2014) and together all of these Directives are referred through the EIAR as "the EIA Directive" and/or "the 2014 EIA Directive". A significant body of domestic and EU

case law exists in relation to the interpretation of the EIA Directive and regard has been had to same in the preparation of this application and in the EIAR as whole.

Accordingly, a statement of the likely effects on the environment of the proposed railway works is addressed by the preparation of the Environmental Impact Assessment Report (EIAR) which accompanies the application (previously referred to as an Environmental Impact Statement in section 39 of the 2001 Act).

Major infrastructure projects subject to such a requirement, such as an application for a RO, come under Directive 2014/52/EU (hereafter also referred to as the '2014 EIA Directive') on the assessment of the effects of certain public and private projects on the environment.

The EIAR in relation to this Railway Order application has been compiled in accordance with the 2014 EIA Directive, the 2001 Act and having regard to relevant guidelines.

3. Planning Policy Context

3.1 National Planning Policy

A number of National Level plans and related policies provide the context for the proposed Project. These are explained in greater detail in the sub-sections below.

3.1.1 National Planning Framework (Ireland 2040) (NPF)

The NPF is the overarching national spatial policy and planning framework for social, economic and cultural development, and was formally adopted on the 29th May 2018. The NPF outlines broader policy principles and priorities to plan, in a more strategic, sustainable and coordinated manner, for future population and economic growth over the next 20 years.

The NPF vision highlights "*Enhanced Regional Accessibility*", "*Strengthened Rural Economies and Communities*" and "*Sustainable Mobility*" as three of the 10 National Strategic Outcomes (NSO2, NSO3 and NSO4);

- **NSO 2- *Enhanced Regional Accessibility***: Increased accessibility between key urban population centres and their regions, ensuring they have a high degree of accessibility to Dublin and to each other. The proposed Project will contribute to the delivery of this NSO by delivering a safer, more reliable service facilitating efficiencies in the transport network, thereby improving accessibility between Limerick, Cork and Dublin.
- **NSO 3- *Strengthened Rural Economies and Communities***: Improved connectivity is highlighted as a pillar for strengthening rural economies and communities by ensuring the countryside remains and improves as a living and working community. The removal of the level crossings will contribute towards achieving this by improving overall permeability throughout the countryside, providing better through-access for local road users.
- **NSO 4- *Sustainable Mobility***: As Ireland moves towards the introduction of electric and hybrid traction systems for public transport fleets, it is considered essential to ensure that the long-term effective operation of such vehicles is facilitated through the optimisation of the existing rail network. The proposed Project removes line-speed bottlenecks in the effective operation of the rail network and provides an element of 'future-proofing', contributing towards achieving this aim. NSO 4 also notes the potential to develop "*the existing good quality rail links between Dublin and Belfast and Cork into an island rail spine through line speed and service enhancements*". (p.142).

The NPF targets 50% growth within five key cities including Cork and Limerick. In regard to the Southern Region, which includes Cork and Limerick, eight key policy priorities are identified. These key policy priorities include reference to enhancing the efficiency and effectiveness of transport links between cities and ongoing investment in transport. (underlining added emphasis).

It is noted that NPF Figure 6.1 (Elements Supporting Quality of Life) outlines that "*Economic and Physical Safety*" (underlining emphasis) are highlighted as one of 10 key aspects impacting upon quality of life.

Specifically, in regard to Cork, a key '*future growth enabler*' includes "*Improved rail journey times to Dublin and consideration of improved onward direct network connections.*" (p.49). In regard to Limerick, the key future growth enablers include enhanced regional connectivity and development of public transport and infrastructure.

The proposed Project complies with the NPF vision as it will help to increase accessibility for vehicles and non-motorised users (NMU) across the Dublin-Cork Railway line in both County Limerick and County Cork. It will facilitate future improvements to the rail operations, such as the objective to electrify the Dublin-Cork Railway line by helping to accommodate higher frequency and higher speed rail traffic. The proposed Project will help to assist the 'efficiency and effectiveness' of the Dublin-Cork Railway Line.

It further sets out under the heading "*Working together for Economic Advantage*" that in regard to the Dublin Belfast Economic Corridor the Government intends to "*Capitalise upon and further support and promote the inherent economic potential of the corridor, building upon existing strengths*" (p.110). To do this, there will be a focus on developing the corridor as a distinct spatial area with international visibility by (inter alia) "*Examining the feasibility of a high-speed rail connection between Belfast and Dublin and Cork*" (p.110).

3.1.2 National Development Plan (NDP) 2018 – 2027

The National Development Plan (NDP) is a detailed capital investment plan which aims to drive the country's long-term economic, environmental and social progress through a funding framework over the next decade and is integrated and aligned with the NPF and its objectives. It identifies the strategically important priorities and seeks to invest €116 billion over a ten-year period for public capital investment that will underpin the successful implementation of the NPF.

The review of the 2015 capital plan identified transport as a priority area, with the maintenance/upgrade of public transport being cited as necessary to, "*protect asset quality and value, meet demand forecast, ease congestion and to meet climate action objectives*" (p.14) The document also aligns with the ten NPF National Strategic Outcomes through specific investment priorities relating to each. A significant priority will be to maintain the existing network of road, rail and bus infrastructure to ensure acceptable levels of service to transport users given several years of under-investment. Funding for the inter-urban network linkages between Belfast, Dublin and Cork are a particular priority (P.41) and the Dublin–Cork rail lines will be subject to an examination to move to higher speeds leading to improved connectivity to regional cities through improved rail journey times, which the enhanced safety of a reduction in crossing points will facilitate.

3.1.3 Building on Recovery: Infrastructure and Capital Investment 2016-2021.

This Capital Plan presents the Government's €42bn framework for infrastructure investment in Ireland over the period 2016-2021, with such investment being identified as an important enabler of economic growth. The plan highlights the importance of transport in driving the economy. While the Plan has been superseded by the NDP it is useful to note that it sets out the following, "*It is therefore essential that road, rail and public transport networks are developed and maintained to the standard required to ensure the safe and efficient movement of people and freight*" (p.22) (underlining emphasis).

3.2 Other National Policy

3.2.1 National Transport Authority's Smarter Travel- A Sustainable Transport Future; New Transport Policy for Ireland 2009-2020

This policy document is the blueprint for sustainable travel and transport in Ireland by 2020 and how it will be achieved. The key goals (inter alia) of the document reaffirm the government's aim for transport sustainability, as follows:

- *"Improve economic competitiveness through maximising the efficiency of the transport system and alleviating congestion and infrastructural bottlenecks.*
- *Minimise the negative impacts of transport on the local and global environment through reducing localised air pollutants and greenhouse gas emissions.*
- *Reduce overall travel demand and commuting distances travelled by the private car" (p.27).*

The delivery of the proposed Project would facilitate safer, more reliable services on the Cork to Dublin railway line and contribute towards reducing emissions through the increased fuel-efficiency of trains and the reduction of idling traffic at the existing level crossings.

3.2.2 Ireland's Transition to a Low Carbon Energy Future 2015-2030

The white paper document contains the actions that the government plans to do regarding energy up to 2030. It comprises the up to date energy policy and sets out the framework to guide the national policy. The paper also considers European and International climate change agreements and targets. The actions that support the proposed Project are:

- *"Support initiatives to improve the energy efficiency of the rail network". (p.66)*
- *"Support further rail electrification". (p.67)*

The proposed Project would contribute towards the aims of Ireland's Transition to a Low Carbon Energy Future 2015-2030 by improving the safety of the rail network and enhancing its capacity to accommodate future improvements to the line, such as electrification.

3.2.3 National Landscape Strategy (2015-2025)

The Strategy, which provides a high-level policy framework, is used to ensure compliance with the European Landscape Convention and *"to establish principles for protecting and enhancing the landscape while positively managing its change"* (p.7). An overall objective of the National Landscape Strategy is to *"implement the European Landscape Convention by integrating landscape into our approach to sustainable development"* (p. 10). The proposed Project is designed to integrate appropriately into the landscape of both County Cork and Limerick.

Summary of Compliance:

The proposed Project is fully compliant with the National Transport Authority's Smarter Travel as it will help to improve travel times on the Dublin – Cork Railway Line.

A shift to more sustainable transport modes is paramount for Ireland to meet its carbon emission targets. The transport sector is expected to do the national "heavy lift" in terms of transitioning away from fossil fuels towards electrical power. In line with the objectives of Ireland's Transition to a Low Carbon Energy Future the proposed Project will help to facilitate the more efficient and environmentally friendly usage of the Dublin – Cork Railway Line.

The proposed Project includes railway bridges and roads infrastructure that already form part of the character of this rural area. This design is cognisant of the need to integrate into the local context and landscape planting has been proposed.

3.3 Regional Planning Policy

3.3.1 Regional Spatial & Economic Strategy (RSES) for the Southern Region (2020)

Three new Regional Assemblies came into effect on 1st January 2015; the Southern Regional Assembly, the Eastern and Midland Regional Assembly and the Northern and Western Regional Assembly. The Southern Regional Assembly has prepared a RSES for the Southern Region and this came into effect on the 31st January 2020.

The RSES supports the implementation of the NPF, providing key principles for environmental, economic and social development of the region resulting in Regional Planning Objectives (RPO). In regard to rail infrastructure it sets out *"The management, maintenance and improvement of the regions transport infrastructure is a key consideration to ensure that the safety, capacity and efficiency of the networks are maintained and factored into the capital funding process."* (p.162). In addition to the above, RPO 162 outlines the following objective: *"To strengthen investment in the maintenance, improvement and strengthening of rail networks in the region..."* (p.162). This includes wide ranging investment priorities from rail network optimisation to improving journey times

to modernisation of infrastructure. The strategy aims to encourage improved connectivity, RPO 162 highlights the need to move the Dublin - Cork rail lines to higher speeds to improve connectivity to regional cities through improved rail journey times (p.163).

RPO 151 (Steady State Investment) includes the objective: *"To strengthen Steady State Investment in our existing regional transport networks to ensure that existing networks are maintained to a high level to ensure quality levels of safety, service, accessibility and connectivity to transport users."* (p.152).

In regard to the Role of Transport in the Southern Region, it outlines principles to inform the integration of land use and transport planning over the period of the RSES. This includes (inter alia):

- *"The strategic capacity and safety of the regions transport network should be protected"; and*
- *"The safe travel requirements of all people irrespective of age or mobility should be met."* (p.142).

3.3.2 Mid-West Area Strategic Plan (MWASP) 2012 – 2030

The aim of the MWASP is *"to provide a framework to help guide decision making with regard to the physical and spatial development of the Region to 2030, and to promote balanced growth throughout the region to achieve the maximum social, economic, health and cultural benefits for all its citizens."* (Executive Summary). The plan area includes Limerick, Clare and North Tipperary.

The MWASP lists under its objectives the following (inter alia):

- *"Revise the public transport system through future investment to achieve a more sustainable, accessible, competitive and socially inclusive region;"*
- *"Identify and promote investment in key infrastructural projects identified to serve the needs of the region including new roads and improvements to the National Secondary and Regional road network, rail, air, port, infrastructure and water services. Such proposals to include an equitable distribution of resources throughout the region" (Executive Summary) (underlining emphasis).*

The MWASP recognises that *"The Rail Network in the region is significant"* (p.19)

The MWASP specifies that the region has many challenges and it must address (among others) *"improving connectivity by road, rail and air to other parts of the country."* (p.8) (underlining emphasis).

The MWASP does envisage future high speed rail requirements and states *"Given the likely future requirements for high speed rail links some corridor studies should be undertaken to identify potential routes that will deliver high-speed rail links between Limerick/Shannon/Ennis to Dublin, Cork, Waterford and Galway."*(p.20). It further states *"The development of high speed direct rail connections from Limerick (Colbert Station) to Dublin, Cork and Waterford could be investigated further, so as to complement the development of the NSS, RPG and Atlantic Corridor Strategies such studies includes both Freight and Commuter Traffic."* (p.107).

The MWASP cites as a 'Key Opportunity' *"To improve the Limerick-Cork rail link."* (p.41). It also outlines as a 'Key Weakness' *"Travel time of rail service between Limerick and Cork and Dublin."* (p.41). It goes onto cite *"The lack of modern road and rail connectivity which the region has with Galway, Cork and Waterford requires immediate attention if the region and the Atlantic Corridor are to achieve the economic balance sought for the country."* (p.106) (underlining emphasis).

The 'Atlantic Corridor' route runs from Cork to Mallow to Buttevant to Charleville and further north into Limerick. Effectively this is the same corridor as the proposed Project. Further details are provided on the Atlantic Corridor further below.

The MWASP includes as an objective under Population and Human Health (including Noise) (T-PHH-02) that *"The Strategy should promote the use of safer modes of public transport."* The indicator for this is *"% change in road*

accidents in areas where MWASP strategies were implemented." The target and assessment criteria is given as "Increasing the attractiveness of public transport through enhanced safety measures." (p.97)

In regard to transport the MWASP states "Even without the use of the transport model it is very evident that the competitiveness of the region is impacted upon by poor accessibility and lack of appropriate road infrastructure. Therefore, within the hinterland region there will continue to be a requirement for good quality road infrastructure in order to facilitate accessibility, connectivity and safe passage. Rural movement, as important as it is in this region, must be complimented with appropriate connectivity to the National Road network. Connections are important in order to strengthen links and increase competitiveness, through secure and safe routes." (p.106) (underlining emphasis).

3.3.3 Cork Metropolitan Area Strategic Plan (MASP) and Limerick MASP (2020)

The NPF requires that Metropolitan Area Spatial Plans (MASPs) be prepared for Dublin and Cork and their wider city regions, as well as the Limerick, Galway and Waterford Metropolitan areas. MASPs are high level strategic visions which identify priorities for the delivery of growth. The RSES for the Southern Region 2020 contains a MASP for the Cork and Limerick-Shannon metropolitan areas. While the proposed Project lies outside the area covered by the Cork MASP and the Limerick Shannon MASP, the plans contain policies relevant to the proposed Project.

In line with the NPF, improved rail journey times to Dublin and consideration of improved onward direct network connections are identified as a key enabler for Cork. Cork MASP Policy Objective 8 states that a key strategic priority will be "to enhance the commuter rail service" by, inter alia, "improving intercity journey times and the electrification of the fleet" (p.225).

The Limerick Shannon MASP identifies the development and promotion of existing intercity rail and commuter links from Limerick to Dublin, Cork and Galway as a key sustainable transport objective under Policy Objective 6.

3.3.4 North West Cork Strategic Plan 2002-2020 (NWCSP)

The NWCSP was developed against a backdrop of decreasing rural population in the area, therefore the core development issue centres on redressing rural decline. This is to be achieved through a series of measures focussing on economic competitiveness, optimised spatial development patterns and improved access and communications through infrastructural and resource provision.

Whilst the NWCSP is in its final notional year it does however help to bring into focus the investment in infrastructure required within the rural north Cork area where the proposed Project is located. The Plan considers the role of public transport in improving local connectivity under the heading "Improving Access and Communications". The rail sub-section states that continuing investment is required in order to bring the network up to standard after a period of underinvestment, and that, "Upgrading of the entire network to Continuous Welded Rail (CWR) is deemed to be a priority. Bridges, fencing, level crossings and new rolling stock are also a priority. These works are necessary for safety, but also present the opportunity for reduced journey times." (underlining emphasis).

Summary of Compliance

The RSES for the Southern Region (2020) directly links the need to improve rail infrastructure with safety, capacity and efficiency of the network. It also refers to investment priorities to optimise the network and improve journey times. The proposed Project is an important investment that fully complies with the rail infrastructure objectives of the RSES for the Southern Region in that it will improve the safety of those using the railway, those crossing it and it will enhance the operational reliability of the Dublin – Cork Railway Line.

The MWASP 2012 – 2030 includes objectives relating to improvement of public transport, provision of new roads and new rail infrastructure. Improving connectivity is at the core of the Plan and as such the proposed Project which will remove severance caused by the existing level crossings and provide unfettered access across the Dublin – Cork Railway Line both enhancing connectivity for those using the rail and road network. The MWASP also includes an objective to promote safer modes of public transport and safety is the key driver behind

the proposed Project. The MWASP further makes comment on the need to improve accessibility and again the proposed Project will improve accessibility for both those using the rail and road network. It will also help to remove the severance the existing railway creates for communities in the area.

The Cork MASP 2020 seeks to improve rail journey times to Dublin and has an objective to electrify the rail fleet. The proposed Project will assist in improving rail journey times by removing existing level crossings and the road/rail interface that can cause delay. Furthermore, with electrification comes potentially greater speed and volume of rail traffic which could heighten the safety risk profile, again, in removing level crossings the safety risk is also removed.

In regard to the Limerick Shannon MASP 2020 the proposed Project is an investment in railway infrastructure that will benefit commuters which is in line with the objectives of the Plan.

The NWCSP 2002-2020 has at its heart the need to improve connectivity and accessibility for those in the rural area. It specifically references investment required regarding bridges and level crossings and reducing journey times. The proposed Project will help to overcome existing local severance through the provision of bridge and road infrastructure as well as a CCTV controlled crossing that will all help to improve the severance currently experienced by local communities. Also, the proposed Project will contribute to the aims of increasing safety and reducing journey times.

3.4 Iarnród Éireann & Other Strategies/Reports

3.4.1 2030 Rail Network Strategy Review

In 2011, Iarnród Éireann conducted a review of future development requirements of the Iarnród Éireann InterCity Network (ICN) and regional services. It sets out a broad strategic goal for the rail network, as follows: *To provide safe, accessible and integrated rail services that contribute to sustainable economic and regional development in an efficient manner.* (p. IX) (underlining added emphasis).

The review states that the Dublin-Cork corridor is the *“dominant corridor on the rail network”* and this is due to the *“significant level of inter-city movements.”* (p. IX).

The document further outlines under the heading *“rehabilitation of infrastructure and other key investments”* (p. 31) that major rehabilitations works have been carried out and the closure or upgrading of level crossings has formed an important part of the investment programme.

With regard to the Dublin-Cork line, the document states that *“a total of €232m will need to be spent on the Cork line over the next 20years with a €23m required after this period.”* (p.194).

Section 12.4.2 (Structures and Level Crossings) sets out that *“Level crossings represent the single biggest rail safety risk. They also impact on journey times. Recent investment has seen a reduction in the number of level crossings from 2,000 to 1,100. Continuous investment is required to manage the safety risk associated with these assets and to provide more competitive journey times.”* (p. 192). It goes on to further state: *“It is envisaged that expenditure on level crossing of €10m per annum for the next ten years will be required, with €5m thereafter, giving a total of €150m over twenty years, rising to €180m when overheads are included.”* (p.192) (underlining added emphasis).

3.4.2 Cork Metropolitan Area Transport Strategy (CMATS) 2040

The CMATS highlights the Dublin-Cork as being the top performing InterCity line in the country for passenger numbers. The strategy reiterates the proposed improvements in the National Development Plan (NDP) and Rail Review Report, including improvements in journey times and investment in high-speed rail, electrification and improving the journey time between Dublin and Cork to 2 hours.

3.4.3 Iarnród Éireann Rail Review: 2016 Report

The 2016 Rail Review Report examined the network in terms of meeting travel demand and environmental objectives as well as operational funding for the existing network. A passenger demand and elasticity analysis indicated that improving Dublin-Cork journey time to at least 2 hours would significantly strengthen rail as a travel option and improve consistency and transparency. The report also states that for a relatively small investment, journey time gains can easily be delivered in the short term.

3.4.4 Atlantic Gateway Initiative - Achieving Critical Mass (2006)

The Atlantic Gateway Initiative was a feasibility study developed to support the implementation of the National Spatial Strategy among the 'Atlantic Gateways', towns and cities across the western and southern coasts of Ireland, specifically Cork, Galway, Limerick and Waterford. One of the key concepts in the document was fostering better inter-city connectivity. Phase two of this approach (p.36) required the improvement of major road and rail network links between the Atlantic Gateways and Dublin, using targeted interventions centring on existing bottlenecks and substandard links.

Summary of Compliance:

The proposed Project will help to provide a safe, accessible and integrated rail service which is at the core of the 2030 Rail Network Strategy Review. The Strategy specifically recognises the at closure or upgrading of level crossings is an important part of the investment programme. The proposed Project seeks to remove/upgrade level crossings and is therefore fully compliant with the aims of the strategy. Furthermore, the Strategy highlights the safety risk associated with level crossings and the continuous investment require to manage the safety risk. The proposed Project seeks to eliminate/reduce the safety risk by removing and upgrading level crossings.

The CMATS 2040 seeks to improve rail journey times and highlights the eventual electrification of the Dublin – Cork Railway Line. Again, the proposed Project will help to assist in meeting these objectives and complimentary to same.

The Iarnród Éireann Rail Review: 2016 Report improve journey times on the Dublin – Cork Railway line and references the need for investment to make this happen. The proposed Project will assist in meeting this objective.

The Atlantic Gateway Initiative - Achieving Critical Mass (2006) has at its core road and rail networks links, again, the proposed Project is fully compliant with the objectives of the Initiative.

3.5 Local Planning Policy

The level crossings that are proposed to be eliminated/upgraded are within the functional areas of Cork County Council (CCC) and Limerick City and County Council (LCCC). As such, the planning policy documents of these two local authorities have been taken into account for the proposed Project.

3.5.1 Cork County Council (CCC)

The following five of the level crossings to be eliminated/upgraded are located within the functional area of CCC:

- XC209 Ballyhay;
- XC211 Newtown;
- XC212 Ballycoskery;
- XC215 Shinanagh; and

- XC219 Buttevant.

The planning policy documents of CCC that have been considered for the proposed Project are as follows:

- Cork County Development Plan (CCDP) 2014;
- Draft Cork Landscape Strategy (2007); and
- Municipal District Local Area Plans (LAP) 2017.

Cork County Development Plan (CCDP) 2014

The CCDP was adopted in December 2014 and came into effect on 15th January 2015. It sets out the Council's planning and sustainable development strategy and associated planning policies for Cork County. The CCDP will eventually be superseded by the CCDP 2022-2028 which is at "Pre Draft Plan" stage and went through public consultation between March and July 2020. The Pre-Draft Plan of the CCDP 2022-2028 highlights the issues that Cork County are facing including long journey times and lack of people using public transport. It identifies the need for CCC to "*facilitate efficient development of the economy, enhance quality of life and social inclusions reduce both the demand for travel and dependence on the private car for transport and support high frequency public transport services*".

CCDP Vision

The stated Vision for the CCDP is "*Through application of the planning principles set out in this document, to provide for the development of County Cork as an attractive, competitive and sustainable place to live, visit and do business, where the quality of its economy, natural and built environment, culture and the strength of its communities are to the highest standards.*"

Paragraph 2.1.2 of the CCDP sets out seven key aims including (inter alia):

- Enhanced quality of life for all, based on high quality residential, working and recreational environments and sustainable transport patterns;*
- An effective physical and community infrastructure supporting living economic recovery, enterprise and social integration;*
- A quality-built environment integrating the conservation of County Cork's built heritage with best practice modern architecture and urban design."* (p.12)

Greenbelt/Rural Area

CCDP Figure 2.7 (Core Strategy Diagrammatic Map for County Cork) (see Figure F.2 of Appendix H: Zoning Objectives) highlights the strategic direction of the Atlantic Corridor which follows the route of the Dublin – Cork Railway Line (denoted as the Intercity Railway Line) north from Cork and into Limerick. It also highlights the N20 National Primary Route as well as the 'Strong Rural Area' designation covering much of the proposed Project area. Greenbelt designation (GB1) is located around Buttevant to the south and Charleville to the north of the proposed Project.

XC209 Ballyhay is located within the Charleville Greenbelt and XC219 is located within the Buttevant Greenbelt. The proposed Project at XC219 Ballycoskery is primarily within the Settlement Boundary of Ballyhea Village with eastern portions within the 'Strong Rural Area'. The proposed Project at XC209 Ballyhay, XC211 Newtown and XC215 Shinanagh are entirely within the 'Strong Rural Area'.

In regard to Greenbelt designations, CCDP Paragraph 4.3.6 states "*The town greenbelts define the visual setting around the main towns and have been established to prevent sprawl and control linear roadside development.*" (p.58)

Paragraph 4.5.4 outlines the principles that underline the designation of greenbelts, as follows:

- *"Maintenance of distinction in character between the town or city urban and rural areas by the prevention of unrestricted sprawl of urban areas into the countryside;*
- *Prevention of individual settlements merging into one another;*
- *Strategic protection of land that may be required for development in the future;*
- *To focus attention on lands within settlements which are zoned for development and likely to contribute to the regeneration of areas;*
- *Provision of a source of recreation and amenity and to allow for open countryside to be within easy reach of most built up areas; and*
- *Retention of land in agriculture, forestry or other uses which would otherwise be susceptible to inappropriate development."* (p. 63).

In regard to 'Greenbelts around Other Towns' this primarily refers to the restriction of land generally for agriculture, open space or recreations uses with exceptions outlined in GB1-1. However, the policy is framed with a focus on rural housing and is silent on rail/roads infrastructure.

The 'Strong Rural Area' designation is set out at Section 4.3.8 as *"These rural areas to the north of the County have traditionally had a strong agricultural base Population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base, that is restructuring to cope with changes in the agricultural sector and the level of individual housing development activity in these areas tends to be lower and confined to certain areas as pressure for urban generated housing is less."* (p.58)

Blackwater River (Cork/Waterford) Special Area of Conservation (SAC)

The CCDP notes that the proposed Project is near to the Blackwater River (Cork/Waterford) . The Blackwater SAC is located 1.2km to the south west of XC209 Ballyhay, it is 0.8km to the west of XC211 Newtown, approximately, 0.6km to the west of Ballyhea Village (XC212 Ballycoskery), 0.4km to the south west of XC215 Shinanagh and 0.2km to the north of XC219 Buttevant.

Rail/Transport

In regard to rail, Section 10.2.32 sets out *"the County Council will be encouraging the delivery of further land use initiatives and investment measures to secure maximum benefits for the communities served by this network. In particular, the County Council will work closely with the City Authorities and other agencies in delivering a land use framework for the areas served by the rail network within the City area so as to maximise the potential for rail travel."* (p.156)

In regard to rail Freight the CCDP states at Paragraph 10.5.5 *"There are many environmental and social benefits to be gained from utilising rail to transport goods. Rail produces 76% less CO2 than road per tonne carried and uses less than half the fuel as road per tonne km. Therefore, rail can play a valuable role in our efforts to cut carbon emissions."* (p.164)

Generally, in regard to transport, Paragraph 10.1.14 sets out that *"The focus of transport infrastructure and investment will be on the network of settlements broadly in line with the Atlantic Gateway Initiative"*. (p.150).

The M20 'Route Protection Corridor' is located to the immediate west of Ballyhea Village (XC212 Ballycoskery), further to the east of XC215 Shinanagh.

Landscape

A Landscape Character Assessment was undertaken as part of the Draft Cork Landscape Strategy (2007), which has been incorporated within the CCDP 2014-2020 and divides the county into 16 No. Landscape Character Types

(LCTs) (see EIAR Volume 3). All five of the sites in County Cork are wholly contained within LCT 5 – Fertile Plain with Moorland Ridge. Furthermore, XC209 Ballyhay, XC211 Newtown, XC212 Ballycoskery and a section of the northern portion of the proposed Project at XC215 Shinanagh are all within a High Value Landscape Designation. The proposed Project at XC219 Buttevant is outwith this designation.

XC209 Ballyhay

The proposed Project is located within Rural Housing Policy Area Town Greenbelt 1-1.

It is also situated within a High Value Landscape Area (HVL), a designation which covers a significant portion of northern Cork and in regard to the proposed Project sites roughly runs east along a line from Charleville to Buttevant. CCDP Section 13.6.9 outlines that *"Within these High Value Landscapes considerable care will be needed to successfully locate large scale development without them becoming unduly obtrusive. Therefore, the location, siting and design of large scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape."*(p.210)

The surrounding locale is designated Landscape Character Area Type 5: *"Fertile Plain with Moorland Ridge"* within the Cork County Draft Landscape Strategy (2007). The strategy describes this type of topography as generally flat or gently undulating along the River Blackwater, surrounded by low ridges and occupying a large proportion of north-east of Cork. This type of landscape is fertile ground, often referred to as the 'Golden Vale', and is suitable for intensive farming. It also contains historic infrastructure relating to Demesnes as well as dispersed farmsteads and agricultural infrastructure.

XC211 Newtown

The Selected M20 Preferred Route is situated around 0.5km to the west of the proposed Project. Table 15.2 (County Cork: Planning Development Summary of Critical Infrastructure (Main Towns)) includes the M20 in the North Cork Strategic Planning Area.

Section 10.3.3 sets out that *"The key national roads infrastructure projects are listed in Objective TM 3-1. Many of these are focussed on improving accessibility in and around the Gateways and Hubs designated in the National Spatial Strategy. The Council, in consultation with the National Roads Authority, will protect proposed national road route corridors where the route selection process has been completed/approved and where preferred route corridors have been identified."* (p. 157).

The proposed Project is within Rural Housing Policy Area –'Strong Rural Area'. It is within a High Value Landscape Area and Landscape Character Type 5 (as detailed further above).

XC212 Ballycoskery (Ballyhea)

Ballyhea is designated as a village. The M20 Preferred Route is situated approximately 60m to the west of the nearest point of proposed Project. The proposed Project is primarily within the development boundary for Ballyhea Village but also within Rural Housing Policy Area – 'Strong Rural Area'. The subject lands are within a High Value Landscape Area and Landscape Character Type 5.

XC215 Shinanagh

The M20 Preferred Route is around 0.5km to the east. The proposed Project is within a Rural Housing Policy Area – 'Strong Rural Area'. The majority of the proposed Project is outside a High Value Landscape Area however, the tie in with the N20 is within this area. The Landscape Character area is Type 5.

XC219 Buttevant

Buttevant is designated as a County Town with a Strategic Aim in the CCDP *"To provide a better balance of development between each town and its rural hinterland and fulfil their role as economic and employment centres providing for the needs of their extensive rural hinterlands, so that they can become the location of choice for most people especially those with an urban employment focus."* (p.23)

CCDP Table 15.2 County Cork: Planned Development Summary of Critical Infrastructure (Main Towns) states that Buttevant and Charleville require drinking water network upgrades in the short term.

The proposed Project is within a Rural Housing Policy Area – ‘Town Greenbelt 1-1’ and Landscape Character Type 5 (as detailed above in Section 3.5.1.1. and 3.5.1.1.2. The Blackwater SAC is around 0.23km to the north of the proposed Project.

Summary of Compliance:

All of the subject sites for the proposed Project, with the exception of XC212 Ballycoskery at Ballyhea Village are outside defined Settlement Boundaries in the Cork County Development Plan (CCDP) 2014. In general, planning policy for rural areas seeks to encourage development within the envelope of towns and villages. The proposed Project has a locational need to be situated to the existing level crossings and the Dublin – Cork Railway Line.

With the exception of XC212 Ballycoskery, the key planning objectives associated with each of the proposed Project sites located in County Cork are related to Greenbelt, ‘Strong Rural Area’ and ‘Rural Housing Policy Area’. All of these policies are primarily framed in regard to rural housing and do not preclude road and rail infrastructure improvements associated with the existing Dublin- Cork Railway Line.

The Blackwater SAC is located at it closest to the proposed Project around 0.24km north of XC219 Buttevant. The EIAR includes at Volume 5, Appendix 7H a Natura Impact Statement (NIS) which has found that there will be no adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC and Kilcolman Bog SPA, either alone or in-combination with other plans or projects in light of the sites’ conservation objectives.

The CCDP recognises the importance of rail in helping to cut carbon emissions and the enhanced efficiency the proposed Project will bring to the rail network supports that objective.

In regard to landscape designations, these have been reviewed in EIAR Volume 3, Chapter: 13 Landscape and Visual and the assessment has found that following mitigation the proposed crossings and road alignments are not considered to give rise to any significant residual impacts.

The M20 ‘Route Protection Corridor’ is located near to the proposed Project. However, as set out in EIAR Volume 2, Chapter 1: Introduction, the Project Team has consulted with the M20 Project Team and whilst that project is still at options selection stage it was considered that there would be no or little interaction between the projects.

Municipal District (MD) Local Area Plans (LAPs)

The LAPs came into effect on 21st August 2017. They were prepared for each Municipal District (MD) in the County and set out CCC’s land use planning strategy for the development of the towns and villages of the County. The proposed Project falls within the jurisdiction of the following MD LAPs:

- *Kanturk Mallow MD LAP; and*
- *Fermoy MD LAP.*

In addition, the proposed Project is within the North Cork Strategic Planning Area (NCSPA) and the key objectives for the NCSPA are set out at Appendix B. XC219 Buttevant is identified as one of the towns within the NCSPA. Section 1.3.8 of the CCDP sets out that “*Each town supports a substantial rural hinterland consisting of several villages, smaller settlements and individual dwellings.*” (p.7).

Kanturk Mallow MD LAP 2017

The Kanturk Mallow MD LAP sets out the detailed planning strategy and land use zoning as appropriate, for the towns and villages of Kanturk Mallow MD. The XC219-Buttevant level crossing is located within the administrative boundary of this MD.

Paragraph 1.7.2 of the LAP sets out that *"One of the key attributes of the Kanturk – Mallow District is the River Blackwater which is designated as a Special Area of Conservation under the Habitats Directive as it is a significant site containing important rare plants and species."* It goes on to state: *"In planning for the future development of the area the Council has a legally binding obligation to protect the favourable conservation status of the River Blackwater Special Area of Conservation."* (p.10).

Specifically, in regard to Buttevant, Section 3.6 of the LAP outlines that the vision and context for Buttevant as follows: *"The vision for Buttevant over the lifetime of this plan is to boost the town's population in line with prescribed targets; optimise employment opportunities having regard to the towns proximity to the proposed M20 and the Atlantic Corridor; and ensure new development respects the significant historic and architectural fabric of the town."*

The proposed Project is situated within the Greenbelt 0.1km to the west of the Buttevant Settlement Boundary. The western section of the proposed road/bridge infrastructure is within an *"Area susceptible to Flooding; Zone A"* and *"Area susceptible to Flooding Zone B"*.

Paragraph 3.6.7 sets out that *"Outside the development boundary of the town the land forms part of the Buttevant Greenbelt. Here the objectives of the plan seek to prevent sprawl and ensure a clear distinction between built up areas and the open countryside by reserving land in the immediate surroundings of the town generally for use as agriculture, open space and recreation uses."*

Paragraph 3.6.21 outlines that *"The Cork – Limerick national route (N20) travels through the centre of Buttevant, bringing high volumes of traffic through the town's main street on a daily basis with the associated congestion and negative impacts on the environmental amenities of the town. The route does not however afford easy access to the large towns of Charleville and Mallow and cities of Cork and Limerick. The proposed M20 motorway scheme, which would bypass the town to the east, is currently suspended. Delivery of a bypass for the town is needed to address the significant adverse impacts of the high levels of traffic along the main street."*

Paragraph 3.6.22 states that *"The Cork – Dublin rail line passes to the west of the town but Buttevant station has been closed since the 1970s. Rail services are available at Mallow and Charleville."*

XC219 Buttevant

The subject lands are located within Landuse Zoning – 'Greenbelt 1'. The LAP policy within such areas is *"To discourage strongly new individual housing from being located within the greenbelts around the main towns in each MD. This is relaxed in principle for individuals who can demonstrate a genuine need based on their social and or economic links to a particular rural area, in accordance with objectives RCI 4-2, RCI 5-6 and RCI 5-7."* (p. 21).

The Development Boundary for Buttevant is located 0.3km to the east (see Appendix F) and the Blackwater SAC located 0.2km to the north.

Summary of Compliance:

Kanturk Mallow MD LAP 2017 highlights the proximity of the Blackwater SAC and the need for the protection of same. As set out further above, an NIS has been prepared to support the proposed Project (EIAR Volume 5, Appendix 7G) and has found that there will be no adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC.

Whilst the proposed Project is outside the LAP lands, it is noted that the LAP aims to grow the population of Buttevant and refers to the proposed M20 upgrade. The LAP also seeks to protect the historical fabric of the town. The proposed Project will support the growth of the town by providing a safer means of crossing the existing XC219 Buttevant level crossing for an expanding future population and its associated car trips. The proposed Project will not be inter-visible with the historical fabric of Buttevant being located outside the town and further to its west.

The proposed Project is within both Areas Susceptible to Flooding A and B. A Flood Risk Assessment (FRA) has been undertaken (EIAR Volume 5, Appendix 9A). A Stage 3 Flood Risk Assessment was prepared specifically for XC219 Buttevant to verify that the proposed Project (with embedded mitigation) would cause no increase in flood risk elsewhere.

All other sites have been assessed through a Stage 1 and 2 Flood Risk Assessment only and all sites were found to be at low or very low risk of flooding from all sources except fluvial flooding.

The LAP sets out that the objectives for the Greenbelt outside Buttevant are generally for use as agriculture, open space and recreation. However, the objective of the Greenbelt does not preclude road and rail infrastructure improvements associated with the Dublin – Cork Railway Line or any level crossings.

The LAP acknowledges high levels of traffic within Buttevant and welcomes the potential M20 upgrade as a bypass. The proposed Project will help to facilitate the safe movement of road traffic on the western side of Buttevant.

Appendix B lists the relevant policies and objectives of the Kanturk Mallow MD LAP and demonstrates compliance with the LAP. The review of all applicable LAP policies relevant to the proposed Project has found that it is entirely compliant with the LAP and complements the objectives of the same.

Fermoy MD LAP 2017

The Fermoy MD LAP 2017 came into effect on 21st August 2017. It sets out the detailed planning strategy and land use zoning as appropriate, for the towns and villages of Fermoy MD. XC215-Shinanagh, XC212-Ballycoskery, XC211-Newtown and XC209-Ballyhay level crossings are located within the administrative boundary of this MD.

The proposed Project at XC215 Shinanagh is located outwith any Settlement Boundary. The proposed Project at XC209 Ballyhay is located outwith any Settlement Boundary, it is within the Greenbelt and Flood Zone A. The proposed Project at XC211 Newtown is located at its nearest point immediately adjacent to (but outside) the north eastern corner of the Settlement Boundary of Ballyhea Village (see Figure Appendix H, Figure H.3).

In regard to XC212 Ballycoskery the proposed Project is primarily located within the Settlement Boundary of Ballyhea Village. The proposed road infrastructure to the north, east and south of Dooley's Cross Roads is outside the Settlement Boundary. Paragraph 5.2.21 sets out that "*Reservation is made for possible construction of a new road realignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school.*" (p.156) This is linked to Objective U-01.

Lands zoned for Community/Utility (C-01) "*Use for School Expansion*" are located to the immediate north of the proposed Project. Sections of the proposed infrastructure to the east of the existing Dublin to Cork Railway line are within "*Areas susceptible to Flooding Zone A*".

The Fermoy MD LAP identifies Ballyhea as one of 10 villages within the area. Section 5.2.2 sets out that "*It is a strategic aim of the Cork County Development Plan, 2014 to encourage and facilitate development at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available and support the retention and improvement of key social and community facilities within villages, including the improved provision of interurban public transport.*" (p.148)

Paragraph 5.2.6 outlines that *"To allow the villages to develop in an orderly manner, it is particularly important that improvements are made to the village's infrastructure. It is intended that future growth will be largely organic in nature based on small scale developments."* (p.148)

Paragraph 5.2.8 continues: *"There is scope for development within the villages; however, it is important that the village's rural character, architectural heritage and its other heritage and natural amenities are maintained, enhanced and not compromised. It is also important that any future development maintains the integrity of the surrounding landscape, particularly any designated high value landscapes."* (p.148)

Paragraph 5.2.9 states: *"There may be opportunities for some small-scale development in the village Centres. It is important that any proposed development would be in keeping with the established character of the villages."* (p.148)

Paragraph 5.2.11 outlines: *"The development boundaries closely reflect the existing pattern of development. It is considered reasonable to ensure good development opportunities continue to be available within the villages although it is clear that not all the land within the boundaries will be required for development over the lifetime of this plan"* (p.149)

Paragraph 5.2.19 states that *"Over the lifetime of this Local Area Plan it is envisaged that Ballyhea will cater for a modest level of development, proportionate to its existing size and sensitive to the high landscape value of the area. The village is most suited to the development of individual dwellings, subject to the provision of adequate services"* (p.156).

In reference to community facilities Paragraph 5.2.15 states: *"Some local improvements to local footpaths and lighting are also desirable."* (p. 149).

XC209 Ballyhay

The LAP identifies that the subject lands lie within 'Charleville Greenbelt 1' and the policy for such areas is *"To discourage strongly new individual housing from being located within the greenbelts around the main towns in each MD. This is relaxed in principle for individuals who can demonstrate a genuine need based on their social and or economic links to a particular rural area, in accordance with objectives RC1 4-2, RC1 5-6 and RC1 5-7."* (p. 20).

The subject site is within Flood Zone A within which Objective IN-01 states *"All proposals for development within the areas identified as being at risk of flooding will need to comply with Objective WS 6-1 and WS 6-2 as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate, and with the provisions of the Ministerial Guidelines – 'The Planning System and Flood Risk Management'. In particular, a site-specific flood risk assessment will be required as described in WS 6-2."* (p. 19).

XC211 Newtown

The subject lands are located 0.1km to the north east of the Ballyhea Development Boundary and the Blackwater SAC is 0.7km to the west.

XC212 Ballycoskery (Ballyhea Village)

The majority of the proposed Project is within the Ballyhea Development boundary ('Existing Built Up area') with some eastern extents of the proposed road outside this designation (see Appendix F).

Applicable zoning objectives include C-01 Community (National School) "Use for School Expansion" is located outside and further to the north of the proposed Project. A proposed road alignment (U-01) runs from the south of the existing housing estate to the east across the railway line and outside the Ballyhea Development Boundary in a similar location to that of the proposed Project.

The proposed Project is partially within Flood Zone A and the Blackwater SAC is 0.5km to the west.

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

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

XC215 Shinanagh

The M20 Route Protection Corridor is 0.5km to the east and the Blackwater SAC is 0.8km to the west.

Summary of Compliance:

XC209 Ballyhay is within the Greenbelt. The policy primarily seeks to limit housing and does not preclude road or rail infrastructure improvement. It should also be noted that the proposed CCTV upgrade for XC209 will be facilitated within the existing Dublin – Cork Railway Line and on the public road and no significant greenfield land take is required.

XC215 Shinanagh and XC211 Newtown are located outwith any Settlement Boundary and the policy in such areas does not preclude road and rail infrastructure improvements.

In regard to XC212 Ballycoskery (Ballyhea Village) the proposed Project is primarily within the Ballyhea Village Settlement Boundary. The LAP U-01 objective is significant as it states that *"Reservation is made for possible construction of a new road alignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school."* The proposed Project follows a similar alignment as that shown in the LAP and also makes provision for a car park to the front of the Ballyhea National School. The proposed Project is entirely in line with and will bring to fruition the objective of the LAP in regard to the creation of both the new road and car park in Ballyhea Village.

In regard to Ballyhea Village, the LAP aims to encourage and facilitate development at a scale, layout and design that reflects the character of each village and improve the provision of interurban public transport. The proposed bridge and road infrastructure are proportional as set out at EIAR Volume 2, Chapter 3: Project Description. Road, rail and bridge infrastructure forms part of the character of the area which is adjacent to the Dublin – Cork Railway Line. The height, width and length of the proposed infrastructure have been determined due to safety considerations, the need for suitable clearance over the railway, engineering requirements, environmental considerations and the volume of traffic. Furthermore, landscaping is proposed to help soften any visual impacts (see EIAR, Volume 5, Appendix 13A and 13B).

The LAP seeks to improve the village's infrastructure and accepts that there is scope for development. However, this must not compromise the village's rural character, architectural heritage and its other heritage and natural amenities. The LAP accepts and actively promotes the principle of a new road alignment over the Dublin – Cork Railway Line and car park to the front of the Ballyhea National School. The LAP indicates its preference in terms of where such infrastructure should be located within Ballyhea Village. The principle of the proposed Project is therefore acceptable. The EIAR has assessed the potential impacts of the proposed Project in regard to landscape and cultural heritage and found that subject to mitigation the proposed crossings and road alignments are not considered to give rise to any significant residual impacts.

The LAP makes reference to the Blackwater SAC. An NIS has been prepared (EIAR Volume 5, Appendix 7H) and has found that there will be no adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC.

The LAP outlines that parts of XC209 Ballyhay and XC212 Ballycoskery are within Flood Zone A. A Flood Risk Assessment (FRA) has been undertaken (EIAR Volume 5, Appendix 9A). All sites have been assessed through a Stage 1 and 2 Flood Risk Assessment only and all sites were found to be at low or very low risk of flooding from all sources except fluvial flooding.

The M20 'Route Protection Corridor' is located nearby to the proposed Project. However, as set out in EIAR Volume 2, Chapter 1: Introduction, the Project Team has consulted with the M20 Project Team and whilst that project is still at options selection stage it was considered that there would be no or little interaction between the projects.

Appendix C lists the relevant policies and objectives of the Fermoy MD LAP and demonstrates compliance of the proposed Project with the LAP. The review of all applicable LAP policies relevant to the proposed Project has found that it is entirely compliant with the LAP and complements its objectives.

3.5.2 Limerick City and County Council (LCCC)

Two of the level crossings to be eliminated/upgraded are within the functional area of LCCC and include:

- XC187 Fantstown; and
- XC201 Thomastown.

The primary planning policy document for LCCC relevant to the proposed Project is the Limerick County Development Plan (LCDP) 2010-2016.

Limerick County Development Plan (LCDP) 2010-2016

The LCDP was adopted on 1st November 2010 and came into effect on 29th November 2010 with the stated aim of setting out a framework for the proper planning and sustainable development of the County. The plan has been subject to a number of variations with the latest variation being adopted and included in the plan on 10th April 2018. While the plan had an initial expiry date of 2016, this has been extended until a new plan is adopted. The Limerick City and County Development Plan 2022-2028 is at "Pre-Draft Plan" stage and underwent public consultation in mid-2020.

Vision Statement

The Vision Statement for the LCDP is that "Limerick County Council will adopt a positive and sustainable approach to balanced development thereby enhancing the lives of people who live in, work in and visit the County, whilst protecting the natural and built environment."(p.2-12)

Road Network/Transport

Paragraph 8.2.6 (Road Network and Use) sets out that "The road network (Map 8.2) is a vital part of the County's transport infrastructure, in real terms the most important of all elements of this infrastructure due to the widespread use and reliance on road transport for economic movements as well as for social journeys. Proper management of use, maintenance of roads, and improvements to the network is vital from a variety of perspectives. A comprehensive plan and management should allow the road network to develop in accordance with the requirements of settlements, land uses and other infrastructure as they are planned to expand in a sustainable manner:

to ensure that the network is as safe as possible;

- allows smooth traffic flows for the effective functioning of economic land uses and for quality of life;
- in a manner that does not negatively impact on the local environment;
- in a manner that protects investment." (p.8-11)

Paragraph 8.2.4 (Public Transport) outlines that "The Cork to Dublin railway line is the third line with a passenger service to run through the Limerick County" (p.8-6) and this is highlighted at Map 8.1 of the LCDP as an 'Inter Urban Route'.

Core Strategy and Settlement Hierarchy

LCDP Map 2.1 (Core Strategy Map) (see Appendix F Figure F.1) indicates that XC187 Fantstown and XC201 Thomastown are designated within 'Areas of Strong Agricultural Base'.

LCDP Section 3.19.1 outlines "Areas of strong agricultural base: The rural areas that traditionally have had a strong agricultural base, that are restructuring to cope with changes in the agricultural sector and have an extensive network of smaller rural towns, villages and other settlements. In these areas, the focus of urban generated housing should be in the network of settlements to support the development of services and infrastructure and to take pressure off development in the open countryside." (p. 3-19). Table 3.1 (Settlement Hierarchy) outlines the

Settlement Structure for County Limerick and ranges from Tier 1 Settlements (The Gateway, The City and City Environs) to Tier 6 (Small Settlement). Fantstown (XC187) and Thomastown (XC201) are not included within the Settlement Hierarchy. The Tier 2 Key Town of Kilmallock is the nearest town to both sites.

Section 3.4 (Overall Settlement Strategy Policies and Objectives) states that *“As a general rule, developments will be encouraged to locate within the development envelope of towns and villages in accordance with Local Area Plan and the settlement strategy set out below.”* (p.3-4).

Landscape

A landscape character assessment is included in the LCDP. The proposed Project is contained within the northern periphery of the ‘Ballyhoura/Slieve Reagh’ LCA and is situated immediately adjacent to the ‘Agricultural Lowlands’ LCA). In the LCDP the LCA ‘Ballyhoura/Slieve Reagh’ is described as:

“a locally dominant range of hills running along the Cork boundary. The lowland component of this landscape character area is generally a farmed landscape, but the range of hills provide an upland backdrop. The lower reaches of Ballyhoura are pastoral in character but this changes as altitude increases and the vegetation cover changes to commercial forestry interspersed with upland grassland and the remnants of peat bogs.”

Summary of Compliance:

The LCDP 2010-2016 recognises the importance of the road network and to *“make it as safe as possible”* and allow for *“smooth traffic flow”*. The proposed Project will meet both of these objectives by removing the rail/road interface through the elimination of XC187 Fantstown, the elimination of XC201 Thomastown and a new road/bridge upgrade to take traffic safety over the railway line and allow 24/7 unfettered access.

XC187 Fantstown and XC201 Thomastown are outwith any Settlement Boundary and designated within ‘Areas of Strong Agricultural Base’. The policy is primarily framed in regard to rural housing and does not preclude road and rail infrastructure improvements.

In regard to landscape, EIAR Volume 3, Chapter 13: Landscape and Visual has concluded that following mitigation the proposed crossings and road alignments are not considered to give rise to any significant residual impacts.

4. Summary

On review of all of the policy and guidance set out further above, in regard to level crossings and railway infrastructure the following key themes are apparent:

- 1) The NPF recognises the importance of physical safety as a key aspect impacting upon the quality of life. The proposed Project's chief aim is to remove/reduce the safety risk associated with the road/rail interface at level crossings;
- 2) The proposed Project is fully compliant with the aims of the NDP as it will upgrade and enhance public transport infrastructure and is situated on the Dublin - Cork Corridor which has been highlighted as a key investment area to help deliver national economic objectives.;
- 3) The proposed Project is fully compliant with the National Transport Authority's Smarter Travel as it will help to improve travel times on the Dublin – Cork Railway Line;
- 4) The RSES for the Southern Region (2020) directly links the need to improve rail infrastructure with safety, capacity and efficiency of the network.
- 5) Investment is needed in the railway network in order to achieve objectives related to increasing the volume and speed of railway traffic (electrification) along the Dublin – Cork Railway Line. The elimination of existing level crossings will assist in paving the way for the eventual electrification of the Dublin – Cork Railway Line as it will remove an existing safety risk and improve network efficiency;
- 6) Improving accessibility for rural communities living along the Dublin – Cork Railway Line corridor is an objective. The Dublin – Cork Railway Line severs communities and the proposed Project will help to provide enhanced and safer access;
- 7) With the exception of XC212 Ballycoskery (which is primarily within Ballyhea Village) each of the subject site locations are outwith any Settlement Boundary where the objectives primarily relate to the management of rural housing and supporting the rural population. The policies do not preclude road and rail infrastructure improvement and the character of the area includes such infrastructure;
- 8) The alignment for the proposed infrastructure at XC212 Ballycoskery replicates the proposed alignment and car parking area objectives for Ballyhea Village within the Fermoy MD LAP 2017;
- 9) The Blackwater River (Cork/Waterford) SAC is near to the proposed Project. An NIS has been undertaken (EIAR Volume 5, Appendix 7H) which has found that there will be no adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC and Kilcolman Bog SPA, either alone or in-combination with other plans or projects in light of the site's conservation objectives;
- 10) The proposed M20 upgrade runs parallel to the proposed Project. As set out in EIAR Volume 2, Chapter 1: Introduction, consultation has been undertaken with the M20 Project Team and while that project is at options stage it is considered there will be little or no interaction;
- 11) A Flood Risk Assessment (FRA) has been undertaken for all proposed Project sites (EIAR, Volume 5, Appendix 7A). A Stage 3 Flood Risk Assessment was prepared specifically for XC219 Buttevant to verify that the proposed Project (with embedded mitigation) would cause no increase in flood risk elsewhere. All other sites have been assessed through a Stage 1 and 2 Flood Risk Assessment only and all sites were found to be at low or very low risk of flooding from all sources except fluvial flooding; and
- 12) In regard to landscape, EIAR Volume 3, Chapter 13: Landscape and Visual has concluded that following mitigation the proposed crossings and road alignments are not considered to give rise to any significant residual impacts.

5. References

2030 Rail Network Strategy Review (2011)

Atlantic Gateway Initiative - Achieving Critical Mass (2006)

Building on Recovery: Infrastructure and Capital Investment 2016-2021.

Commission for Railway Regulation (CRR) Railway Safety Performance in Ireland, 2018

Cork County Development Plan (CCDP) 2014

Cork Metropolitan Area Strategic Plan (MASP) 2020

CRR Statement of Strategy 2018 – 2020

Directive 2014/52/EU3

Draft Cork Landscape Strategy (2007)

Draft Cork Metropolitan Area Transport Strategy (CMATS) 2040

Draft Integration Implementation Plan 2019-2024

Dublin Transport Authority Act 2008

European Communities (Birds and Natural Habitats) Regulations 2011

Fermoy Municipal District Local Area Plan 2017

Iarnród Éireann 10-year Asset Strategy <https://www.globalrailwayreview.com/article/74479/irish-rail-risks-reduction-level-crossing/>

Iarnród Éireann Rail Review: 2016 Report

Ireland's Transition to a Low Carbon Energy Future 2015-2030

Kanturk Mallow Municipal District Local Area Plan 2017

Limerick County Development Plan (LCDP) 2010-2016

Limerick Metropolitan Area Strategic Plan (MASP) 2020

Mid-West Area Strategic Plan (MWASP) 2012 – 2030

National Development Plan (NDP) 2018 – 2027

National Landscape Strategy (2015-2025)

National Parks and Wildlife Service (Wildlife (Amendment) Act 2012

National Planning Framework (Ireland 2040) (NPF)

National Transport Authority's Smarter Travel- A Sustainable Transport Future; New Transport Policy for Ireland 2009-2020

North West Cork Strategic Plan 2002-2020 (NWCSP)

NTA Draft Integrated Implementation Plan 2019-2024

Railway Safety Act, 2005

Regional Spatial & Economic Strategy (RSES) for the Southern Region (2020)

Planning and Development Act, 2000 (as amended)

Planning and Development (Strategic Infrastructure Act) 2006

Smarter Travel, A Sustainable Transport Future: A New Transport Strategy for Ireland 2009-2020

Transport Act, 1950

Transport (Railway Infrastructure) Act, 2001 (as amended)

Water Framework Directive (WFD) (2000/60/EC)

Appendix A - Summary of Project History

2005- 2011: XC211 Newtown and XC212 Ballycoskery

From 2005 to 2007, Iarnród Éireann (IÉ) and Coras Iompair Éireann (CIÉ) investigated various options for the closure of level crossings XC211 and XC212. Discussions were held with Cork County Council, local resident groups and affected landowners on possible solutions to eliminate/upgrade the level crossings. Initial scheme options for road-over-rail and rail-over-road bridges at XC212 Ballycoskery were developed but there was no consensus on a preferred scheme option.

In 2008, following an incident in 2007 relating to access across level crossing XC212 Ballycoskery for emergency services, the operating hours of the level crossing gates were extended from 07.30hrs until 23.30hrs to a 24-hour basis.

A further attempt was made to close this level crossing XC211 Newtown and XC212 Ballycoskery in 2011 (see Appendix I) as part of a joint scheme to close level crossing XC211 when IÉ and CIÉ, in conjunction with Cork County Council sought to construct a new road-over-rail bridge to the south of the XC212 Ballycoskery level crossing thereby providing alternative access across the railway line.

In March 2011, Cork County Council sought planning permission under Part 8 of the Planning and Development Regulations 2001 (as amended). The scheme included significant improvement works in the vicinity of the existing Ballyhea National School (access, turning and parking facilities for school buses and access for school drop offs and collections). A number of objections were made to the scheme following publication of the planning application, primarily relating to the proximity of the road-over-rail bridge to the Beechwood Housing Estate and the school. Further objections were raised by local residents during a public meeting in April 2011, again these related to the proximity of the road-over-rail bridge to the Beechwood Housing Estate and the school. The planning application for the scheme was withdrawn in May 2011. Local residents produced alternative proposals for the closure of the level crossing in late 2011, which significantly extended the scheme and substantially increased the land take requirements. This proposal was not progressed due to funding constraints.

2009: XC187- Fantstown - Oral Hearing – November 2009

Pursuant to Section 73 of the Roads Act 1993, Limerick County Council sought to close the crossing XC187 Fantstown by extinguishment of the public right of way. On the 10th November 2009, an oral hearing was conducted. The Inspector recommended the extinguishment of the public right of way and the consequent closure of the crossing but highlighted that improvements needed to be undertaken to the alternative route in the interest of road safety. This decision was supported by the management/executive of Limerick County Council. These improvements were estimated at €250,000 at the time and IÉ gave a commitment to meet this cost contingent upon the extinguishment of the right of way and consequent closure of the crossing.

However, the extinguishment failed to gain the necessary support of the elected members of the Council due to local concerns over the proposal. The making of an Extinguishment Order and the consideration of objections/representations thereto are reserved functions of the Elected Members. The matter was not put to a vote of the elected members and the closure did not progress.

2010-2011: All Sites: Concept Stage Options

In 2010/2011, IÉ progressed in developing concept stage options for the closure of all seven level crossings.

- XC187 Fantstown: the provision of alternative access via a new road-over-rail bridge was developed; XC201 Thomastown: Two options for the provision of alternative access via a new road-over-rail bridge were developed.
- XC209 Ballyhay: the provision of alternative access via a new road-over-rail bridge was developed to close XC209.

- XC211 Newtown & XC212 Ballycoskery: the closure of level crossing XC211 Newtown and divert traffic via a new road-over-rail bridge at XC212 Ballycoskery.
- XC215 Shinanagh: two options for the provision of alternative access via a new road-over-rail bridge to the south of the level crossing or via an existing road-over-rail bridge (OBC306) to the north of the level crossing were developed.
- XC219 Buttevant: The provision of alternative access via a new road-over-rail bridge was developed to close XC219.

2018: All Sites: Feasibility Study

In March 2018, the proposed Project was revisited and the board of IÉ approved the preparation of a Feasibility Study into the elimination/upgrade of the seven level crossings. The objective of the study was to investigate and appraise options, for the elimination/upgrade of the level crossings in terms of property requirements, legal/planning strategy, safety approvals strategy, capital costs, operational costs, programme requirements and a risk profile of proposed solutions.

2019-2020: Preliminary Design to Railway Order Submission

It was determined that a Railway Order would be the most appropriate planning vehicle through which to deliver the proposed Project as the proposed works are deemed to be ancillary to the purposes of the existing railway line and fall within the definition of 'rail works' and 'railway infrastructure' under the 2001 Act. The Railway Order would also permit an application for all seven sites over two Council jurisdictions at the same time. Further details in regard to a Railway Order are provided in Section 2 of this Report.

In 2019 IÉ commissioned the preparation of a Route Options Report (32111000-JAC-GEN-XX-RP-Z-0001) and a Preliminary Design for the proposed Project. The preliminary design was drafted in November 2019 and updated in January 2020.

A Public Consultation on the emerging preferred options was carried out for ten weeks from 12th November 2019 to 21st January 2020. As part of the EIAR process, a Screening & Scoping Report was published and also consulted on as part of the public consultation.

Appendix B – Cork County Development Plan 2014

Table B.1: Cork County Development Plan 2014

Cork County Development Plan (CCDP) 2014	
Policy	Project Compliance
<p>CS 5-1: Climate Change Adaptation <i>"The County Council will promote sustainable settlement and transportation strategies in urban and rural areas, including the promotion of measures to (inter alia);</i> <i>a) reduce energy demand in response to the likelihood of increases in energy and other costs due to long term decline in non-renewable resources; and</i> <i>b) reduce anthropogenic greenhouse gas emissions."</i></p>	<p>EIAR Volume 3, Chapter 16: Cross Cutting Themes addresses the vulnerability of the proposed Project to climate change and impact on greenhouse gas emissions. EIAR Volume 3, Chapter 9: Water, Chapter 11: Traffic and Transport and Chapter 15: Air Quality also addresses the impact on greenhouse gas emissions. The main effect from those sites of the proposed Project located within Cork County Council are due to the diversion of roads and potential production of Green House Gas (GHG) emissions. The development of the proposed Project has not indicated a significant change in GHGs from construction and/or operation traffic. In the long-term this has the potential to ensure climate change is being managed. The proposed Project is considered to be compliant with Objective CS 5-1: Climate Change Adaptation.</p>
<p>HOU 3-1: Sustainable Residential Communities (inter alia) <i>b) "Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.</i> <i>c) Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation."</i></p>	<p>The proposed Project will not include the construction of housing. The proposed Project has been designed to facilitate walking and cycling, where required. EIAR Volume 3, Chapter 6: Population and Health identifies that the existing roads/paths used for walking and cycling will not be significantly impacted by the proposed Project. Additionally, during operation there will be an improvement of pedestrian footpath provision resulting in minor beneficial effects for users at XC211 and XC212 Newtown and Ballycoskery. Similarly, minor beneficial effects are expected for the Killmallock Cycle Hub who use the area on one of their cycle loops, due to a reduction in traffic to the east of the crossing and no requirement to stop at the level crossing. There are no impacts to any existing public transport services within the immediate vicinity of each site. The proposed Project is considered to be compliant with HOU 3-1: Sustainable Residential Communities</p>
<p>Objective CS 4-3: North Cork Strategic Planning Area (inter alia) <i>a) "Recognise the importance to the area of the Atlantic Gateways Initiative; to acknowledge the potential of the towns located within the Atlantic Gateway Corridor to act as a focus for new investment in jobs and housing and to recognize the value of such investment to the area as a whole;</i> <i>b) Establish an appropriate balance in the spatial distribution of future population growth so that Kanturk, Millstreet, Mitchelstown, Charleville, Buttevant and Newmarket, can accelerate their rate of growth, in line with this Core Strategy and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport;</i> <i>c) Facilitate the development of the villages and rural areas so that the rate of future population growth compliments the strategy to achieve a critical mass of population in the towns and provide protection for those areas recognized as under pressure from urban development;</i> <i>d) Strengthen and protect the rural communities of the area by encouraging sustainable growth in population, protecting agricultural infrastructure and productivity and focusing other employment development primarily in the main towns and key villages;</i> <i>f) Prioritise the adequate provision of water services and transport infrastructure to meet current needs and future population targets while protecting the areas environment; and</i> <i>g) Protect and enhance the natural heritage of the Blackwater catchment."</i></p>	<p>The overall aim of the proposed Project is to provide safer and adequate transport infrastructure for the users, whilst protecting the environment. EIAR Volume 2, Chapter 5: Planning recognises the importance to the area of the Atlantic Gateways Corridor. EIAR Volume 3, Chapter 6: Population and Human Health highlights that population growth would be expected to occur over the operation of the proposed Project, however, the level of population growth would not substantially alter the local demographics and therefore no additional consideration has been made for population growth. EIAR Volume 3, Chapter 6: Population and Human Health identifies that employment will not increase with the proposed Project, however existing local employment will not be significantly impacted by the proposed Project. No significant impacts are predicted on agricultural land or facilities from the proposed Project. As identified within EIAR Volume 3, Chapter 7: Biodiversity, EIAR Volume 3, Chapter 8: Soils, Geology and Hydrogeology and Volume 3, Chapter 9: Water the XC211 and XC212 Newtown and Ballcoskery, XC215 Shinanagh and XC219 Buttevant, railway crossings are all within the Blackwater (Munster) catchment. The proposed Project is hydrologically linked to the River Blackwater (Cork/Waterford) SAC at XC211 Ballycoskery and XC219 Buttevant. It is considered that a pollution event into the River Blackwater SAC during construction would likely result in a significant effect on this European site at a local to county geographic scale at XC211 Ballycoskery and XC219 Buttevant. An effect on white-clawed crayfish would likely be experienced during construction at XC211 Ballycoskery. However, mitigation measures are proposed to ensure that if a pollution event occurs</p>

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	the impacts will be minimised. There are no predicted impacts to the Blackwater catchment during operation. The proposed Project is considered to be compliant with Objective CS 4-3: North Cork Strategic Planning Area.
<p>Objective RCI 1-1: Rural Communities <i>“Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.”</i></p>	<p>The proposed Project will generally help to reduce the existing level of severance experienced by those communities living on either side of the Dublin- Cork Railway Line. It will bring easier and safer access to the rural community who will benefit from improved links. The proposed Project is considered to be compliant with Objective RCI 1-1: Rural Communities.</p>
<p>RCI 4-4: Stronger Rural Area <i>“These rural areas generally have stable population levels based on a traditionally strong agricultural base. Therefore, in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:</i></p> <ul style="list-style-type: none"> <i>a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.</i> <i>b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.</i> <i>c) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.</i> <i>d) Persons working full-time in farming, forestry, inland waterway or marine related occupations, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.</i> <i>e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.</i> <i>f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.</i> <i>g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.”</i> 	<p>EIAR Volume 2, Chapter 5: Planning identifies that the ‘Strong Rural Areas’ designation of the Cork County Council Development Plan covers much of the proposed Project area. However, the proposed Project does not propose any housing infrastructure and it is therefore considered Policy RCI 4-4: Stronger Rural Areas is not applicable. The proposed Project is considered to be compliant with Objective RCI 4-4: Stronger Rural Area.</p>
<p>RCI 5-2: Purpose of Greenbelt</p> <ul style="list-style-type: none"> <i>a) “Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.</i> <i>b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.”</i> 	<p>XC209 Ballyhay is located within the Charleville Greenbelt and XC219 Buttevant is located within the Buttevant Greenbelt. The proposed Project will not create urban sprawl or the build-up of areas and does not propose housing. There is a site specific and location need for the proposed infrastructure to be located immediately adjacent to the Dublin – Cork Railway Line. The proposed Project is considered to be compliant with Objective RCI 5-2: Purpose of Greenbelt.</p>

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<p>RCI 5-7: Strategic and Exceptional Development <i>“Recognise that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised. During the lifetime of the plan consideration will be given to the establishment of a Showgrounds, and ancillary facilities, located on the Munster Agricultural Society grounds, at Curraheen.”</i></p>	<p>The proposed Project has a site specific and locational need to be situated immediately adjacent to the Dublin – Cork Railway Line. The proposed Project is considered to be compliant with Objective RCI 5-7: Strategic and Exceptional Development</p>
<p>RCI 5-8: Greenbelts around Settlements a) <i>“Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.</i> b) <i>Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation.</i> c) <i>Prevent linear roadside frontage development on the roads leading out of towns and villages.</i> d) <i>The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.”</i></p>	<p>XC209 Ballyhay is located within the Charleville Greenbelt and XC219 Buttevant is located within the Buttevant Greenbelt. The proposed Project will not create urban sprawl within these Greenbelt designations. The proposed infrastructure has a site specific and locational requirement to be situated immediately adjacent to the Dublin – Cork Railway Line. The proposed Project is considered to be compliant with Objective RCI 5-8: Greenbelts around Settlements.</p>
<p>SC 1-1: Social and Community Infrastructure Provision a) <i>“Support the provision of social and community facilities which meet the current and future needs of the entire population.</i> b) <i>Secure lands for social and community facilities and encourage the provision of facilities suitable for intergenerational activities, which are accessible to all members of the community, through initiatives in partnership with community groups and sporting organisations.”</i></p>	<p>The proposed Project largely seeks to build roads and bridge type infrastructure but does include a car parking and circulation area to the front of Ballyhea National School as part of the proposed Project for XC212 Ballycoskery. This is a type of community infrastructure that will benefit the school and those using same as it will enhance safety. The proposed Project is considered to be compliant with Objective Policy DC 1-1: Social and Community Infrastructure Provision.</p>
<p>Objective EE 2-1: Overall Strategy for Economic Development <i>“Support the national economic development strategy by creating conditions that will attract sustainable economic investment as the priority in the Cork Gateway, Mallow Hub and the other principal locations identified for employment and economic development in this plan.”</i></p>	<p>The proposed Project is an investment in the transport infrastructure of County Cork. It will help to improve the efficiency of the Dublin- Cork Railway Line and Jobs will be created during construction. The enhanced accessibility brought about by the proposed Project should assist business and the movement of goods. The proposed Project is considered to be compliant with Objective EE 2-1: Overall Strategy for Economic Development.</p>
<p>Objective TM 1-1: Transport Strategy (Inter alia) a) <i>“Provide a choice of transport modes for all citizens and visitors. Foster sustainable economic and population growth by maintaining and developing an efficient and integrated transport system for the County and, at the same time, encourage balanced investment in less polluting and more energy efficient modes of public and private transport.</i> b) <i>Focus the provision of transport infrastructure and investment on the network of settlements broadly in line with the Atlantic Gateway Initiative and the South West Regional Planning Guidelines, so that all the settlements in the County, but particularly the main towns and key villages, can be served by a reliable and efficient transport service which also serves their rural catchment areas. See Chapter 12 Heritage Objective HE 2-1 and Paragraph 12.2.5.</i> g) <i>Encourage the move to a 55% level of non-car based transport within the Cork Gateway, Hubs and other main towns and a 20% level of non-car based travel for journeys within rural areas of the County as set out in the South West Regional Planning Guidelines.”</i></p>	<p>As per EIAR Volume 2, Chapter 2: Project Need and Alternatives the proposed Project aims to improve the safety of the Dublin – Cork Railway Line and also that of the local road network. The proposed Project will help to facilitate a more efficient operation of the Dublin – Cork Railway Line by removing a road/rail interface. The proposed Project will also generally help to reduce levels of severance currently experience by communities in the area. The proposed Project is considered to be compliant with Objective TM 1-1: Transport Strategy.</p>

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<p>Objective TM 2-1: Walking (Inter alia)</p> <p>a) "Encourage and facilitate a safe walking route network and a culture of walking where possible and practical.</p> <p>b) Preserve, protect and where possible enhance existing walking routes particularly those providing access to key transport and community infrastructure such as bus stops, rail stations, schools, shops, work places, town and village centres.</p> <p>c) Ensure that all development should be accessible and permeable on foot and that the walking experience should be as safe and pleasant as possible and set within an overall coherent network. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool."</p>	<p>See EIAR Volume 3, Chapter 6: Population and Human Health. The proposed Project protects and preserves, where possible routes, for its users including walkers. A circular route will be directly impacted by HGVs during construction at XC211 Newtown and XC212 Ballycoskery. However, this impact is temporary and with alternative routes available the impacts are deemed as neutral. Additionally, during operation there will be an improvement of pedestrian footpath provision resulting in minor beneficial effects for users at XC211 and XC212 Newtown and Ballycoskery. The proposed Project is considered to be compliant with Objective TM 2-1: Walking.</p>
<p>Objective TM 2-2: Cycling</p> <p>a) "Encourage and facilitate a safe walking and cycling route network and a culture of walking and particularly cycling in the county, as a viable alternative travel choice. Local Area Plans will set out Active Travel Strategies (cycling and walking) for individual towns and their hinterlands.</p> <p>b) Improve the streetscape environment for pedestrians, cyclists and those with special mobility needs while seeking to provide facilities which enhance safety and convenience. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool.</p> <p>c) Ensure that development in urban areas, towns and villages is well located, permeable and prioritises walking, cycling and access to public transport and other important amenities. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool.</p> <p>d) Promote the development of an integrated and coherent local and countywide cycle network to form part of the wider National Cycle Network. Routes will be promoted which generally seek to avoid or minimise impacts on the environment and on EU designated sites."</p>	<p>See EIAR Volume 3, Chapter 6: Population and Human Health. The proposed Project protects and preserves, where possible, routes for its users including cyclists. A circular route will be directly impacted by HGVs during construction at XC211 Newtown and XC212 Ballycoskery. However, this impact is temporary and with alternative routes available the impacts are deemed as neutral. During operation minor beneficial effects are expected for the Killmallock Cycle Club who use the area on one of their cycle loops, due to a reduction in traffic to the east of the crossing and no requirement to stop at the level crossing. The proposed Project is considered to be compliant with Objective TM 2-2: Cycling.</p>
<p>Objective TM 2-5: Rail Transport</p> <p>"The County Council will support and prioritise the following key Rail Transport initiatives:</p> <p>a) Encourage the enhancement of service provision in tandem with planned population and employment growth;</p> <p>c) Encourage greater use of the suburban rail network; support other agencies in delivering an appropriate integrated land-use and transportation framework in the hinterland of rail stations in the Cork City area including park and ride facilities."</p>	<p>The proposed Project is an investment in the railway network serving County Cork and will enhance service provision through greater safety and efficiency on the railway line. The proposed Project is considered to be compliant with Objective TM 2-5: Rail Transport.</p>
<p>Objective TM 3-1: National Road Network (Inter alia)</p> <p>a) "Seek the support of the National Roads Authority in the implementation of the following major projects:</p> <p>Key NSS Projects</p> <ul style="list-style-type: none"> ▪ M20 (Blarney – Mallow – Limerick). ▪ N25 (Carrigtwohill – Middleton – Youghal). <p>b) Support and provide for improvements to the national road network, including reserving corridors for proposed routes, free of inappropriate development, so as not to compromise future road schemes.</p> <p>e) Prevent the undermining of the strategic transport function of national roads and to protect the capacity of the interchanges in the County from locally generated traffic."</p>	<p>As per EIAR Volume 2, Chapter 3: Project Description XC215 Shinanagh will seek to upgrade the existing junction on N20 National Road Network ensuring greater safety for road users. This will help to support and provide for improvements to the national road network. The M20 (Blarney – Mallow – Limerick) was also considered due to the potential for cumulative impacts from the proposed Project. It is considered that the proposed Project will have no cumulative impacts to the proposed upgrade of the M20. As set out at EIAR Volume 2, Chapter 1: Introduction, the project team has consulted with the M20 Project Team and no significant issues were raised. The N25 (Carrigtwohill – Middleton – Youghal) is not adjacent to the proposed Project and was therefore not considered. The proposed Project is considered to be compliant with Objective TM 3-1: National Road Network.</p>
<p>Objective TM 3-2: Regional & Local Roads (Inter alia)</p> <p>a) "Recognise the strategic role played by Regional Roads within the County and, together with Local Roads, to enhance their carrying capacity and safety profile in line with demand.</p> <p>b) Promote the improvement of strategic Regional and Local Roads throughout the County in accordance with the strategies identified for the main settlements in this Plan.</p> <p>See Chapter 12 Heritage Objective HE 21 and Paragraph 12.2.5.</p> <p>d) Limit access to Regional Roads where appropriate so as to protect carrying capacity of the road network and have regard to safety</p>	<p>In general, the proposed Project is an investment in the local roads infrastructure of the area. The Strategic role of the Regional and Local Roads has been considered within EIAR Volume 3, Chapter 11: Traffic and Transport. Regional and Local Roads will be used during the construction of the proposed Project for the movement of materials. Mitigation will be put in place to ensure impacts of additional temporary traffic on these roads remains non-significant. Overall, the proposed Project will improve the safety and reliability of the relevant road interfaces which form the proposed Project.</p>

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<p>considerations particularly where access to a lower category road is available."</p>	<p>The proposed Project is considered to be compliant with Objective TM 3-2: Regional & Local Roads.</p>
<p>Objective TM 3-3: Road Safety and Traffic Management a) "Where traffic movements associated with a development proposal will have a material impact on the safety and free flow of traffic on a National, Regional or other Local Routes, to require the submission of a Traffic and Transport Assessment (TTA) and Road Safety Audit as part of the proposal. d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users. e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network. f) Promote road safety measures throughout the County, including traffic calming, road signage and parking. g) Coordinate proposed zoning designations and/or access strategies in settlement plans with speed limits on national roads."</p>	<p>See EIAR Volume 3, Chapter 11: Traffic and Transport. A TTA and Road Safety Audit will be carried out as part of the proposed Project, where necessary. The overall aim of the proposed Project is to improve the safety of the rail and road users. All new vehicular accesses have been designed to appropriate standards of visibility to ensure the safety of other road users. Road signage will be proposed during construction and operation. Parking for construction vehicles will be safely situated to ensure the safety of other road users. A new car parking area for Ballyhea National School will be created as part of the works for XC212 Ballycoskery. This is to ensure improved safety by preventing parking on the existing public road to the front of the school for school drop off. The proposed Project is considered to be compliant with Objective TM 3-3: Road Safety and Traffic Management.</p>
<p>TM 4-1: Car and Cycle Parking (inter alia) d) "Ensure that a high standard of design, layout and landscaping accompanies any proposal for surface car parking. Planning permission will be granted only where all the following criteria are met: (i) Respects the character of the streetscape/landscape (ii) Will not adversely affect visual amenity, and (iii) Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site. e) Promote a shift towards cycling as a viable transport mode by requiring the provision of cycle parking facilities in accordance with Appendix D Table 2."</p>	<p>A new car parking area for Ballyhea National School will be created as part of the works for XC212 Ballycoskery. This is to ensure improved safety by preventing parking on the public road to the front of the school for school drop off. Visual amenity has been assessed as part of EIAR Volume 3, Chapter 13: Landscape and Visual and post mitigation the proposed car park will not adversely impact on the streetscape/landscape. Cars, cyclists and pedestrians will all generally benefit from the enhanced safety the proposed Project will bring through the removal of the road/rail interface. The proposed Project is considered to be compliant with Objective TM 4-1: Car and Cycle Parking.</p>
<p>WS 5-2: River Channel Protection "Ensure that where practical development is kept at 10m or other appropriate distance from stream and riverbanks and adequate protection measures put in place."</p>	<p>Adequate protection will be put in place for stream and riverbanks were required as per EIAR Volume 3, Chapter 9: Water. The proposed Project is considered to be compliant with Objective WS 5-2: River Channel Protection.</p>
<p>WS 5-3: Surface Water Management "Manage surface water catchments and the use and development of lands adjoining streams, watercourses and rivers in such a way as to minimise damage to property by instances of flooding and with regard to any conservation objectives of European sites within the relevant catchments and floodplains."</p>	<p>See EIAR Volume 3, Chapter 9: Water which outlines how surface water will be managed during construction and operation. It is anticipated following the implementation of such management measures that the majority of impacts to hydrogeology and flood risk are imperceptible during construction. During operation the attenuation ponds will be inspected to ensure that the system is in proper working order and performing as designed to minimise the risk of flooding and manage surface water. The proposed Project is considered to be compliant with Objective WS 5-3: Surface Water Management.</p>
<p>WS 5-1: Surface Water and SuDS a) "Ensure that all new developments incorporate sustainable drainage systems (SuDS). b) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County."</p>	<p>As per EIAR Volume 3, Chapter 9: Water, the proposed Project will incorporate SuDS and provide adequate storm water facilities including a soakaway system where construction compounds are required. The proposed Project is considered to be compliant with Objective WS 5-1: Surface Water and SuDS.</p>
<p>Objective WS 6-1: Flood Risks – Overall Approach "Take the following approach in order to reduce the risk of new development being affected by possible future flooding: ▪ Avoid development in areas at risk of flooding; and ▪ Where development in floodplains cannot be avoided, to take a sequential approach to flood risk management based on avoidance, reduction and mitigation of risk. In areas where there is a high probability of flooding 'Zone A' it is an objective of this plan to avoid development other than 'water compatible development' as described in Section 3 of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' issued in November 2009 by DoEHLG. In areas where there is a moderate probability of flooding 'Zone B' it is an objective of this plan to avoid 'highly vulnerable development' described in section 3 of 'The Planning System and Flood Risk</p>	<p>The proposed Project at XC219 Buttevant includes the construction of a new access road within the Flood Zone A. The overbridge itself is outside Flood Zone A and B. Mitigation measures will be incorporated where flooding is anticipated and are set out within EIAR Volume 3, Chapter 9: Water. Overall, the risk of flooding is imperceptible during construction and low during operation.</p> <p>The South Western CFRAM study has been considered within EIAR Volume 3, Chapter 9: Water.</p> <p>A Flood Risk Assessment (FRA) has been undertaken (EIAR Volume 5, Appendix 9A). A Stage 3 Flood Risk Assessment was prepared specifically for XC219 Buttevant to verify that the proposed Project (with embedded mitigation) would cause no increase in flood risk elsewhere.</p>

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<p><i>Management – Guidelines for Planning Authorities’ issued in November 2009 by DoEHLG. Implement the recommendations of the South Western CFRAM study.”</i></p>	<p>All other sites have been assessed through a Stage 1 and 2 Flood Risk Assessment only and all sites were found to be at low or very low risk of flooding from all sources except fluvial flooding. The proposed Project is considered to be compliant with Objective WS 6-1: Flood Risks – Overall Approach.</p>
<p>Objective WS 6-2: Development in Flood Risk Areas <i>“Ensure that all proposals for development falling within flood zones ‘A’ or ‘B’ are consistent with the Ministerial Guidelines – ‘The Planning System and Flood Risk Management. In order to achieve this, proposals for development identified as being at risk from flooding will need to be supported by a site specific flood risk assessment prepared in line with Paragraph 11.6.16 of this plan.</i> <i>Where the planning authority is satisfied that it can be satisfactorily shown in the site-specific flood risk assessment required under objective WS 61 that the proposed development, and its infrastructure, will avoid significant risks of flooding in line with the principles set out in the Ministerial Guidelines, then, subject to other relevant proper planning considerations, permission may be granted for the development.</i> <i>Where the site-specific flood risk assessment required under WS 61 shows that there are significant residual flood risks to the proposed development or its occupiers, conflicting with the approach recommended in the Ministerial Guidelines, it is an objective of this plan to, normally, avoid development vulnerable to flooding unless all of the following are satisfied:</i></p> <ul style="list-style-type: none"> ▪ <i>The development is within an urban settlement, targeted for growth under the National Spatial Strategy, Regional Planning Guidelines, and statutory plans.</i> ▪ <i>The development of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:</i> <ul style="list-style-type: none"> ○ <i>Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;</i> ○ <i>Comprises significant previously developed and/or underutilised lands;</i> ○ <i>Is within or adjoining the core of an established or designated urban settlement;</i> ○ <i>Will be essential in achieving compact and sustainable urban growth; and</i> ○ <i>There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.</i> ▪ <i>The development is assessed not to have the potential to give rise to negative or adverse impacts on the integrity of Natura 2000 sites.”</i> 	<p>A Flood Risk Assessment (FRA) has been undertaken as part of the proposed Project (see EIAR, Volume 5, Appendix 9A). Overall, the risk of flooding is imperceptible during construction and low during operation following the implementation of mitigation measures identified within EIAR Volume, Chapter 9: Water. The proposed Project is considered to be compliant with Objective 6-2: Development in Flood Risk Areas.</p>
<p>WS 7-1: Waste Management <i>a) “Support the policy measures and actions outlined in ‘A Resource Opportunity’ 2012 – National Waste Policy.</i> <i>b) Encourage the delivery of an effective and efficient waste management service in line with the Waste Management Acts and relevant Waste Management Plan for the County/Region.</i> <i>c) Normally require details and formal development proposals of onsite provisions for the management of waste materials that are likely to be generated from the proposed use. The Council will require Waste Management Assessment for projects which exceed thresholds outlined.</i> <i>d) Support the incorporation of the recommendation and policies of the National Hazardous Waste Management Plan 2008-12.</i> <i>e) Support the sustainable development of the Bottlehill facility for specialised and appropriate uses primarily associated with integrated waste management.”</i></p>	<p>See EIAR Volume 3, Chapter 14: Resource Use and Waste Management which sets out the measures to manage and store waste on site. Consideration has also been given to ‘A Resource Opportunity’ 2012 – National Waste Policy, the Waste Management Act 1996 and the Southern Region Waste Management Plan 2015-2021. The proposed Project does not impact on the Bottlehill facility. The proposed Project is considered to be compliant with Objective 7-1: Waste Management.</p>

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<p>Objective HE 2-1: Site Designated for Nature Conservation <i>“Provide protection to all natural heritage sites designated or proposed for designation under National and European legislation and International Agreements, and to maintain or develop linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites.”</i></p>	<p>Protection will be provided where required to National and European Sites as per EIAR Volume 3, Chapter 7: Biodiversity and the Natura Impact Statement (NIS). EIAR Volume 3, Chapter 7 and the NIS outlines any potential impacts and mitigation measures to designated National and European sites. The proposed Project is considered to be compliant with Objective HE 2-1: Site Designated for Nature Conservation.</p>
<p>Objective HE 2-2: Protected Plant and Animal Species <i>“Provide protection to species listed in the Flora Protection Order 1990, on Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2, Chapter 4 of the plan.”</i></p>	<p>Protection will be provided where required to protected plant and animal species as per EIAR Volume 3, Chapter 7: Biodiversity. Volume 3, Chapter 7: Biodiversity outlines the protected flora species, habitats and animal species within each site and where these are impacted the proposed mitigation to minimise these impacts. The proposed Project is considered to be compliant with Objective HE 2-2: Protected Plant and Animal Species</p>
<p>Objective HE 2-3: Biodiversity outside Protected Areas <i>“Retain areas of local biodiversity value, ecological corridors and habitats that are features of the County’s ecological network, and to protect these from inappropriate development. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and seminatural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 Chapter 3 Nature Conservation Areas of the plan.”</i></p>	<p>See EIAR Volume 3, Chapter 7: Biodiversity and the Natura Impact Statement (NIS) (Volume 5, Appendix 7H) which outlines local biodiversity value, ecological corridors and habitats that are features of the County’s ecological network. These features will be retained as so far possible from the proposed Project. Where impacts are predicted mitigation will be implemented to minimise such impacts. The proposed Project is considered to be compliant with Objective HE 2-3: Biodiversity outside Protected Areas.</p>
<p>Objective HE 2-4: Protection of Wetlands <i>“Ensure that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats.”</i></p>	<p>It is not considered that there would be any impact to protected wetlands identified within the proposed Project as per EIAR Volume 3, Chapter 7: Biodiversity. The proposed Project is compliant with Objective HE 2-4: Protection of Wetlands</p>
<p>Objective HE 2-5: Trees and Woodlands a) <i>“Protect trees in the subject of Tree Preservation Orders.</i> b) <i>Preserve and enhance the general level of tree cover in both town and country. Ensure that development proposals do not compromise important trees and include an appropriate level of new tree planting and where appropriate to make use of tree preservation orders to protect important trees or groups of trees which may be at risk or any tree(s) that warrants an order given its important amenity or historic value.</i> c) <i>Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under Tree Preservation Orders.”</i></p>	<p>As per EIAR Volume 3, Chapter 7: Biodiversity there are no known trees protected by a Tree Preservation Order within any of the proposed Project sites. Trees will be preserved and protected where possible and new tree planting will be incorporated, where necessary as per EIAR Volume 3, Chapter 13 Landscape and Visual. The proposed Project is considered to be compliant with Objective HE 2-5: Trees and Woodlands.</p>
<p>Objective HE 2-6: Geological Sites <i>“Maintain the conservation value of those features or areas of geological interest that are listed in Volume 2, Chapter 3 Nature Conservation Areas, of the plan, and to protect them from inappropriate development.”</i></p>	<p>Geological impacts are Negligible or Negligible to Slight for deposits, therefore mitigation measures are not considered for the geological deposits as per EIAR Volume 3, Chapter 8: Soils, Geology and Hydrogeology. The proposed Project is considered to be compliant with Objective HE 2-6: Geological Sites.</p>
<p>Objective HE 2-7: Control of Invasive Species <i>“Control the spread of invasive plant and animal species within the county.”</i></p>	<p>Invasive species including Japanese Knotweed are located within XC215 Shinanagh as per EIAR Volume 3, Chapter 7: Biodiversity. These will be managed to ensure the spread of such species is controlled. The proposed Project is considered to be compliant with Objective HE 2-7: Control of Invasive Species.</p>
<p>Objective HE 3-1: Protection of Archaeological Sites a) <i>“Safeguard sites and settings, features and objects of archaeological interest generally.</i> b) <i>Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) (see www.archeology.ie) and the Record or Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, as amended and of sites, features and objects of archaeological and historical interest generally.”</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage outlines the archaeological sites within the proposed Project areas. During construction it is considered that a number of archaeological sites are impacted following mitigation. However, the majority of these impacts are not significant/slight with some having imperceptible/positive impacts from the proposed Project. It is considered the proposed Project will not impact on the preservation of these sites. The proposed Project is considered to be compliant with Objective HE 3-1: Protection of Archaeological Sites.</p>

Cork County Development Plan (CCDP) 2014	
Policy	Project Compliance
<p>HE 3-2: Underwater Archaeology <i>“Protect and preserve the archaeological value of underwater archaeological sites and associated features. In assessing proposals for development, the Council will take account of the potential underwater archaeology of rivers, lakes, intertidal and sub-tidal environments.”</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage outlines that an underwater archaeological assessment shall be undertaken pre-construction (as part of a suite of mitigation) at the stream crossings at XC219 Buttevant. The proposed Project is considered to be compliant with Objective HE 3-2: Underwater Archaeology.</p>
<p>Objective HE 3-3: Zones of Archaeological Potential <i>“Protect the Zones of Archaeological Potential (ZAPs) located within historic towns and other urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the potential for subsurface archaeology and if archaeology is demonstrated to be present appropriate mitigation (such as preservation in situ/buffer zones) will be required.”</i></p>	<p>There are no ZAPs as per EIAR Volume 3, Chapter 12: Cultural Heritage within the proposed Project area. Objective HE 3-3: Zones of Archaeological Potential is not applicable.</p>
<p>Objective HE 3-4 Industrial and Post Medieval Archaeology <i>“Protect and preserve the archaeological value of industrial and post medieval archaeology such as mills, limekilns, bridges, piers, harbours, penal chapels and dwellings. Proposals for refurbishment, works to or redevelopment/conversion of these sites should be subject to careful assessment.”</i></p>	<p>Consideration has been given to industrial and post medieval archaeology within EIAR Volume 3, Chapter 12: Cultural Heritage. NMS has prepared a Mitigation Strategy for the Proposed Project and this has been incorporated into EIAR Volume 3, Chapter 12: Cultural Heritage.</p>
<p>Objective HE 3-5 Burial Grounds <i>“Protect all historical burial grounds in County Cork and encourage their maintenance and care in accordance with appropriate conservation principles.”</i></p>	<p>Consideration has been given to Burial Grounds within EIAR Volume 3, Chapter 12: Cultural Heritage. The Mitigation Strategy prepared by NMS has been incorporated into the mitigation proposed as part of EIAR Volume 3, Chapter 12: Cultural Heritage. The proposed Project is considered to be compliant with Objective HE 3-5 Burial Grounds.</p>
<p>Objective HE 3-6: Archaeology and Infrastructure Schemes <i>“Have regard to archaeological concerns when considering proposed special schemes (including electricity, sewerage, telecommunications, water supply) and proposed roadworks (both realignments and new roads) located in close proximity to Recorded Monuments and Places and their known archaeological monuments.”</i></p>	<p>Recorded Monuments and Places and their known archaeological monuments has been considered within EIAR Volume 3, Chapter 12: Cultural Heritage. The Mitigation Strategy prepared by NMS has been incorporated into the mitigation proposed as part of EIAR Volume 3, Chapter 12: Cultural Heritage. The proposed Project is considered to be compliant with Objective HE 3-6: Archaeology and Infrastructure Schemes.</p>
<p>Objective HE 4-1: Record of Protected Structures (inter alia) <i>c) “Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.</i> <i>d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.</i> <i>e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.</i> <i>f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.</i> <i>g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.”</i></p>	<p>There are two Protected Structures within 500m of the proposed works (barracks AH016 and farmhouse AH017) within XC219 Buttevant. A Church and Castle located at XC209 Ballyhay are also Protected Structures as per EIAR Volume 3, Chapter 12: Cultural Heritage. No impacts are predicted to these Protected Structures. The Mitigation Strategy prepared by NMS has been incorporated into the mitigation proposed as part of EIAR Volume 3, Chapter 12: Cultural Heritage. The proposed Project is considered to be compliant with Objective HE 4-1: Record of Protected Structures.</p>
<p>Objective HE 4-2: Protection of Structures on the NIAH <i>“Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.”</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage has considered all NIAH for County Cork. The proposed Project is considered to be compliant with Objective HE4-2: Protection of Structures on the NIAH.</p>
<p>Objective HE 4-3: Protection of Non- Structural Elements of Built Heritage <i>“Protect important non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, and street furniture. The Council will promote awareness and best practice in relation to these elements.”</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage has considered all non-structural elements of built heritage. It is considered that following mitigation those non-structural elements of the built heritage that had the potential to be impacted from the proposed Project will experience Imperceptible/Positive significant impacts. The proposed Project is considered to be compliant with Objective HE 4-3: Protection of Non- Structural Elements of Built Heritage</p>

Cork County Development Plan (CCDP) 2014	
Policy	Project Compliance
<p>HE 4-5: Architectural Conservation Areas <i>“Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. This will be achieved by;</i></p> <ul style="list-style-type: none"> <i>a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations</i> <i>b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development</i> <i>c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.</i> <i>d) Promoting high quality architectural design within ACAs.</i> <i>e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.</i> <i>f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract for the character of the ACA.</i> <i>g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.</i> <i>h) Protect structures from demolition, non-sympathetic alterations and the securing of appropriate in-fill developments.”</i> 	<p>No Architectural Conservation Areas were recorded throughout the proposed Project as per EIAR Volume 3, Chapter 12: Cultural Heritage. Objective HE 4-5: Architectural Conservation Areas is therefore not applicable.</p>
<p>HE 4-6: Design and Landscaping of New Buildings</p> <ul style="list-style-type: none"> <i>a) “Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.</i> <i>b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.</i> <i>c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.</i> <i>d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.”</i> 	<p>The proposed Project does not include the requirement for new buildings or housing. Objective HE 4-6: Design and Landscaping of New Buildings is therefore not applicable.</p>
<p>Objective HE 5-1: Cultural Heritage <i>“Protect and promote the cultural heritage of County Cork as an important economic asset.”</i></p>	<p>The consideration and protection of cultural heritage has been fully assessed at EIAR Volume 3, Chapter 12: Cultural Heritage. The proposed Project is considered to be compliant with Objective HE 5-1: Cultural Heritage.</p>
<p>Objective GI 4-2: Rights of Way <i>“Where requested, give consideration to the need to preserve public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, under the provisions of Section 14 of the Planning and Development Act 2000 (as amended).”</i></p>	<p>The proposed Project seeks to extinguish the Public Rights of Way associated with six of the seven subject level crossings. Objective GI 4-2 specifically references those PROW that give access to <i>“seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility”</i>. The PROW to be extinguished do not provide access to any of the identified areas, they provide access across a railway line. Furthermore, while it is planned to extinguish these PROW, five of the six will have nearby alternative access options for those seeking to cross the railway line.</p> <p>The proposed Project is considered to be compliant with Objective GI 4-2: Rights of Way.</p>

Cork County Development Plan (CCDP) 2014	
Policy	Project Compliance
<p>Objective GI 6-1: Landscape a) <i>“Protect the visual and scenic amenities of County Cork’s built and natural environment.</i> b) <i>Landscape issues will be an important factor in all land-use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.</i> c) <i>Ensure that new development meets high standards of siting and design.</i> e) <i>Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.”</i></p>	<p>See EIAR Volume 3, Chapter 13: Landscape and Visual. It is considered that following mitigation the proposed crossings and road alignments are not considered to give rise to any significant residual impacts. It is also identified that every effort will be made to retain existing hedgerow vegetation. Where trees/vegetation are lost these will be replaced. New vegetation and trees are also proposed where it would improve the landscape for receptors. The proposed Project is considered to be compliant with Objective GI 6-1: Landscape.</p>
<p>Objective GI 7-1: General Views and Prospects <i>“Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.”</i></p>	<p>See EIAR Volume 3, Chapter 13: Landscape and Visual. Visual impacts have been assessed at each site. It is anticipated that following mitigation measures any potential adverse impacts to views within each site will not be significant. The proposed Project is considered to be compliant with Objective GI 7-1: General Views and Prospects.</p>
<p>Objective GI 7-2: Scenic Routes <i>“Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.”</i></p>	<p>With regard to the proposed Project, no designated scenic routes or views within the study area or its immediate surrounds as per EIAR Volume 3, Chapter 13: Landscape and Visual. Objective GI 7-2: Scenic Routes is therefore not applicable.</p>
<p>Objective GI 7-3: Development on Scenic Routes a) <i>“Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.</i> b) <i>Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping.”</i></p>	<p>With regard to the proposed Project, no designated scenic routes or views within the study area or its immediate surrounds as per EIAR Volume 3, Chapter 13: Landscape and Visual. Objective GI 7-3: Development on Scenic Routes is therefore not applicable.</p>
<p>Objective GI 7-4: Development on the approaches to Towns and Villages <i>“Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.”</i></p>	<p>Consideration has been given to the design of the proposed Project for those sites which are located in close proximity to housing. It is not considered that the proposed Project would detract from the setting and historic character of these settlements. The proposed Project is considered to be compliant with Objective GI 7-4: Development on the approaches to Towns and Villages.</p>
<p>Objective GI 10-1: EU Water Framework Directive and River Basin Management Plans a) <i>“Protect and improve the County’s water resources and ensure that development permitted meets the requirements of the relevant River Basin Management Plan and does not contravene the objectives of the EU Water Framework Directive.</i> b) <i>Facilitate the implementation of the River Basin Management Plans for ground, surface, estuarine, coastal and transitional waters in the Plan area as part of the implementation of the EU Water Framework Directive.</i> c) <i>Support an integrated and collaborative approach to local catchment management in order to assist in the implementation of the River Basin Management Plans.”</i></p>	<p>The Shannon River Basin Management Plan (RBMP) 2009-2015, the South Western RBMP 2009-2015, their associated Water Management Unit Action Plans (various) and the 2nd Cycle National RBMP 2018-2021 have been considered within EIAR Volume 3, Chapter 9: Water. It is the aim to protect the water resources within each site of the proposed Project. Where potential for impact is considered mitigation has been proposed to minimise the impact and creating non-significant impacts. The proposed Project is considered to be compliant with Objective GI 10-1: EU Water Framework Directive and River Basin Management Plans.</p>
<p>Objective GI 10-2: Surface water Protection <i>“Protect and improve the status and quality of all surface waters throughout the County, including transitional and coastal waters.”</i></p>	<p>Surface water Protection has been considered within EIAR Volume 3, Chapter 9: Water. Generic impacts to surface water have been envisaged for the proposed Project. Site-specific impacts have also been identified. Proposed mitigation will control any potential for impact to the surface water at each site. The proposed Project is considered to be compliant with Objective GI 10-2: Surface water Protection.</p>

Cork County Development Plan (CCDP) 2014	
Policy	Project Compliance
<p>Objective GI 10-3: Groundwater Protection <i>"Preserve and protect groundwater and surface water quality throughout the County."</i></p>	<p>Groundwater Protection has been considered within EIAR Volume 3, Chapter 9: Water. Generic impacts to the groundwater have been envisaged for the proposed Project. No site-specific groundwater impacts have been identified. Proposed mitigation will control any potential for impact to the groundwater at each site. The proposed Project is considered to be compliant with Objective GI 10-3: Groundwater Protection.</p>
<p>Objective GI 10-4: Groundwater Protection Schemes and Zones <i>"In order to protect groundwater quality new developments must have regard to any Groundwater Protection Scheme and / or Groundwater Protection Zones in place and existing developments and abstractions."</i></p>	<p>Consideration has been given to Groundwater Protection Zones in Volume 3, Chapter 9: Water. It is not considered there will be any effects and the proposed Project is therefore compliant with Objective GI 10-4.</p>
<p>Objective GI 12-1: Air Quality <i>"Monitor air quality and air quality trends in accordance with EU policy directives and take appropriate action where required including the provision of additional air quality monitoring infrastructure."</i></p>	<p>See EIAR Volume 3, Chapter 15: Air Quality. The proposed Project will not create significant impacts on the Air Quality within each site during construction or operation. The proposed Project is considered to be compliant with Objective GI 12-1: Air Quality.</p>
<p>Objective GI 13-1: Noise Emissions <i>a) "Seek the minimisation and control of noise pollution associated with activities or development, having regard to relevant standards, published guidance and the receiving environment. b) Support the implementation of Noise Action Plans prepared for the Cork County area."</i></p>	<p>See EIAR Volume 3, Chapter 10: Noise and Vibration. The proposed Project will not create significant impacts on noise emissions within each site during construction or operation. The proposed Project is considered to be compliant with Objective GI 13-1: Noise Emissions.</p>
<p>Objective GI 13-2: Light Emissions <i>"Seek the minimisation and control of light pollution associated with activities of development, having regard to relevant standards, published guidance and the receiving environment."</i></p>	<p>Temporary lighting will be required during construction and operation. It is not considered that the proposed lightning will give rise to significant impacts to the receiving environment. Lighting will be similar to that already in the vicinity of the subject sites. The proposed Project is considered to be compliant with Objective GI 13-2: Light Emissions.</p>
<p>Objective ZU 2-1: Development and Land Use Zoning <i>"Ensure that development, during the lifetime of this plan, proceeds in accordance with the general land use objectives set out in this plan and any specific zoning objectives that apply to particular areas as set out in any relevant Local Area Plans and Special Local Area Plans."</i></p>	<p>Land Use Zoning has been identified within EIAR Volume 2, Chapter 5: Planning as well as this PCR. There is a locational and site specific need for the proposed infrastructure to be situated adjacent to the Dublin – Cork Railway Line. The proposed Project is considered to be compliant with Objective ZU 2-1: Development and Land Use Zoning.</p>
<p>Objective ZU 3-1: Existing Built Up Areas <i>"Normally encourage through the Local Area Plans development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted."</i></p>	<p>The proposed Project is being developed within mainly rural areas. The main built up area is at Ballyhea Village. The EIAR has assessed amenity impacts upon nearby residential areas and no significant effects have been found post mitigation. The proposed Project is considered compliant with Objective ZU 3-1: Existing Built Up Areas.</p>
<p>ZU 3-3: Appropriate Uses in Community/Utility Areas <i>"Promote the provision of educational, community related and healthcare development that is not, generally, appropriate to town centres or other areas including, where relevant, the provision of ancillary accommodation and facilities."</i></p>	<p>The proposed Project does not involve the provision of educational, community related and healthcare development and therefore objective ZU 3-3: Appropriate Uses in Community/Utility Areas is not applicable.</p>

Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017

Table C.1: Kanturk Mallow Municipal District Local Area Plan 2017

Kanturk Mallow MD LAP 2017	
Policy	Project Compliance
<p>Objective GB 1-1 <i>"It is an objective to discourage strongly new individual housing from being located within the greenbelts around the main towns in each Municipal District (except within established village nuclei). This restriction is relaxed in principle for individuals who can demonstrate a genuine rural generated housing need based on their social and/ or economic links to a particular local rural area in accordance with Cork County Development Plan (2014) Objective RCI 4-2, or in the circumstances referred to in objectives RCI 5-6 and RCI 5-7, which also apply to Greenbelts around Settlements".</i></p>	<p>The proposed Project does not involve the construction of individual housing. Objective GB 1-1 is therefore not applicable.</p>
<p>Objective GB 1-2 <i>"In some parts of the greenbelts around the towns it will be possible to accommodate limited numbers of individual houses in an appropriate rural setting providing:</i> <i>a) The character of the area as a whole will remain predominantly rural and open;</i> <i>b) Proposals will not cause linear roadside frontage development (ribbon development); and</i> <i>c) The proposals is consistent with the proper planning and sustainable development of the area".</i></p>	<p>The proposed Project does not involve the construction of individual housing. Objective GB 1-2 is therefore not applicable.</p>
<p>Objective IN-01 <i>"All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives WS 6-1 and WS 6-2 as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate, and with the provisions of the Ministerial Guidelines - 'The Planning System and Flood Risk Management'. In particular, a site-specific flood risk assessment will be required as described in WS 6-2."</i></p>	<p>Consideration has been given to Objectives WS 6-1 and WS 6-2 within the Cork County Development Plan. A Flood Risk Assessment has been prepared as part of the EIAR (EIAR, Volume 5, Appendix 9A). The proposed Project is therefore considered to be compliant with Objective IN-01.</p>
<p>Objective LAS-01 <i>a) "In order to secure the sustainable population growth proposed, appropriate and sustainable water and waste water infrastructure that will help to secure the objectives of the Water Framework Directive, Habitats Directive and Birds Directive, needs to be provided where not already available, in advance of the commencement of discharged from new development permitted.</i> <i>b) All developments will need to comply with Water services Objectives WS 2--1, WS 3--1, WS 4--1 and Management of Surface Water Objectives WS 5--1, WS 5--2 and WS 5--3 as detailed In Chapter 11, Volume 1 of the Cork County Development Plan, 2014.</i> <i>c) No developer provided infrastructure will be allowed into the future except where agreed with Irish Water and where an appropriate transitional and longer-term maintenance and repair programme has been provided for.</i> <i>d) All developments where appropriate will need to comply with Objective TM 3--1 National Road Network as detailed in Chapter 10, Volume 1 of the Cork County Development Plan, 2014.</i> <i>e) Any development on certain sites should be accompanied by a Traffic Impact Assessment (TIA) and Road Safety Audit (RSA).</i> <i>f) All developments will need to comply with Management of Surface Water Objectives WS 5--1, WS 5--2 and WS 5--3 as detailed In Chapter 11, Volume One of the Cork County Development Plan, 2014, in order to make provision for Sustainable Urban Drainage Systems and provide adequate storm water attenuation. Surface water management and disposal should be planned in an integrated way in consideration with land use, water quality, and amenity and habitat enhancements as appropriate.</i></p>	<p>The proposed Project does not involve the construction of wastewater infrastructure. However, where applicable, it does include drainage infrastructure. A Water Framework Directive (WFD) Assessment has been undertaken, see EIAR Volume 5, Appendix 9B.</p> <p>Consideration has been given to the following objectives within Appendix D Cork County Development Plan (2014) of this chapter:</p> <ul style="list-style-type: none"> ▪ Management of Surface Water Objectives WS 5-1, WS 5-2 and WS 5-3; ▪ National Road Network Objective TM 3-1; ▪ Heritage objectives HE 2-1, HE 2-2, HE 3-1, 3-2, 3-3, 3-4 and HE 3-5 and HE 4-1, 4-2, 4-3 and 4-5; ▪ Landscape objectives HE 2-3, HE 2-4, HE 2-5, HE 2- 6 and HE 2-7. <p>The proposed Project is considered to be compliant with the above objectives.</p> <p>The proposed Project will be accompanied by a TIA, RSA and Environmental Impact Assessment Report. The proposed Project is therefore considered to be compliant with Objective LAS-01</p>

Kanturk Mallow MD LAP 2017	
Policy	Project Compliance
<p><i>g) This plan, and individual projects based on the plans proposals, will be subject (as appropriate) to Strategic Environmental Assessment, Habitats Directive Assessment Screening and/or Assessment (Habitats Directive and Birds Directive) and Environmental Impact Assessment to ensure the parallel development and implementation of a range of sustainable measures to protect the integrity of the biodiversity of the area.</i></p> <p><i>h) Provide protection to all proposed and designated natural heritage sites and protected species within this planning area in accordance with HE 2-1, and HE 2-2 of the County Development Plan, 2014. This includes Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas.</i></p> <p><i>i) Maintain where possible important features of the landscape which function as ecological corridors and areas of local biodiversity value, wetlands and features of geological value within this planning area in accordance with HE 2-3, HE 2-4, HE 2-5, HE 2- 6 and HE 2-7 of the County Development Plan, 2014.</i></p> <p><i>j) Preserve and protect the archaeological and architectural heritage which contributes to the character of an area and is intrinsic to its identity and sense of place in accordance with the Heritage objectives (HE 3 1-5 & HE 4 1-5) of the County Development Plan 2014. This includes formal vernacular, industrial, civic, ecclesiastical, maritime and underwater heritage and features such as historic boundaries, gate piers, street furniture and landscapes."</i></p> <p>Objective BV-GO-03 <i>"The Awbeg runs through the town and forms part of the Blackwater River Candidate Special Area of Conservation. Development in the town will only be permitted where it is shown that it is compatible with the requirements of the Habitats Directive and the protection of the River Blackwater SAC. Protection and enhancement of biodiversity resources within the receiving environment of the town will be encouraged."</i></p>	<p>See EIAR Volume 3, Chapter 7: Biodiversity and Chapter 9: Water. It is considered that during the construction phase following mitigation there will be no impacts to the Blackwater River Candidate SAC. During the operational phase the modifications to culverts and addition/operation of outfalls are unlikely to lead to a significant detrimental impact on the Water Framework Directive (WFD) quality elements or upon the overall WFD status (See EIAR Volume 5, Appendix 9B). The proposed Project would therefore not affect the ability of waterbodies within the Shannon Estuary South and Blackwater catchments to meet their objectives and would not prevent the achievement of WFD mitigation measures or objectives. The proposed Project is therefore considered to be compliant with Objective BV-GO-03.</p>

Appendix D - Fermoy Municipal District Local Area Plan 2017

Table D.1: Fermoy Municipal District Local Area Plan 2017

Fermoy MD LAP 2017	
Policy	Project Compliance
<p>Objective GB 1-1 As set out under Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017.</p>	As above in Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017.
<p>Objective GB 1-2 As set out under Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017</p>	As above in Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017.
<p>GO-01 General Objectives for Villages (inter alia) <i>d) "In accordance with Objective WS 5-1 of Chapter 11 of the County Development Plan, all new development will need to make provision for Sustainable Urban Drainage Systems (SuDs) and provide adequate storm water infrastructure. Surface water management and disposal should be planned in an integrated way in consideration with land use, water quality, amenity and habitat enhancements as appropriate.</i> <i>e) Encourage new development to be designed to ensure that water resources and the natural environment are protected. Protection and enhancement of biodiversity resources within the receiving environment of the villages, village nuclei and other places identified in this section is also encouraged. Development will only be permitted where it is shown that it is compatible with the protection of sites designated or proposed to be designated for the protection of natural heritage.</i> <i>g) Development within the core of the villages shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate development should be in the form of small terraced development / courtyard schemes.</i> <i>k) The development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme.</i> <i>l) Extend footpaths and public lighting to serve the whole of the village and where practicable, to provide for the under-grounding of utilities.</i> <i>m) Roadside development within the villages should be sited and designed to ensure that the development potential of backland sites is not compromised and that suitable vehicular and pedestrian access to these lands is retained.</i> <i>o) All proposals for development within the areas identified as being at risk of flooding will need to comply with Objective IN-01 in Section 1 of this Plan."</i></p>	As per EIAR Volume 3, Chapter 9: Water the proposed project will incorporate SuDS and provide adequate storm water facilities including a soakaway system. Surface water and the protection of water resources will also be managed as per Volume 3, Chapter 9: Water. Designated sites and the protection of biodiversity has been addressed within EIAR Volume 3, Chapter 7: Biodiversity and additionally in the Natura Impact Statement (EIAR, Volume 5, Appendix 7H). Pedestrian and amenity are addressed within EIAR Volume 3, Chapter 6: Population and Human Health. Additional public lightning will be used both during construction and operation where required and will be similar to that already within the area. The proposed Project will require the development within backland sites at some locations. However, suitable vehicular and pedestrian access to these lands will be retained where necessary as identified in EIAR Volume 3, Chapter 6: Population and Human Health and Chapter 11: Traffic and Transport. Objective IN-01 has been considered below and within Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017. The proposed Project complies with Objective GO-01 General Objectives for Villages.
<p>Objective IN-01 As set out under Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017.</p>	As per Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017.
<p>Objective LAS-01 (inter alia) <i>e) "Preserve and protect the archaeological and architectural heritage which contributes to the character of an area and is intrinsic to its identity and sense of place in accordance with the Heritage objectives (HE 3 1-5 & HE 4 1-5) of the County Development Plan 2014. This includes formal vernacular, industrial, civic, ecclesiastical, maritime and underwater heritage and features such as historic boundaries, gate piers, street furniture, landscapes.</i> <i>f) Maintain where possible important features of the landscape which function as ecological corridors and areas of local biodiversity value, wetlands and features of geological value within this planning area in accordance with HE2-3, 2-4, 2-5, and 2-6 of the County Development Plan, 2014.</i> <i>h) Provide protection to all proposed and designated natural heritage sites and protected species within this planning area in accordance with HE 2-1, and HE2-2 of the County Development</i></p>	<p>Consideration has been given to the following objectives within Appendix D Cork County Development Plan (2014) of this chapter:</p> <ul style="list-style-type: none"> ▪ Heritage objectives HE 2-1, HE 2-2, HE 3-1, 3-2, 3-3, 3-4 and HE 3-5 and HE 4-1, 4-2, 4-3 and 4-5; ▪ Landscape objectives HE 2-3, HE 2-4, HE 2-5 and HE 2-6. <p>The proposed Project is compliant with such objectives and therefore this Objective</p>

Fermoy MD LAP 2017	
Policy	Project Compliance
<i>Plan, 2014. This includes Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas."</i>	
Ballyhea Objective DB-01 <i>"Within the development boundary of Ballyhea it is an objective to encourage the development of up to 5 houses in the plan period."</i>	The proposed Project does not include the construction of housing. Ballyhea Objective DB-01 is therefore not applicable.
Ballyhea Objective DB-02 <i>"Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive and the protection of the Blackwater River Special Area of Conservation, must be available to accommodate development".</i>	As per EIAR Volume 3, Chapter 9: Water It is considered that during the construction phase following mitigation there will be no impacts to the Blackwater River Candidate SAC (Also see EIAR Volume 5, Appendix 7H for the NIS). During the operational phase the modifications to culverts and addition/operation of outfalls are unlikely to lead to a significant detrimental impact on the Water Framework Directive (WFD) quality elements or upon the overall WFD status (See WFD Assessment at Volume 5, Appendix 9B). The proposed Project would therefore not affect the ability of waterbodies within the Shannon Estuary South and Blackwater catchments to meet their objectives and would not prevent the achievement of WFD mitigation measures or objectives. The proposed Project is therefore compliant with Ballyhea Objective DB-02.
Ballyhea Objective DB-03 <i>"Part of the settlement is at risk of flooding. See Objective IN-01 in Section One."</i>	Objective IN-01 has been considered below and within Appendix C – Kanturk Mallow Municipal District Local Area Plan 2017. The proposed Project complies with this Objective.
Ballyhea Objective C-01 Use for school expansion.	The proposed Project does not require the expansion of any school within Ballyhea. Therefore, Ballyhea Objective C-01 is not applicable.
Ballyhea Objective-U-01 <i>"U-01 is specified on the Ballyhea Village Map and annotated as a "Road"</i>	The LAP U-01 objective is significant as it states that <i>"Reservation is made for possible construction of a new road alignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school."</i> The proposed Project follows a similar alignment as that shown in the LAP and also makes provision for a car park to the front of the Ballyhea National School. The proposed Project is entirely in line with and will bring to fruition the objective of the LAP in regard to the creation of both the new road and car park in Ballyhea Village.

Appendix E – Limerick County Development Plan 2010 - 2016

Table E.1: Limerick County Development Plan 2010-2016

Limerick County Development Plan 2010-2016	
Policy	Project Compliance
<p>Policy CP 03</p> <p><i>"To provide for an enhanced quality of life for all, based on high quality, sustainable residential, working and recreational environments and transportation networks."</i></p>	<p>The proposed Project aims to improve the quality of life for users of the road and railway line by eliminating/upgrading of level crossings to improve the safety for such users and to improve journey times on the railway line. The proposed Project is therefore considered to be compliant with Policy CP 03.</p>
<p>Policy CP 07</p> <p><i>"To facilitate the provision of the County's infrastructure in a sustainable and efficient manner that promotes the social, economic and physical development of the County and the people living therein."</i></p>	<p>The proposed Project aims to provide sustainable and efficient infrastructure to help promote social, economic and physical development by eliminating/upgrading of level crossings to improve the safety for its users and to improve journey times on the railway line. The proposed Project is therefore considered to be compliant with Policy CP 07.</p>
<p>Policy CP 08</p> <p><i>"To ensure that the character and vitality of established town and village centres and the rural areas are maintained and enhanced, that quality underpins all new development by creating and maintaining a sense of place and local distinctiveness in established and new development areas, and that the rural resources, including agriculture and tourism are maintained and enhanced whilst encouraging diversification."</i></p>	<p>EIAR Volume 3, Chapter 6: Population and Human Health and Chapter 13: Landscape and Visual addresses the character of the established villages and rural resources including agriculture and tourism. It is considered there are no significant impacts to the landscape, agricultural land and tourism within the areas located within Limerick County Council. The proposed Project is therefore considered to be compliant with Policy CP 08.</p>
<p>Policy CP 10</p> <p><i>"To identify, conserve, protect and enhance the unique and diverse natural and built heritage of Limerick County and to implement the provisions of the National Biodiversity Plan to secure the conservation, including where possible the enhancement, and sustainable use of biological diversity in Limerick."</i></p>	<p>EIAR Volume 3, Chapter 7: Biodiversity and Chapter 12: Cultural Heritage have identified no impacts to the natural heritage within XC187 Fantstown. It is however identified that during operation at XC187 Fantstown the closure of the existing level crossing is predicted to have a moderate negative effect on the cultural heritage of the area and a slight negative effect on the railway.</p> <p>Additional traffic over the railway bridge AH001 could increase risk of damage through vehicle strikes, resulting in potential negative impacts. However, this risk is considered low and the overall significance of effect from increased traffic is predicted to be imperceptible. Conversely, less traffic over Ahnagluggin Bridge (AH004) is predicted to result in an imperceptible positive impact.</p> <p>EIAR Volume 3, Chapter 7: Biodiversity has identified that there will be impacts to fauna during construction at XC201 Thomastown. During operation there is the potential impacts on habitats, fauna and bats at XC201 Thomastown. However, proposed mitigation will be implemented to reduce or avoid these potential impacts. No significant impacts are predicted on the built heritage within XC201 Thomastown.</p> <p>The proposed Project is therefore considered to be compliant with Policy CP 10.</p>
<p>Policy ED P8: Infrastructural capacity</p> <p><i>"Improve infrastructural capacity, taking a strategic approach to ensure that infrastructure serves the requirements for economic development in a timely and cost-effective manner."</i></p>	<p>The proposed Project will improve and thereby assist the capacity of the local road network at each of the subject sites. In addition, the proposed Project will help to pave the way for the objective to electrify the Dublin – Cork Railway Line and increase capacity on the railway network.</p>
<p>Objective COM 05: Accessibility for the Wider Community</p> <p><i>"It is the Council's objective to: a) Seek the provision of appropriate, inclusive and accessible, safe amenity, recreational open space and community facilities that are available for all sectors of the community, both urban and rural at a convenient distance from their homes and places of work. b) Ensure that community facilities, recreation, play and leisure facilities are fully accessible to all users and are compliant with current legislative requirements."</i></p>	<p>The proposed Project will generally provide enhanced accessibility for those local communities on either side of the Dublin – Cork Railway Line. With the exception of XC187 Fantstown (which is proposed to be eliminated) and XC209 Ballyhay which will be upgraded to CCTV and only closed to accommodate rail traffic, the proposed Project will permit 24/7 unfettered access.</p>

Limerick County Development Plan 2010-2016	
Policy	Project Compliance
<p>Objective COM O6: New Development Proposals</p> <p><i>"For recreation, leisure and community facilities and extensions, conversions and reuse of existing facilities shall be permitted where it can be demonstrated that such facilities will: (a) be accessible to local residents, pedestrians, cyclists and those with special mobility needs; (b) not significantly detract from the amenity and character of the surrounding area; and (c) provide adequate access and parking facilities."</i></p>	<p>The proposed Project does not require the construction of leisure, community facilities and extensions, conversions and reuse of existing facilities. Objective COM O6: New Development Proposals is therefore not applicable.</p>
<p>Objective COM O18: Conservation</p> <p><i>"It is an objective of the Council to protect burial grounds and encourage their rehabilitation and maintenance in accordance with conservation principles."</i></p>	<p>Consideration has been given to Burial Grounds within EIAR Volume 3, Chapter 12: Cultural Heritage. No impacts to burial grounds at XC187 Fantstown and XC201 Thomastown will be experienced as a result of the proposed Project. The proposed Project is therefore considered to be compliant with Objective COM O18: Conservation.</p>
<p>Objective COM O21: Universal Access</p> <p>It is the objective of the Council to:</p> <p>a) <i>"Ensure that all new developments involving public access achieve minimum standards as set out in the Development Management section of this Plan and in the NDA 'Buildings for Everyone' 2002 and any subsequent amendments to this national guidance.</i></p> <p>b) <i>Promote high standards in universal access in new developments involving public access in accordance with Universal Design principles.</i></p> <p>c) <i>Secure retrospective improvements to the existing access network, where opportunity arises, and available resources allow.</i></p> <p>d) <i>Investigate the scope for a more systematic approach to enable extension of the public access network on universal access principles, to identify gaps, and address a wide variety of local needs and priorities.</i></p> <p>e) <i>Priority shall be given to developments with high pedestrian demand, and developments with significant impact on areas identified as having particular accessibility problems."</i></p>	<p>Where public access is required it will achieve the minimum standards as set out in the Development Management section of the Limerick County Council Plan as per EIAR Volume 3, Chapter 11: Traffic and Transport. Objective B, C, D E of Objective COM O21: Universal Access are not applicable.</p>
<p>Objective COM O26: National Cycle Policy Framework</p> <p><i>"It is the objective of the Council to support the policies of the 'National Cycle Policy Framework 2009-2020 – Smarter Travel', Department of Transport, April 2009."</i></p>	<p>The proposed Project seeks to improve safety for all modes of transport that cross the subject level crossings. Cyclists will also benefit from the enhanced safety the proposed Project will bring.</p>
<p>Objective COM O28: Encourage Active and Healthy Lifestyle</p> <p>a) <i>"It is the objective of the Council to promote the development of safe and convenient pedestrian and cycling facilities in the towns and villages to minimise the dependence on private motor vehicles and to encourage an active and healthy lifestyle. New and upgraded road developments will be encouraged to integrate cycle lanes. These will include urban/village developments and short distance routes.</i></p> <p>b) <i>It is the objective of the Council to promote and support the County Limerick Sports Partnership Strategic Plan 2008 – 2011 and the pending County Recreational Strategy 2010 – 2014 when fully assessed and adopted by elected members."</i></p>	<p>EIAR Volume 3, Chapter 6: Population and Human Health and Chapter 11: Traffic and Transport has identified that within XC187 Fantstown and XC201 Thomastown there are no dedicated footpath or cycling provisions. However, it has been considered that many locals may still use these roads for local commuting and recreation due to the rural nature and relatively low traffic flows. XC187 Fantstown is also surrounded by a local cycling club within Kilmallock. Whilst the promotion of new cycle and pedestrian footpaths are not proposed as part of the proposed Project, the existing footpaths/roads used for such activities will be protected to ensure the safety and convenience to its users. The proposed Project is therefore considered to be compliant with Objective COM O28: Encourage Active and Healthy Lifestyle.</p>
<p>Objective COM O29: Proposed Developments and Design Considerations (inter alia)</p> <p>It is the objective of the Council to:</p> <p>a) <i>"Encourage the successful incorporation of safe and efficient cycle ways, accessible footpaths, and pedestrian routes, and general cycling facilities into the design schemes for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses. (Refer to Development Management Guidelines)</i></p> <p>b) <i>Provide cycle ways, where appropriate, as part of all road improvement / redesign schemes ensuring, where possible, that cycle</i></p>	<p>The proposed Project does not involve the creation of cycle ways and general cycling facilities. As identified within EIAR Volume 3, Chapter 6: Population and Human Health and Chapter 11: Traffic and Transport there are no dedicated footpath or cycling provisions in XC187 Fantstown and XC201 Thomastown. However, it has been considered that many local people may still use these roads for local commuting and recreation due to the rural nature and relatively low traffic flows. The proposed Project is therefore considered to be compliant with Objective COM O29: Proposed Developments and Design Considerations.</p>

Limerick County Development Plan 2010-2016	
Policy	Project Compliance
<p><i>ways and footpaths are effectively separated from major vehicular carriageways</i></p> <p><i>c) Prioritise the movement of pedestrians and cyclists in proximity to public transport nodes.</i></p> <p><i>e) Seek provision of appropriate, well-designed pedestrian ways for residential development proposals to link with amenities and facilities. Such proposals shall adhere to the Guidelines on Sustainable Residential Development in Urban Areas and Urban Design Manual (DEHLG May 2009)."</i></p>	
<p>Objective COM O30: New Developments and Right of Way</p> <p><i>"It is the objective of the Council to generally support the creation and preservation of public rights of way in urban and rural areas and initiatives for establishing walking routes, where appropriate, in order to facilitate general accessibility. In order to link amenities and facilities, the Council may have to seek the provision of pedestrian ways as a condition of planning permission."</i></p>	<p>The existing level crossings are Public Rights of Way (PRoW) and have been considered in in EIAR Volume 3, Chapter 6: Population and Human Health. Generally, new crossings across the Dublin – Cork Railway Line will be created nearby to the existing level crossings with the exception of XC187 Fantstown (which it is proposed to have a 3km diversion to an existing crossing) and XC209 Ballyhay which will maintain the existing right of way. The proposed Project will generally create enhanced and unfettered accessibility at most of the subject locations.</p> <p>The proposed Project is considered to be compliant with Objective COM O30: New Developments and Right of Way.</p>
<p>Policy EH P1: Sustainable Management and Conservation</p> <p><i>"It is the policy of the Council to ensure the sustainable management and conservation of areas of natural environmental and geological value within the County."</i></p>	<p>EIAR Volume 3, Chapter 7: Biodiversity addresses any potential impacts to identified conservation areas throughout the sites within Limerick County Council. EIAR Volume 3, Chapter 13: Landscape and Visual also addresses any impacts to areas considered to be nationally or regionally important due to their scenic conservation and value.</p> <p>The proposed Project is therefore considered to be compliant with Policy EH P1: Sustainable Management and Conservation.</p>
<p>Objective EH O1: Nature Conservation Sites</p> <p><i>It is the objective of the Council to:</i></p> <p><i>a) "Maintain the conservation value of those sites as defined in the Planning and Development Acts 2000 - 2010 (SPAs, SACs) or lands proposed for inclusion by the Department of Environment Heritage and Local Government, as well as any other sites that may be so designated during the lifetime of this plan.</i></p> <p><i>b) Ensure that development projects and development plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under this plan unless they comply with article 6 of the Habitats Directive.</i></p> <p><i>c) Maintain the conservation value of all Natural Heritage Areas and also Natural Heritage areas proposed for designation by the DEHLG as well as any other sites that may be so designated during the lifetime of the plan."</i></p>	<p>As identified in EIAR Volume 3, Chapter 7: Biodiversity the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) is over 6km away from XC201 Thomastown. The proposed works at XC201 Thomastown are not hydrologically linked to any designated site. Therefore, there are no predicted effects for designated sites in relation to works proposed at this crossing point. There are no Natural Heritage Areas (NHAs) throughout the sites located within Limerick County Council. There are 7 proposed Natural Heritage Areas (pNHAs) in the vicinity of XC187 Fantstown and 1 pNHA at XC201 Thomastown. There are no predicted impacts to these pNHAs. The proposed Project is therefore considered to be compliant with Objective EH O1: Nature Conservation Sites.</p>
<p>Objective EH O2: Species Protection</p> <p><i>"It is the objective of the Council to seek to protect plant, animal and bird species that have been identified by the Habitats Directive, Birds Directive, Wildlife Act and the Flora Protection Order in line with national and EU legislation."</i></p>	<p>As identified in EIAR Volume 3, Chapter 7: Biodiversity there are no predicted impacts to designated sites within the area of XC187 Fantstown or XC201 Thomastown. In regard to XC201, there are however some potential impacts to fauna (other than bats) and breeding birds, during operation and construction and to bats and habitats during operation. However, proposed mitigation will be implemented to avoid, reduce or minimise these impacts.</p>
<p>Objective EH O3: Conservation of Peat Land Sites which are not protected sites</p> <p><i>(a) "It is the objective of the Council to seek the conservation and protection of features of natural interest such as appropriate woodlands and hedgerows, wetlands and uplands and places of high bio-diversity interest.</i></p> <p><i>(b) It is the objective of the Council to co-operate with NPWS (National Parks and Wildlife Services) and other interested parties in order to develop a high level wind farm deployment zone map based on</i></p>	<p>See EIAR Volume 3, Chapter 7: Biodiversity which identifies the protection of natural interests such as appropriate woodlands and hedgerows, wetlands and uplands and places of high bio-diversity interest. It is not considered there would potential significant impacts on identified features of natural interest. The proposed Project is considered to be compliant with Objective EH O3: Conservation of Peat Land Sites which are not protected sites.</p>

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Policy	Project Compliance
<i>appropriately detailed ecological site assessment of the upland blanket bog and heath areas within the county."</i>	
<p>Objective EH 04: Conservation of Geological Sites in County Limerick</p> <p><i>"It is the objective of the Council to seek the conservation and protection of features of geological interest within the County, particularly those that would have been recognised in the past as Areas of Scientific Interest or by the Geological Survey of Ireland as being of particular value."</i></p>	<p>As per EIAR Volume 3, Chapter 8: Soils, Geology and Hydrogeology, the Geological Survey Ireland (GSI) has confirmed there are no geological sites of interest within the study area of the proposed Project.</p> <p>The proposed Project is compliant with Objective EH 04: Conservation of Geological Sites in County Limerick.</p>
<p>Objective EH 05: Enhancing Tree Cover</p> <p><i>"It is the objective of the Council to preserve and enhance the general level of tree cover within the County, both in the countryside at large and also in the County's towns. The Council strongly encourages the establishment of native species, in particular broadleaf species."</i></p>	<p>As per EIAR Volume 3, Chapter 13: Landscape and Visual it is proposed to protect as much of the tree cover, where possible. It is also proposed that where tree/hedgerows are removed these are replaced, where possible. The proposed Project is therefore considered to be compliant with Objective EH 05: Enhancing Tree Cover.</p>
<p>Objective EH 06: Landscaping and Development</p> <p><i>"It is the objective of the Council to:</i></p> <p><i>(a) Ensure the adequate integration of development into the landscape by the retention of existing trees and landscape features and/or suitable planting.</i></p> <p><i>(b) Encourage, where appropriate, the use of native species. The layout of landscaping planting and features to act as wildlife corridors within developments, particularly residential developments, and linking with other habitats in the area will be encouraged.</i></p> <p><i>(c) Resist the removal of substantial lengths of roadside boundaries. Where an alternative, suitable site is available for the development, applicants should consider such an alternative on the basis that avoids the necessity for widespread boundary removal. Only in exceptional circumstances should roadside boundaries be removed."</i></p>	<p>EIAR Volume 3, Chapter 13: Landscape and Visual identifies that during construction at XC201 Thomastown there is a potential for moderate-slight impacts to the landscape. This is due to the level of construction works at this site. However, these works and its effect on landscape character will be temporary in duration. During operation the significance of effect on landscape is judged to be slight. This is due to the new piece of elevated road infrastructure and its associated signage, fencing and safety barriers into an area primarily comprising pastoral farmland. As part of the mitigation, hedging removed for construction will be replaced where necessary and a corridor of low shrub mix will straddle the proposed alignment and the lower portions of the proposed engineered embankments improving the impacts to the landscape. The proposed hedging and shrubbery will act as wildlife corridors for the proposed Project. The proposed Project is therefore considered to be compliant with Objective EH 06: Landscape and Development.</p>
<p>Policy EH P2</p> <p><i>"It is the policy of the Council to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick's landscape types through the landscape characterization process and also where possible to develop the means to successfully integrate differing kinds of development within them."</i></p>	<p>XC201 Thomastown is located within Ballyhoura/Slieve Reagh Landscape Character Area (LCA) as per Limerick County Development Plan. As identified above there will be potential moderate-slight impact during construction and slight impacts during operation on the landscape of this area. However, the implementation of mitigation will help integrate the development into the landscape over time therefore helping to minimise impacts. The proposed Project is therefore considered to be compliant with Policy EH P2.</p>
<p>Objective EH 08: Ballyhoura/Slieve Reagh Landscape Character Area</p> <p>It is the objective of the Council to:</p> <p><i>(b) "Strongly encourage retention of earth bank field boundaries particularly in the more upland parts of this area, as the screening abilities of landscape features in this area are limited.</i></p> <p><i>(c) Encourage use of species native to this particular area in landscaping developments. Species native to the upland parts of this area could be used, such as mountain ash and birch."</i></p>	<p>XC201 Thomastown is located within Ballyhoura/Slieve Reagh Landscape Character Areas. As identified above there will be potential moderate-slight impact during construction and slight impacts during operation on the landscape of this area. There will be no impact on earth bank field boundaries of this LCA. The implementation of mitigation will help integrate the development in to the landscape overtime therefore helping to minimise impacts including; replacing areas of hedgerows removed to facilitate sightlines at the northern end of the proposed Project; planting new hedgerows along the project side of the proposed timber post and rail fencing; planting corridor of low shrub mix will straddle the proposed alignment and the lower portions of the proposed engineered embankments and supplementing areas of existing hedgerow within the proposed Project site. The proposed Project is therefore considered to be compliant with Objective EH 08: Ballyhoura/Slieve Reagh Landscape Character Area.</p>
<p>Objective EH 020: Ground Water and Surface Water Protection and River Basin Management Plans</p> <p><i>a) "It is the objective of the Council to protect ground water resources of the County and surface waters of the County. There will be a general prohibition on the filling of wetlands and surface water features.</i></p>	<p>The Shannon River Basin Management Plan (RBMP) 2009-2015, the South Western RBMP 2009-2015, their associated Water Management Unit Action Plans (various) and the 2nd Cycle National RBMP 2018-2021 have been considered within EIAR Volume 3, Chapter 9: Water. Ground water and surface water protection has also been addressed within this chapter. The proposed Project is therefore</p>

Limerick County Development Plan 2010-2016	
Policy	Project Compliance
<p><i>b) In assessing planning applications and their consequences for ground water the Council will implement the measures put forward in the Limerick Groundwater Protection Plan.</i></p> <p><i>c) It is the objective of the Council to implement the measures recommended in the River Basin Management Plans."</i></p>	<p>considered to be compliant with Objective EH O20: Ground Water and Surface Water Protection and River Basin Management Plans.</p>
<p>Objective EH O22: Air Quality</p> <p><i>"It is the objective of the Council to protect air quality through the regulation of direct and fugitive emissions from industry."</i></p>	<p>EIAR Volume 3, Chapter 15: Air Quality has indicated that there will be insignificant impacts during construction and operation to the air quality of the proposed Project sites located within Limerick County Council. The proposed Project is therefore considered to be compliant with Objective EH O22: Air Quality.</p>
<p>Objective EH O23: Noise</p> <p><i>"It is the objective of the Council to prevent public noise and light nuisance through the regulation of industrial and construction activities."</i></p>	<p>EIAR Volume 3, Chapter 10: Noise and Vibration has indicated that there will be insignificant impacts during construction and operation to in regard to noise and light of the proposed Project sites located within Limerick County Council. The proposed Project is therefore considered to be compliant with Objective EH O23: Noise.</p>
<p>Objective EH O25: Preservation of the Archaeological Heritage</p> <p><i>"It is the objective of the Council to seek the preservation (in situ, or at a minimum, preservation by record) of all known sites and features of historical and archaeological interest. This is to include all the sites listed in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act 1994."</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage identifies known sites and features of historical and archaeological interest throughout the proposed Project located in Limerick County Council's area. No previously recorded archaeological or architectural heritage sites would be impacted by the proposed Project during construction at XC187 Fantstown and XC201 Thomastown. Due to the closure of the existing level crossing at XC187 Fantstown there is the potential for a moderate negative effect on the cultural heritage of the area and a slight negative effect on the railway during operation. Conversely, less traffic over Ahnagluggin Bridge is said to result in an imperceptible positive impact. There are no predicted operational impacts to historical or archaeological heritage assets at XC201 Thomastown. Following mitigation, the identified negative impacts will be minimised. The proposed Project is therefore considered to be compliant with Objective EH O25: Preservation of the Archaeological Heritage.</p>
<p>Objective EH O26: Preservation of the unrecorded/newly discovered archaeological heritage</p> <p><i>"It is the objective of the council to protect and preserve (in situ, or at a minimum, preservation by record) all sites and features of historical interest discovered subsequent to the publication of the Record of Monuments and Places."</i></p>	<p>It is considered in EIAR Volume 3, Chapter 12: Cultural Heritage that if currently unidentified subsurface archaeological remains exist within the development design extents of XC201 Thomastown, these may be impacted during construction. However, as no infrastructure works will take place at XC187 Fantstown this will not apply here. There are no predicted operational impacts to unrecorded/newly discovered archaeological heritage. The proposed Project is therefore considered to be compliant with Objective EH O26: Preservation of the unrecorded/newly discovered archaeological heritage.</p>
<p>Objective EH O27: Protection of the setting of archaeological monuments</p> <p><i>"It is the objective of the council to ensure that any proposed development shall not have a negative impact on the character or setting of an archaeological monument."</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage identifies that no previously recorded archaeological or architectural heritage sites would be impacted by the proposed Project during construction at XC187 Fantstown and XC201 Thomastown. Due to the closure of the existing level crossing at XC187 Fantstown there is the potential for a moderate negative effect on the cultural heritage of the area and a slight negative effect on the railway during operation. Conversely, less traffic over Ahnagluggin Bridge is said to result in an imperceptible positive impact. There are no predicted operational impacts to historical or archaeological heritage assets at XC201 Thomastown. Following mitigation, the identified negative impacts will be minimised. The proposed Project is therefore considered to be compliant with Objective EH O27: Protection of the setting of archaeological monuments.</p>
<p>Objective EH027A: Preservation of the Underwater Archaeological Heritage</p> <p><i>"It is the objective of the Council to seek the preservation (in situ, or at a minimum, preservation by record) of all known and all previously unrecorded sites and features of historical and archaeological record in riverine, lacustrine, estuarine and or marine environments."</i></p>	<p>There are no underwater archaeological heritage assets to record within the sites of the proposed Project located within the Limerick County Council area as per EIAR Volume 3, Chapter 12: Cultural Heritage. The proposed Project is therefore considered to be compliant with Objective EH O27A: Preservation of the Underwater Archaeological Heritage.</p>

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<p>Objective EH O31: General Protection of Structures</p> <p><i>"It is the objective of the Council to:</i></p> <p><i>a) seek the protection of all structures (or, where appropriate, parts of structures) within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and listed in the Record of Protected Structures. The record will continue to be developed on an ongoing basis, as resources permit, in accordance with the criteria laid down in the Architectural Heritage Protection Guidelines for Planning Authorities.</i></p> <p><i>b) As resources permit, determine the extent of the curtilage of protected structures."</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage addresses the general protection of structures throughout the proposed Project located in Limerick County Council's area. As above there are potential for adverse impacts to structures during operation at XC187 Fantstown Following mitigation, the identified negative impacts will be minimised. The proposed Project is therefore considered to be compliant with Objective EH O31: General Protection of Structures.</p>
<p>Objective EH O32: Promotion of Conservation of Protected Structures</p> <p><i>"It is the objective of the Council to promote the benefits of protecting structures and the positive effects that conserving the architectural heritage has in areas of economic activity such as tourism. To this end the Planning Authority will continue to develop, publish and distribute comprehensive advisory manuals, booklets and leaflets to all property owners of Protected Structures and structures within Architectural Conservation Areas advising them of the opportunities available to them as the owners of such properties."</i></p>	<p>EIAR Volume 3, Chapter 12: Cultural Heritage addresses the general protection of structures throughout the proposed Project located in Limerick County Council's area. As above there are potential for adverse impacts to structures during operation at XC187 Fantstown Following mitigation, the identified negative impacts will be minimised. The proposed Project is therefore considered to be compliant with Objective EH O31: General Protection of Structures.</p>
<p>Objective IN O2: Traffic and Transport Assessments (TTAs) (inter alia)</p> <p><i>"It is the objective of the Council to:</i></p> <p><i>b) Require developers to undertake Transport Assessments (TTA) where new developments are likely to have a significant effect on travel demand and the capacity of surrounding transport links. In this case independent suitably competent consultants shall be required to carry out these assessments;</i></p> <p><i>c) Have particular regard to relevant and up to date data, guidance and advice from the following bodies: the Mid-Western Regional Authority, DEHLG and the Department of Transport, and insofar as development might affect the national road network, the National Roads Authority. The NRAs Traffic and Transport Assessment Guidelines, (NRA September 2007) will be referred to as a key source of guidance;</i></p> <p><i>If a traffic and transport Assessment identified necessary on-and-off site improvements, the developer will be expected to fund the improvements by entering into a formal agreement with the Council. The thresholds for Transport Assessment are, in accordance with Traffic Management Guidelines and, where specified, the NRA Traffic and Transport Assessment Guidelines (NRA, September 2007) and Retail Planning Guidelines (DEHLG, 2005) and any subsequent updates or replacements.</i></p> <p><i>These thresholds as follows:</i></p> <p><i>i) Traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.</i></p> <p><i>ii) Traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists, or the location is sensitive.</i></p> <p><i>iii) Residential development is excess of 200 dwellings.</i></p> <p><i>iv) Retail and leisure development in excess of 1000m².</i></p> <p><i>v) Office, Education, and Hospital development in excess of 1000m². vi) Industrial development in excess of 5,000m².</i></p> <p><i>vii) Distribution and warehousing in excess of 10,000m².</i></p> <p><i>viii) Retail warehousing developments with gross floorspace in excess of 6000 metres (NRA Policy Statement and Retail Planning Guidelines). These should be close to a road network with sufficient capacity.</i></p> <p><i>In certain circumstances where their cumulative impact warrants or where the transport infrastructure is under pressure may be required to undertake transport assessments even if they fall below any of these thresholds."</i></p>	<p>TTA's have been undertaken for the proposed Project where applicable contained within EIAR Volume 3, Chapter 11: Traffic and Transport. The relevant legislation has also been considered within this chapter. A cumulative assessment has also been undertaken and it is considered that even if the construction phases at each existing crossing within the proposed Project overlap, they are far enough apart to not have a significant impact on each other. There were no further cumulative impacts from the proposed Project to the identified other planning applications in the area. The proposed Project is therefore considered to be compliant with Objective IN O2: Traffic and Transport Assessments (TTAs).</p>

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<p>Policy IN P2: Suitability of Facilities</p> <p><i>It is policy of the Council to ensure that quality facilities are provided, designed and retained for access suitable for all to serve the social, economic and recreational needs of the community, in a manner that is sustainable, of good quality design and safe. The following values shall be paramount:</i></p> <ul style="list-style-type: none"> a) Maximisation of sustainable travel patterns. b) Promotion of modal shift away from private road transport. c) Inclusive access. d) Public safety and security. e) Minimisation of environmental impact directly and indirectly. f) Cost-effectiveness in the delivery and appropriateness of the infrastructure to purpose. 	<p>The proposed Project aims to create safer access across the Dublin – Cork Railway Line. During operation the proposed Project in itself will not generate traffic but it will facilitate its movement. Safety is the key objective of the proposed Project but it will also help to enhance the operational efficiency of the Dublin – Cork Railway Line by removing road/rail interfaces. Inclusive access has helped to shape the design of the proposed Project as well as public safety and security. The minimisation of environmental impacts has been achieved through good design and the EIA process.</p> <p>The proposed Project is therefore considered to be compliant with Objective IN P2: Suitability of Facilities.</p>
<p>Policy IN P3: Land Use planning and accessibility</p> <p><i>"It is policy of the Council to ensure that considerations of accessibility and mobility are properly incorporated into the assessment and planning of land uses and services, and that land uses are connected to good quality transportation infrastructure."</i></p>	<p>Accessibility is a key feature of the proposed Project as it will generally help to reduce severance currently experienced by those communities on either side of the Dublin – Cork Railway Line and will bring investment in quality infrastructure (road/bridges, etc) to the area.</p> <p>The proposed Project is therefore considered to be compliant with Objective IN P3: Land Use planning and accessibility.</p>
<p>Policy IN P4: Promotion of sustainable patterns of transport use</p> <p><i>"It is policy of the Council to seek to implement in a positive manner, in cooperation with other Authorities and agencies, the policies of the Midwestern Regional Planning Guidelines, and the Department of Transport Policy 'Smarter Travel, A Sustainable Transport Future 2009-2020' to encourage more sustainable patterns of travel, and greater use of sustainable forms of transport, including public transport, cycling, and walking."</i></p>	<p>Sustainable patterns of transport use have been considered in EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project will generally help to improve the operational efficiency of the Dublin – Cork Railway Line through the removal of the road/rail interface</p> <p>Walking and cycling have also been considered throughout each site and any impacts to pedestrian movements have been avoided or minimised, where possible, through mitigation. The proposed Project is therefore considered to be compliant with Objective IN P4: Promotion of sustainable patterns of transport use.</p>
<p>Policy IN P6: Protection of public transport assets and facilitation of public transport.</p> <p><i>"It is Council policy to protect strategic public transport assets; to facilitate accessibility by public transport in development layouts; and to support the enhancement of public transport infrastructure and use through initiatives such as park and ride. To this end the Council shall seek, in particular, to implement the provisions of the emerging Mid-Western Area Strategic Plan (MWASP) once fully assessed and adopted."</i></p>	<p>As set out in EIAR Volume 3, Chapter 6: Population and Human Health there are no public transport services within the local area of the proposed Project sites located within Limerick County Council.</p> <p>Transport has been assessed in EIAR Volume 3, Chapter 11: Traffic and Transport.</p> <p>The proposed Project is therefore considered to be compliant with Policy IN P6: Protection of public transport assets and facilitation of public transport.</p>
<p>Policy IN P9 Safeguard the Capacity of National Roads</p> <p><i>"It is Council policy to safeguard the capacity of the national road network and road safety standards in accordance with the NRAs (National Road Authority) Policy Statement on Development Management and Access to National Roads (May 2006), and subsequent amendments to or replacements of this, including the forthcoming Government guidance on spatial planning and national roads when adopted and the 'Sustainable Rural Housing Development Guidelines' (DEHLG, 2005)."</i></p>	<p>The surrounding National Roads have been considered within EIAR Volume 3, Chapter 11: Traffic and Transport. There are no predicted impacts to National Roads surrounding the proposed Project located within Limerick County Council. The proposed Project is therefore considered to be compliant with Policy IN P9 Safeguard the Capacity of National Roads.</p>
<p>Policy IN P10 Protection of Corridors and Route Alignments</p> <p><i>"The Council will continue to work with the NRA in protecting corridors and route alignments identified for national roads projects from prejudicial development, in accordance with the Mid-West Regional Planning Guidelines, Transport 21 and the National Development Plan."</i></p>	<p>The proposed Project will not impact on corridors and route alignments identified for national roads projects due to their locations as per EIAR Volume 3, Chapter 11: Traffic and Transport.</p> <p>As set out in EIAR Volume 2, Chapter 1: Introduction, the Project Team has consulted with the M20 Upgrade Project Team and no significant issues were found.</p> <p>The proposed Project is therefore considered to be compliant with Policy IN P10 Protection of Corridors and Route alignments.</p>
<p>Policy IN P11: Management of Water Resource</p>	<p>EIAR Volume 3, Chapter 9: Water identifies the management of water resources within the proposed Project area. Within XC201 Thomastown during operation culverts/bridges or the modifications</p>

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<p><i>"It is the policy of the Council to seek to ensure water resources and services are managed and planned, in association with other policies and objectives in this plan, to meet the following goals:</i></p> <ul style="list-style-type: none"> <i>a) To protect human health and the environment</i> <i>b) To facilitate the provision of proper water services for domestic and non-domestic requirements</i> <i>c) To support proper planning and sustainable development, including sustainable use of water resources.</i> <i>d) To ensure the danger of flooding risk is averted as far as possible and where flooding is inevitable its consequences minimised."</i> 	<p>to existing culverts/bridges could potentially increase or decrease flood risk depending upon the specific location. Although the preliminary assessment in the FRA concludes that this site is low risk and does not warrant further investigation. There are no other predicted impacts to water resources. The proposed Project is therefore considered to be compliant with Policy IN P11: Management of Water Resource.</p>
<p>Objective IN 01: Promotion of Sustainable Travel (Inter alia)</p> <p><i>"The Council will work with local communities, landowners, businesses, educational establishments and development agencies, in promoting sustainable travel patterns and transport use through the following means: a) Measures identified in Local Area Plans; b) Strategic use of the local development fund; c) Tie in with urban and village renewal schemes and programmes; d) Requirements for infrastructure layouts and facilities in development proposals; e) Planning agreements for works commensurate with the scale and impact of new developments; f) Require the submission of mobility management plans (also known as workplace travel plans) for schemes in the categories specified in subsection 10.11.2 (Development Management); and</i></p> <p><i>g) Require demonstration of minimisation of car dependence in schemes as part of Mobility Management Plans and also in other schemes requiring Sustainability Statements as specified in subsection 10.3.</i></p>	<p>Travel has been assessed in EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project comprises of roads and bridges and will generally improve accessibility both across the Dublin – Cork Railway Line for cars, pedestrians and cyclists and for rail users utilising the railway line itself.</p> <p>The proposed Project is therefore considered to be compliant with Objective IN 01: Promotion of Sustainable Travel.</p>
<p>Objective IN 05: Protection of rail infrastructure (inter alia)</p> <p><i>"It is an objective of the Council to protect the following transport assets in rail infrastructure from inappropriate development that would compromise their safe operation or long term development:</i></p> <ul style="list-style-type: none"> <i>b) Those portions of railway line within Limerick between Limerick to Limerick junction and between Limerick junction to Charleville."</i> 	<p>The proposed Project will improve rail infrastructure by upgrading/eliminating existing level including XC187 Fantstown and XC201 Thomastown. The proposed Project is therefore considered to be compliant with Objective IN 05: Protection of rail infrastructure.</p>
<p>Objective IN 06: Improvement of rail infrastructure</p> <p><i>"It is an objective of the Council to, where feasible, work with Iarnród Éireann to promote improvements to extend the reach of passenger and commuter train services to more areas within the County, with the following priorities:</i></p> <ul style="list-style-type: none"> <i>a) Improvements to the Limerick-Foynes line, for both freight and passenger use, with railway stations (and associated park and ride) at Patrickswell, Adare, and Foynes.</i> <i>b) The protection and redevelopment of Kilmallock railway station on the Limerick junction to Charleville railway line. Proposed developments for stations additional to the above will also be considered in consultation with Iarnród Éireann.</i> <i>c) Improvement to the Limerick-Mungret spur railway line including consideration of stations and park and ride to enable it to be used for commuter passenger services."</i> 	<p>As above. The proposed Project will not impact on the Limerick-Foynes line, Kilmallock railway station and the Limerick-Mungret spur railway line. The proposed Project is therefore considered to be compliant with Objective IN 06: Improvement of rail infrastructure.</p>
<p>Objective IN 07: Rural Transport</p> <p><i>"It is the objective of the Council to encourage initiatives to ensure that people with limited or no access to private transport in areas with no usable public transport and including people with reduced mobility, are able to access the full range of employment, retail, cultural and leisure facilities. In this regard, the Planning Authority will work closely with County Limerick and North Cork Transport Group Ltd (Rural Bus) the local company set up to administer the rural transport programme for the County."</i></p>	<p>The consideration of Public Transport has been included in EIAR Volume, 3 Chapter 11: Traffic and Transport. EIAR Chapter 6: Population and Human Health sets out that there is no Public Transport in the vicinity of the sites within Limerick. The proposed Project does not propose to provide any forms of public transport however it will generally help to enhance the operational efficiency of the Dublin – Cork Railway Line through the removal of the road/rail interface. The proposed Project is therefore considered to be compliant with Objective IN 07: Rural Transport.</p>

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<p>Objective IN O8: Cycle and pedestrian facilities</p> <p><i>"It is an objective of the Council to encourage the successful incorporation of safe and efficient cycle and pedestrian facilities, and accessible cycleways, footpaths and pedestrian routes into the design schemes for residential, educational, employment, and recreational developments. Consideration will be given in these schemes to existing or proposed routes where applicable."</i></p>	<p>The proposed Project does not include the development of residential, educational, employment, and recreational developments. However, consideration is given to existing pedestrian and cycle routes within EIAR Volume 3, Chapter 6: Population and Human Health.</p> <p>EIAR Volume 3, Chapter 11; Traffic and Transport has found that surveyed cycle use in the locations of the subject sites is very low and therefore cyclists will continue to make use of the carriageway.</p> <p>The proposed Project is considered to be compliant with Objective IN O8: Cycle and pedestrian facilities.</p>
<p>Policy IN P5: Socially Inclusive Access</p> <p><i>"It is policy of the Council to ensure that in the design and planning of infrastructure and the integration of land use, infrastructure and transport modes that the widest spectrum of needs, including pedestrians, cyclists and those with diverse cognitive, mobility and sensory abilities and impairments, are taken into account."</i></p>	<p>As noted above, the proposed Project aims to improve the mobility and accessibility of road and rail users in the area. The proposed Project is therefore considered to be compliant with Objective IN P5: Socially Inclusive Access.</p>
<p>Policy IN P6: Protection of public transport assets and facilitation of public transport.</p> <p><i>"It is Council policy to protect strategic public transport assets; to facilitate accessibility by public transport in development layouts; and to support the enhancement of public transport infrastructure and use through initiatives such as park and ride. To this end the Council shall seek, in particular, to implement the provisions of the emerging Midwestern Area Strategic Plan (MWASP) once fully assessed and adopted."</i></p>	<p>As set out in EIAR Volume 3, Chapter 6: Population and Human Health there are no public transport services within the local area of the proposed Project sites located within Limerick County Council. The proposed Project will enhance the safety of those both crossing and utilising the Dublin – Cork Railway Line and as such it will help to protect the railway corridor and local public road network. The proposed Project is therefore considered to be compliant with Objective IN P6: Protection of public transport assets and facilitation of public transport.</p>
<p>Policy IN P7: Road Safety and Capacity</p> <p><i>"To seek the improvement of road safety and capacity throughout the County, through minimising existing traffic hazards, preventing the creation of additional or new traffic hazards in the road network and securing appropriate signage."</i></p>	<p>The overall aim of the proposed Project is to improve the safety of road and rail users by eliminating/upgrading level crossings. This will in turn decrease the number of accidents and delays. These issues are addressed in EIAR Volume 3, Chapter 11: Traffic and Transport, also refer to EIAR Volume 2, Chapter 2: Project Need and Alternatives. The proposed Project is therefore considered to be compliant with Objective IN P7: Road Safety and Capacity.</p>
<p>Objective IN O10: Land uses and Access Standards</p> <p><i>"It is the objective of the Council to ensure that any development involving a new access to a public road or the intensification of use of an existing access onto a public road that would compromise the safety and capacity of the road network, will not be permitted unless the new or existing access meets the appropriate design standards."</i></p>	<p>At XC201 Thomastown the proposals involve the creation of a new junction access and realignment of the railway crossing. It is therefore considered that there is an element of traffic redistribution although this is anticipated to be beneficial due to road improvements and better safety for both vehicle and non-motorised users as a result of the overbridge replacing the existing crossing as set out in EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project is therefore considered to be compliant with Objective IN O10: Land Uses and Access Standards.</p>
<p>Objective IN O11: Road Safety Audit</p> <p><i>"Applications for developments belonging to any one of the following categories or where the Council so require, shall be accompanied by a Road Safety Audit, in accordance with National policy in the following categories of development:</i></p> <ul style="list-style-type: none"> a) New public roads, including residential roads, b) Major road improvement works on all public roads, c) Traffic management schemes including quality bus corridors and cycle tracks, d) Development schemes, e) Major junction improvement works, f) Any scheme that materially affects vulnerable road users, and g) Major maintenance schemes. <p><i>Road safety audits will be carried out independently of the design team, shall be undertaken by an experienced auditor or team of auditors, and in accordance with guidance set down in 'Traffic Management Guidelines (DoT 2003) and insofar as the national road network is</i></p>	<p>A Road Safety Audit and a Road Safety Impact Assessment have been prepared as part of the proposed Project contained within EIAR Volume 5, Appendix 1J. Problems at each site have been identified and solutions have been recommended as part of the design.</p>

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<p><i>affected, the 'Design Manual for Roads and Bridges (NRA, January, 2009) (vol. 5) HD 19/09' which may also be used in lieu of the Traffic Management Guidelines for the local and regional road network A Road Safety Audit will always be required for any development incorporating a new proposal onto a national road, or where the development may give rise to an increase in traffic on an existing access to the national road. A road safety audit will also be required for a change of layout of an existing access to a National Road."</i></p>	
<p>Objective IN O12: Improvements to regional and local roads <i>"It is an objective of the Council to provide for and carry out sustainable improvements to sections of Regional roads and local roads that are deficient in respect of alignment, structural condition, or capacity, where resources permit and to maintain that standard thereafter."</i></p>	<p>The proposed Project will make general improvements to the local road network and improve access across the Dublin – Cork Railway Line. The proposed Project is therefore considered to be compliant with Objective IN O12: Improvements to regional and local roads.</p>
<p>Policy IN P8 Strategic Regional Road Network <i>"It shall be the policy of the Council to protect the investment in the Strategic Regional Road Network, prevent the premature obsolescence of this network and maintain and improve road safety and capacity."</i></p>	<p>It is not predicted that any significant impacts to the Regional Roads within Limerick County Council area will be experienced from the proposed Project (see EIAR Volume 3, Chapter 11: Traffic and Transport). The proposed Project is therefore considered to be compliant with Policy IN P8: Strategic Regional Road Network.</p>
<p>Objective IN O15: Specific improvements and additions to the strategic regional road network (inter alia) It is an objective of the Council to give priority to the protection and improvement of sections of the Strategic Regional road network including the following: g) R512 Kilmallock Road This list may be updated as resources permit.</p>	<p>The sites located within the Limerick County Council area of the proposed Project including XC187 Fantstown and XC201 Thomastown are located in close proximity to the Killmallock Road. However, there are no predicted impacts to this road as per EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project is therefore considered to be compliant with Objective IN O15: Specific improvements and additions to the strategic regional road network.</p>
<p>Objective IN O16: Prevention of development involving new vehicular access onto strategic regional roads <i>"It is an objective of the Council to prohibit development generating additional traffic and requiring direct access onto a strategic regional road. Direct access onto the regional roads shall accord with criteria specified below, and guidelines and standards referred to in the Development Management section of this plan and Department of Transport policy. These criteria include:</i></p> <ul style="list-style-type: none"> <i>a) Developments in built up areas where access is deemed to be safe and where a 50kph speed limit applies, or</i> <i>b) Where the house is required for occupation by a member of the farming community in connection with the working of the farm, and where no reasonable alternative access is available to them and the access is deemed to be safe, or</i> <i>c) For immediate family members of long term landowners seeking to build their first home where that access is safe, and the traffic levels generated are reasonably low.</i> <i>d) Developments considered of strategic regional importance, where there is no reasonable alternative location or access. Such developments shall be subject to a full Transport Assessment and Road Safety Audit."</i> 	<p>The proposed Project at XC201 Thomastown will require a new junction on the Regional Road R515. It is considered within EIAR Volume 3, Chapter 11: Traffic and Transport that any impacts to this Regional Road will be temporary. With mitigation these impacts will be minimised. During operation it is considered the new junction will have a beneficial effect due to road improvements and better safety for both vehicle and non-motorised users as a result of the overbridge replacing the existing crossing and as a result no TTA will be required due to the low traffic flows involved. Consideration has been given the identified criteria when developing the proposed junction at this location. A Road Safety Audit will be carried out. The proposed Project is therefore considered to be compliant with Objective IN O16: Prevention of development involving new vehicular access onto strategic regional roads.</p>
<p>Objective IN O17: Established national routes and development management <i>"It is the objective of the Council in the first instance to channel traffic from new development onto the existing local road network. In this regard, it shall not permit developments that require a new access onto a national road or that would generate additional traffic relying on an existing private or substandard access to a national road. The only exceptions to this policy shall be:</i></p> <ul style="list-style-type: none"> <i>a) Developments in existing built-up areas where access is deemed to be safe and where a 50km speed limit applies;</i> 	<p>The proposed Project will not require access on to any National Roads as per EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project is therefore considered to be compliant with Objective IN O17: Established national routes and development management.</p>

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<p>b) Where members of the farming community wish to build their houses for their own occupation, on their own land, only where no reasonable alternative is available to them, and where the developer can clearly show that the exception is clearly warranted in his/her case;</p> <p>c) Developments of national or regional strategic importance which by their nature are most appropriately located outside urban centres and where the developments proposed have specific locational requirements or are dependent on fixed physical characteristics. In this regard, Limerick County Council shall engage with relevant stakeholders including the NRA, Dept. of Environment, Heritage and Local Government, the Mid-West Regional Authority and, if appropriate, neighbouring Local Authorities to develop a strategy to identify such activities or locations and a set of criteria which would guide development in such circumstances. This strategy will have particular regard to the findings of the Mid-Western Area Strategic Plan (MWASP) and will comply with prevailing Government guidelines on spatial planning and national roads. In any case the direct access onto the national road shall be of the location and standard in accordance with National Road Authority (NRA) 'Policy Statement on Development Management and Access to National Roads (NRA, 2006)' and 'Design Manual for Roads and Bridges' (NRA, January 2009) and any subsequent amendments. Access shall be assessed having regard to the considerations outlined in the Development Management section of this Plan."</p>	
<p>Objective IN O21: Protection of Interchanges and Junctions</p> <p><i>"It is Council's objective to resist developments likely to compromise the capacity of existing or proposed interchanges and junctions on national primary or secondary roads either individually or cumulatively. The Council shall require that developments likely to generate significant additional trips shall in the first instance be served by an adequate local road network and facilities for alternative travel modes to accommodate this traffic. The Council shall have particular regard to NRA guidance including Traffic and Transport Assessment Guidelines 2007, prevailing Government guidance on Spatial Planning and National Roads and relevant data and guidance from the emerging Mid-Western Area Strategic Plan (MWASP) to ensure that developments do not compromise existing or proposed interchanges or junctions on the national road network."</i></p>	<p>The proposed Project areas located within the Limerick County Council area will not compromise the capacity of existing or proposed interchanges and junctions on national primary or secondary roads either individually or cumulatively as per EIAR Volume 3, Chapter 11: Traffic and Transport. The proposed Project is therefore considered to be compliant with Objective IN O21: Protection of Interchanges and Junctions.</p>
<p>Objective IN O23: Protection of proposed national road improvements</p> <p><i>"It is the objective of the Council to protect, where relevant and as identified by the NRA or the County Council as roads authority, the corridors, routes and roads, necessary for the planning, construction, and completion of the improvement works as listed in Table 8.3."</i></p>	<p>The proposed Project areas located within the Limerick County Council area will not impact on corridors, routes and roads, necessary for the planning, construction, and completion of the improvement works as listed in Table 8.3 of the Limerick County Development Plan. The proposed Project is therefore considered to be compliant with Objective IN O23: Protection of proposed national road improvements.</p>
<p>Objective IN O25: Protection of Surface water bodies</p> <p><i>"It is the objective of the Council to ensure the integrity of surface water bodies is maintained; and where damaged, to seek, as resources allow, to restore their integrity. Priority will be given to those waters deemed to be sensitive in respect of their uses, and vulnerable due to low assimilation capacity. The Council shall give particular priority to the need to protect human health, designated habitats, and to minimise costs of water/wastewater treatment."</i></p>	<p>EIAR Volume 3, Chapter 9: Water identifies the surface water bodies associated with the proposed Project. The limited works at XC187 Fantstown have no construction impacts. During operation there is some potential for beneficial impacts to surface water body Looagh_020 through the decrease in traffic over the existing bridge. At XC201 Thomastown without mitigation there is the potential for significant impacts to the affecting surface water receptors during the Construction phase of the proposed Project. The mitigation measures will ensure that impacts are acceptable.</p>
<p>Objective IN O28: Protection of wells</p> <p><i>"It is an objective of the Council to restrict development within the zone of contribution for wells used as sources of water supply, except where it is established to the Council's satisfaction that development would not interfere with the water sources of these wells."</i></p>	<p>There are no wells present in the sites of the proposed Project located within the Limerick County Council area. The proposed Project is therefore compliant with Objective IN O28: Protection of wells.</p>

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<p>Objective IN O30: Public mains</p> <p><i>"It is an objective of the Council to require that all applications for development, where public mains are available or likely to be available, that the development shall connect into them."</i></p>	<p>No new connections are required to public mains as part of the proposed Project. The proposed Project is therefore compliant with Objective IN O30.</p>
<p>Objective IN O32: Services Contributions</p> <p><i>"It is the objective of the Council to secure financial contributions from developers, consistent with the Development Contribution Scheme, to support water services necessary to support existing or future developments. Bonds will also be required by the Council to ensure the satisfactory completion and maintenance of water services until the Council takes them in charge."</i></p>	<p>The Applicant will ensure service contributions are made, where required and agreed.</p> <p>The proposed Project is therefore compliant with Objective IN O32.</p>
<p>Objective IN O36: Minimise threat and consequences of flooding</p> <p><i>"It is the objective of the Council to avert, or where this is not possible, to minimise the threat of flooding in new developments and existing built up areas. Priority will be given to the protection of vulnerable uses that would be seriously affected by the consequences of flood events. The Council will have regard to Government Guidelines, 'The Planning System and Flood Risk Management' and OPW data and advice in the assessment of all development proposals and any subsequent amendments."</i></p>	<p>EIAR Volume 3, Chapter 9: Water addresses the potential for flooding throughout the sites of the proposed Project. Culverts/bridges or the modifications to existing culverts/bridges at XC201 Thomastown during operation could potentially increase or decrease flood risk depending upon the specific location. The preliminary assessment in the FRA concludes that this site is low risk and does not warrant further investigation (Stage 3). The proposed Project is therefore considered to be compliant with Objective IN O36: Minimise threat and consequences of flooding.</p>
<p>Objective IN O39: Flood risk management and development (inter alia)</p> <p><i>"It is an objective of the Council to ensure that land uses are zoned, and developments allowed where there is minimum flood risk, prioritising the protection of certain land uses particularly vulnerable to the effects of flooding. To this end:</i></p> <p><i>d) Require any development proposal in a location identified as being subject to flooding to:</i></p> <ol style="list-style-type: none"> <i>1. Carry out a flood risk / catchment analysis for the development to assess the likely level of flood hazard that may affect the site to the satisfaction of the Council;</i> <i>2. Design the development to avoid flood levels, incorporating building design measures and materials to assist evacuation and minimize damage to property from flood waters;</i> <i>3. Demonstrate that the proposal will not result in increased risk of flooding elsewhere, restrict flow across floodplains, where compensatory storage / storm water retention measures shall be provided on site and will not alter the hydrological regime up stream or downstream or at the development location so as to pose an additional flood risk or to increase flood risk;</i> <i>4. Proposals should have provision to reduce the rate and quantity of runoff i.e. minimisation of concrete surfaces and use of semi permeable materials and include adequate measures to cope with the flood risk, e.g. sustainable drainage systems.</i> <p><i>f) Preserve riparian strips free of development and ensure adequate width to permit access for river maintenance.</i></p> <p><i>All flood risk assessments should have regard to national flood hazard mapping, predicted changes in flood events resulting from climate change and the River Shannon Catchment Flood Risk and Management Plan Studies (CFRAM) when completed by the OPW and the Shannon International River Basin Management Plan. The 'development management justification test' and the 'plan - making justification test' as detailed in The Planning System and Flood Risk Guidance document will guide Council responses to development proposals in areas at moderate or high risk of flooding."</i></p>	<p>As above EIAR Volume 3, Chapter 9: Water addresses the potential for flooding throughout the sites of the proposed Project. There are potential impacts to XC201 Thomastown during operation. However, the preliminary FRA carried out concludes that this site is low risk and does not warrant further investigation (Stage 3). The proposed Project is therefore considered to be compliant with Objective IN O39: Flood Risk management and development.</p>
<p>Objective IN O40: To minimise the impact of structures and earthworks on flood plains and river flow.</p>	<p>EIAR Volume 3, Chapter 9: Water indicates that the proposed Project will not intrude on any existing watercourse and will not create a significant obstruction to flow within the floodplain network of XC187 Fantstown. There are no further potential impacts to the sites within</p>

Limerick County Development Plan 2010-2016	
Policy	Project Compliance
<p><i>"It is an objective of the Council in general not to permit development of the following types in or across flood plains or river channels unless it can be clearly demonstrated using flood impact assessments, that they would not create or exacerbate risk of flooding in sensitive locations such as:</i></p> <p><i>a) construction of embankments, wide bridge piers or similar structures.</i></p> <p><i>b) raising of ground levels where this would interfere with natural river flow or currents."</i></p>	<p>the Limerick County Council area. The proposed Project is therefore considered to be compliant with Objective IN O40: To minimise the impact of structures and earthworks on flood plains and river flow.</p>
<p>Objective IN O41: Sustainable Urban Drainage systems</p> <p><i>"It is the objective of the Council to reduce insofar as possible, the rate and quantity of surface water run-off from all new developments. Developments should where possible, incorporate sustainable urban drainage systems (SuDS)."</i></p>	<p>EIAR Volume 3, Chapter 9: Water includes key mitigation measures to control the rate and quality of surface water run-off from all new developments. The provision of SuDS will be implemented where construction compounds are required. The proposed Project is therefore considered to be compliant with Objective IN O41: Sustainable Urban Drainage systems.</p>
<p>Objective IN O42: Regional Waste Management Plan</p> <p><i>"It is the objective of the Council to implement the provisions of the Waste Management Hierarchy and the Regional Waste Management Plan 2006-2011, and any subsequent review of this Waste Management Plan as it applies to this Council area. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to those elements of it that relate to waste prevention and minimisation, waste recycling facilities, and the capacity for source-segregation."</i></p>	<p>The Regional Waste Management Plan and the Waste Management Hierarchy have been considered within EIAR Volume 3, Chapter 14: Resource Use and Waste Management. The proposed Project is therefore considered to be compliant with Objective IN O42: Regional Waste Management Plan.</p>
<p>Objective IN O46: Proposed waste disposal</p> <p><i>"It is the objective of the Council in assessing planning applications to have regard to the waste produced by proposed developments including the nature and amount produced and proposed method of disposal. Developments should ensure that production/disposal methods do not give rise to environmental pollution, result in undue loss of amenity or be detrimental to public health."</i></p>	<p>Any proposed production/disposal of waste has been addressed in EIAR Volume 3, Chapter 14: Resource Use and Waste Management. It is considered that following mitigation the residual impacts associated with the construction of the proposed Project will be not Significant. No significant effects are predicted during the operation of the proposed Project. Therefore, the proposed Project aims to control environmental pollution, loss of amenity and detrimental impacts to public health. The proposed Project is therefore considered to be compliant with Objective IN O46: Proposed waste disposal.</p>
<p>Objective IN O47: Construction and Demolition Waste</p> <p><i>"It is the objective of the Council to ensure that all significant construction/demolition projects include construction and demolition waste management plans. These plans should seek to focus on waste minimisation in general and optimise waste prevention, re-use and recycling opportunities and are required for developments of five or more housing units or commercial or industrial developments on sites in excess of 0.5 hectares."</i></p>	<p>The only waste that may occur due to the proposed Project within the Limerick County Council area would be attributed to the removal of the existing level crossing apparatus (barriers, gates, etc) to stop up and remove the level crossing function. There will be no significant waste as a result of the proposed Project in this area (see EIAR Volume 3, Chapter: 14: Resource Use and Waste Management). The proposed Project is therefore considered to be compliant with Objective IN O47: Construction and Demolition Waste.</p>
<p>Policy IMP P1: Development Contributions</p> <p><i>"Development contributions will be sought from developers of new development proposals toward the necessary costs and provision of infrastructure and facilities arising from the development and benefiting development in the County in line with the Development Contribution scheme."</i></p>	<p>The applicant Iarnród Éireann will ensure developer contributions are made should they be required. The proposed Project is therefore considered to be compliant with Policy IMP P1: Development Contributions.</p>

Appendix F – Zoning Objectives

Limerick County Development Plan

Figure F.1: Core Strategy Map 2.1



Cork County Development Plan (CCDP)

Figure F.2: Figure 2.7 - Core Strategy Diagrammatic Map for County Cork

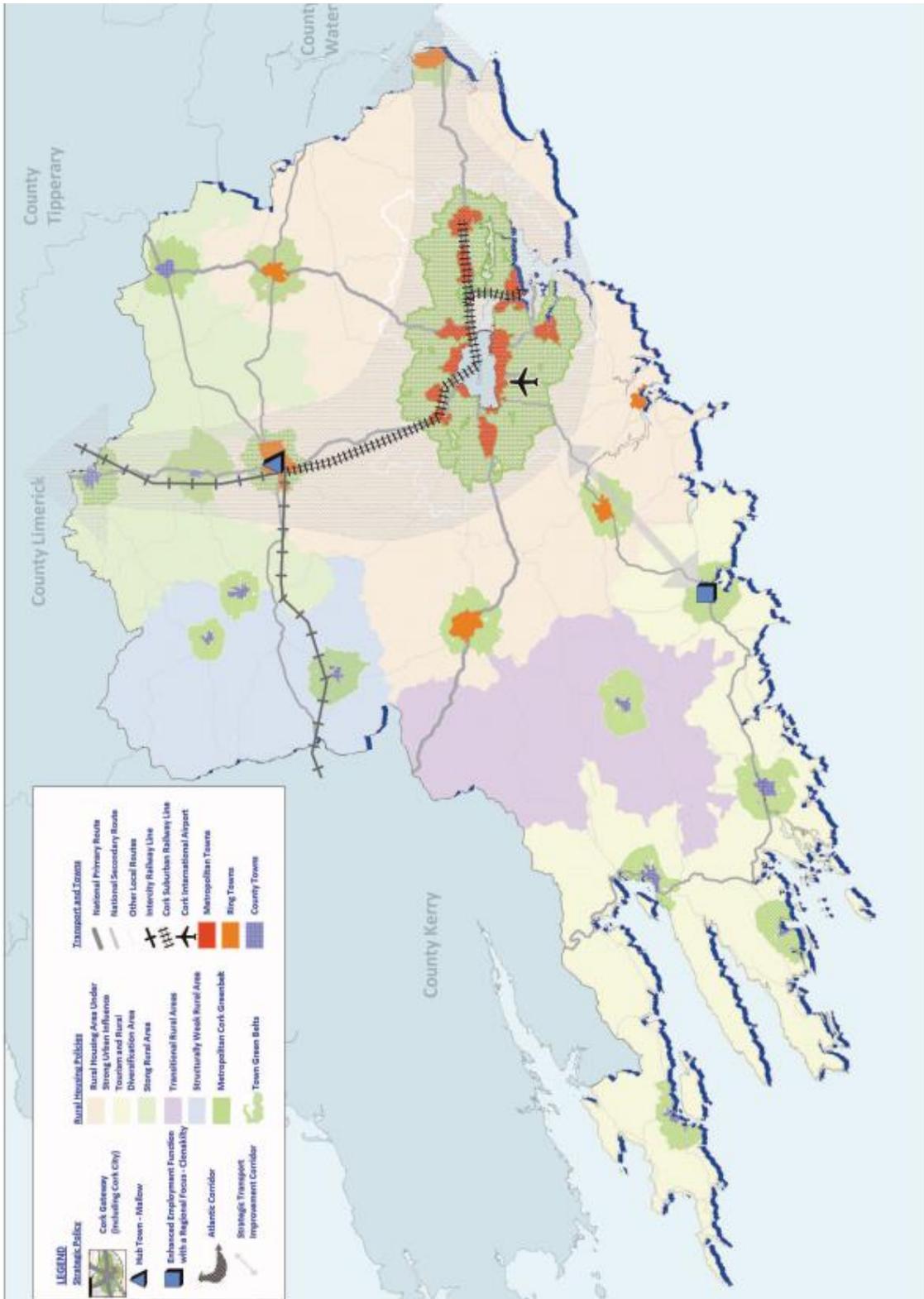
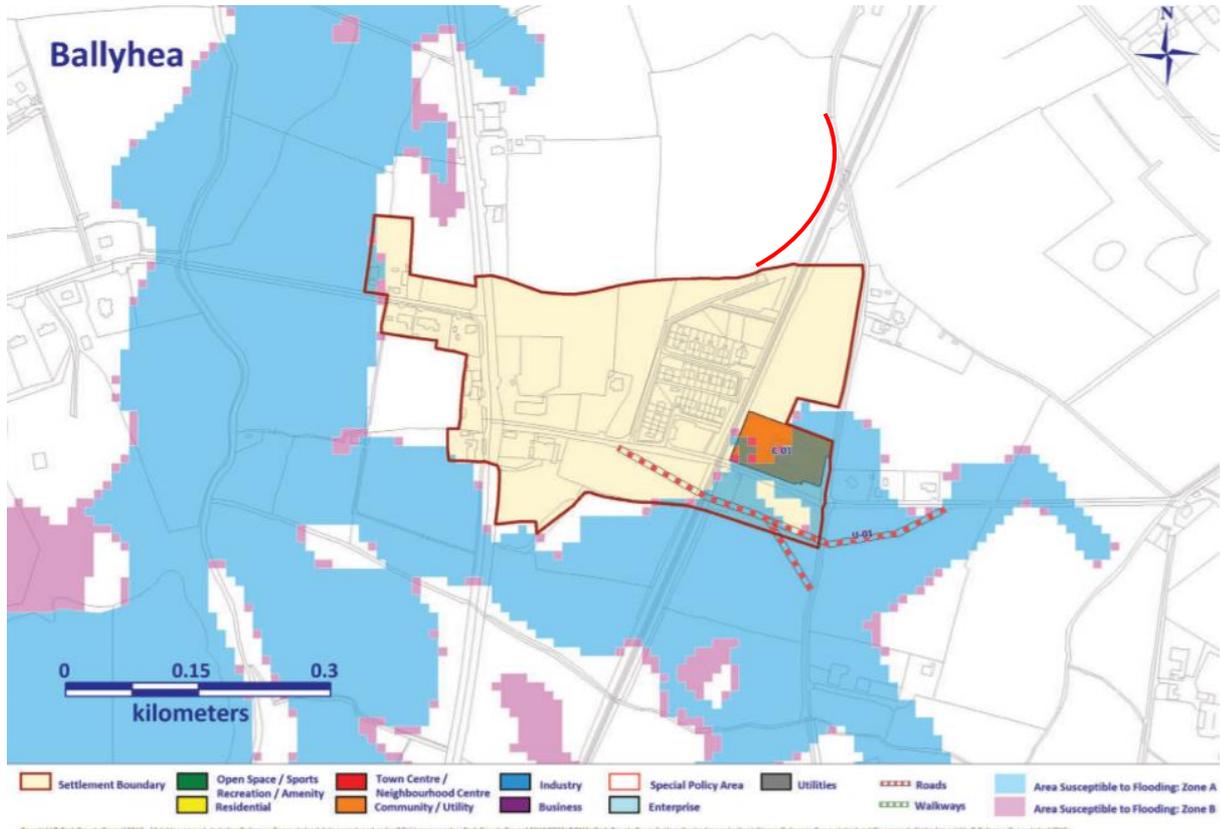
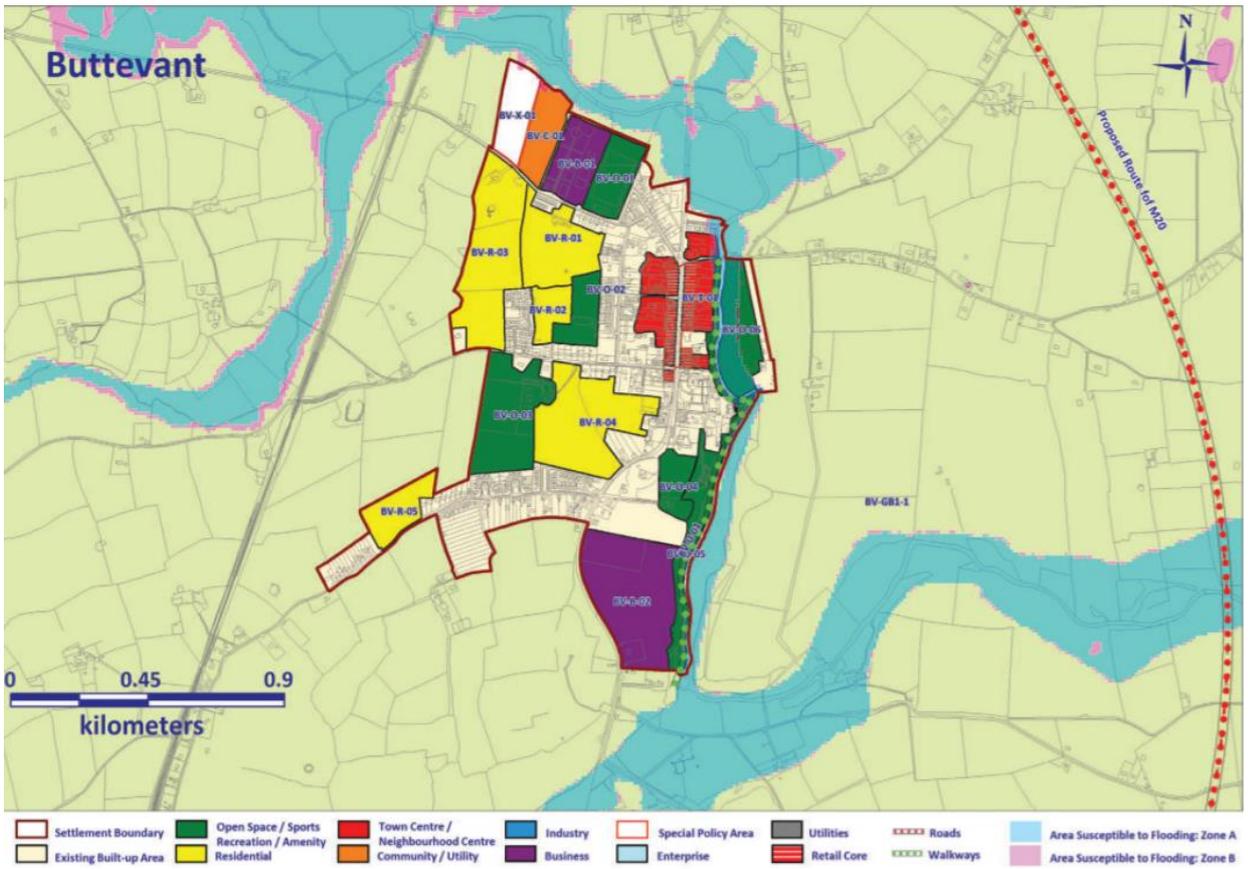


Figure F.3: XC212 Ballycoskery (Ballyhea Village) and XC211 Newtown



Zoning	Objective
Settlement	The area is zoned as a settlement within the LAP
Road	Reservation is made for possible construction of a new road realignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school
Community/Utility	Use for School Expansion

Figure F.4: XC219 Buttevant



N20/M20 Cork to Limerick (North and South)

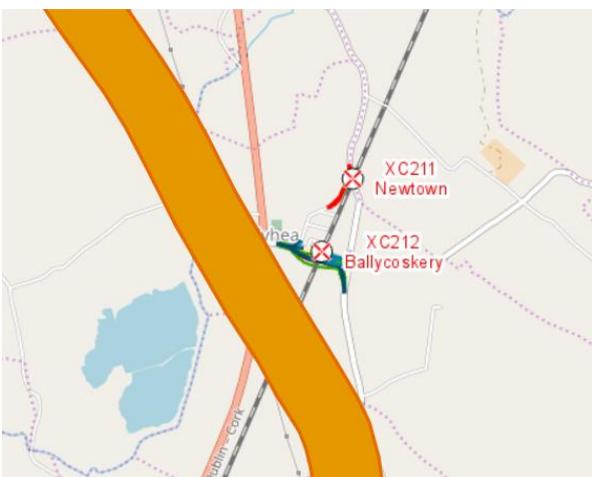
At the time of writing there does not appear to be a final alignment for the M20 Project, it is at Route Options Appraisal Stage and has closed its November 2020 consultation. The Cork County Development Plan includes a 'Preferred Route Corridor', as set out in Figure H.5 below.

Figure F.5: N20 Route Protection Corridor



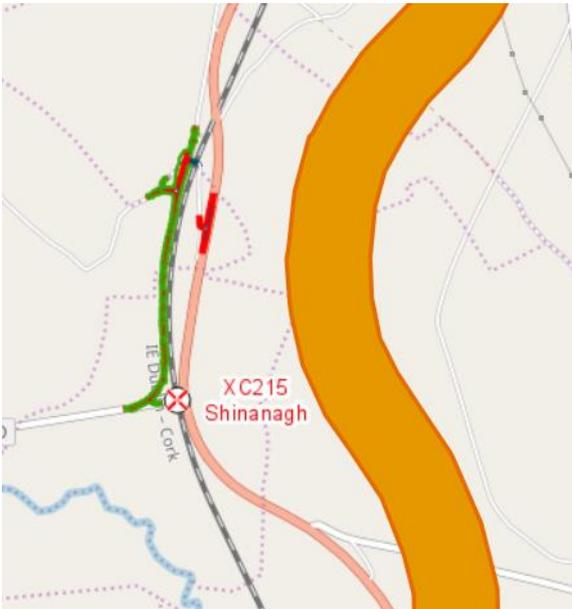
The Route Protection Corridor for the N20/M20, as detailed above, is in close proximity to the west of XC212 Ballycoskery and nearby to the east of XC215 Shinanagh.

Figure F.6: N20 Route Protection Corridor – West of XC212 Ballycoskery



As highlighted above, the proposed Project does not conflict with the N20 Route Protection Corridor and is further to its east. Also, it is considered that the final N20/M20 Road alignment is most likely to be situated to the west of Ballyheavilla Village and not on top of it.

Figure F.7: N20 Route Protection Corridor – East of XC215 Shinanagh



As highlighted above, the proposed Project is further to the west of the N20 Route Protection Corridor and does not conflict with its routing or ultimate development.

Appendix G - Planning History

The following section provides an overview of recent planning applications within the immediate vicinity of each of the level crossing sites within the proposed Project. The information was gathered using the Cork County Council and Limerick City and County Council online planning history search tools and whilst it does provide a good indication of the recent planning history in the immediate area of each site it cannot be guaranteed that every recent application has been captured as part of this process.

In addition to highlighting recent planning applications, this section also provides details in regard to key 'historic' applications that are worthy of note, including a Part 8 Application under Section 179 of the Planning and Development Act, 2000 and Part 8 of the Planning and Development Regulations, 2001 (as amended) for a proposed Project (subsequently withdrawn) on behalf of Cork County Council at XC212 Ballycoskery and XC211 Newtown. Also, details are provided further below in regard to a proposal (that was never enacted) to extinguish the public Right of Way under Section 73, Roads Act 1993 at XC187 Fantstown (see Appendix I).

Limerick

Figure G.1: XC187 - Fantstown

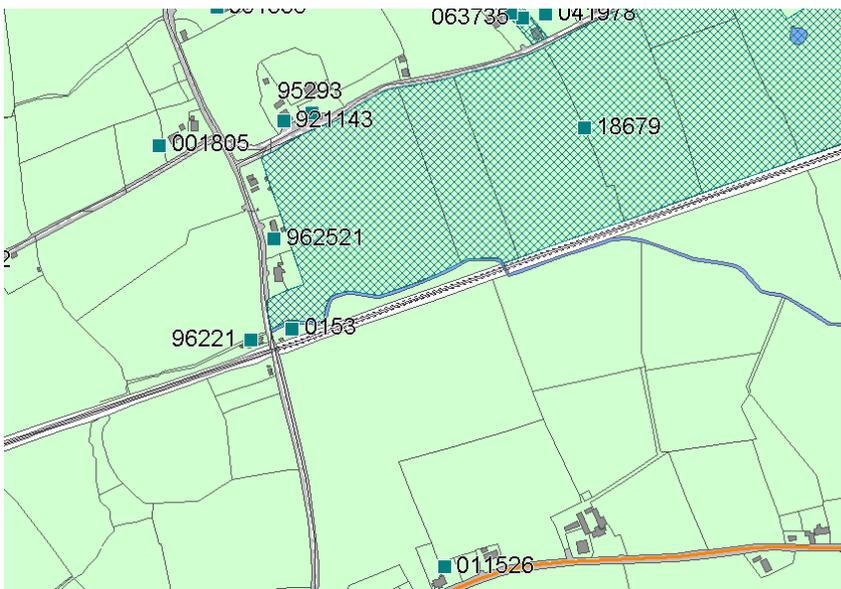


Table G.1: XC187 Fantstown

Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
18679	developing a solar farm	04/07/2018	28/08/2018	N	Granted

*Yellow Built * Orange Not Clear * White Not Built

The planning history search has uncovered a planning permission for a solar farm to be constructed in a currently agricultural field to the immediate north east of the existing level crossing.

Oral Hearing 10th November 2009 (Section 73, Roads Act 1993)

Appendix I includes an outline of the inspectors report for an Oral hearing of objections/submissions to the Limerick County Council's (LCC) proposal to extinguish the public Right of Way under Section 73, Roads Act 1993 over a 16 metre length of Local Road LS8514, at level crossing XC187 at Aghnaluggin Bridge, Fantstown, Killmallock, Co. Limerick.

Figure G.2: XC201 Thomastown

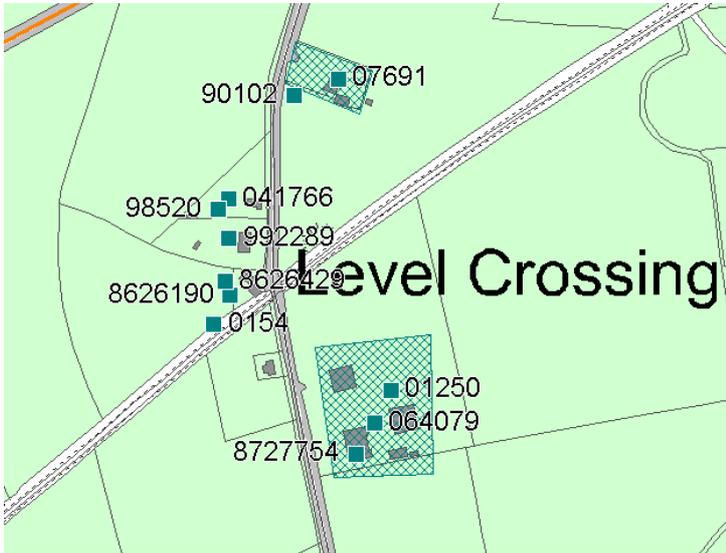


Table G.2: XC201 Thomastown

Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
0154	Erection of non-residential accommodation unit and connection to existing septic tank...	15/01/2001	02/03/2001	N	Grant

*Yellow Built * Orange Not Clear * White Not Built

The planning history search has not uncovered anything particularly recent or of note in the immediate vicinity of the existing level crossing.

Cork

Figure G.3: XC209 Ballyhay



Table G.3: XC209 Ballyhay

Site No.	Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
1	069963	Dormer Extension	22/08/2006	21/11/2006	N	Conditional Permission
2	0713231	Infill of land with soil and stone for agricultural purposes, widening of entrance and erection of security hut	19/12/2007	26/06/2008	N	Conditional Permission
3	078015	Renovations and extensions to dwelling, installation of treatment unit and relocation of site entrance	22/05/2007	14/08/2007	N	Conditional Permission

*Yellow Built * orange Not Clear * White Not Built

The applications in the immediate area of the existing level crossing comprise of minor domestic and agricultural alterations and a security hut, all pre-dating 2010. No planning history was uncovered at the existing level crossing.

Figure G.4: XC211 Newtown



Table G.4: XC211 Newtown

Site No.	Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
1	064659	Dwelling house and garage	09/02/2006	27/06/2006	N	Grant
2	057999	Bungalow	28/10/2005	27/01/2006	N	Permission Consequent
3	032836	Extension to dwelling and retention of domestic garage/store and revised position of entrance	11/06/2003	10/09/2003	N	Conditional
4	046814	Retention of domestic garage	08/09/2004	01/11/2004	N	Conditional
5	055283	Retention of domestic garage	22/07/2005	No Date	N	Not Stated
6	033026	Construction of bungalow	19/06/2003	19/09/2003	N	Conditional

*Yellow Built * Orange Not Clear * White Not Built

The planning history search highlighted a prevalence of 'one off' housing in the immediate area. No planning history was found either along the proposed Project or at the existing level crossing.

Figure G.5: XC212 Ballycoskery



Table G.5: XC212 Ballycoskery

Site no.	Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
1	186539	Construction of detached general purpose room incorporating storage, meeting room and toilets	9/26/2018	1/31/2019	N	Conditional Permission
1	116703	Construction of extension to existing school	12/23/2011	4/16/2012	N	Conditional Permission
2	0712773	3no. two-storey detached dwellings with detached domestic garages, individual proprietary treatment units, entrances from the public road & all associated site works	15/12/2008	24/04/2009		Conditional Permission

*Yellow Built * Orange Not Clear * White Not Built

The planning history search highlighted an application for 3no. dwellings in the area from 2009 which was not constructed. It also uncovered recent applications for improvements to the existing school

Part 8 Application

In March 2011, Cork County Council sought planning permission under Section 179 of the Planning and Development Act, 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended). The scheme included significant improvement works in the vicinity of the existing school, comprising access, turning and parking facilities for school buses and access for school drop offs and collections. A number of objections were made to the scheme following publication of the planning application. These primarily related to the proximity of the overbridge to the Beechwood Housing Estate and school. Further objections were raised by local residents during a public meeting in April 2011, again these related to the proximity of the overbridge to the Beechwood Housing Estate and the school. The planning application was withdrawn in May 2011. The local residents produced alternative proposals for the closure of the level crossing in late 2011, the proposals significantly extended the scheme and substantially increased the land take requirements.

Appendix H includes the proposed Part 8 application details.

Figure G.6: XC 215 Shinanagh



Table G.6: XC215 Shinanagh

Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
0611854	Extension to dwelling	31/10/2006	21/12/2006	N	Conditional Permission
045579	Extension to dwelling	21/07/2004	18/10/2004	N	Conditional Permission
095491	Alterations & single storey extension to existing dwelling including demolition of existing single-storey extension & site development works	11/05/2009	06/08/2009	N	Conditional Permission

*Yellow Built * Orange Not Clear * White Not Built

The planning history search did not uncover any planning history either on the existing level crossing or on the lands to be used for the proposed Project. The only applications in proximity to the site were minor alterations and extensions pre-dating 2010.

Table G.7: XC219 Buttevant



Table G.8: XC219 Buttevant

Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
124613	Construction of a one and a half storey extension	3/29/2012	6/25/2012	N	Granted

*Yellow Built * Orange Not Clear * White Not Built

The planning history search did not uncover any existing planning history associated with the existing level crossing or along the alignment of the proposed Project. The only application in proximity to the site was for a single storey extension and alterations.

Appendix H – Part 8 Applications – XC212 Ballycoskery & XC211 Newtown

Table H.1: Part 8 Applications – XC212 Ballycoskery & XC211 Newtown

XC212 Ballycoskery	
20th May 2010	Iarnród Éireann submitted 3No. scheme options for XC212 to Cork County Council. This included 2No. overbridge options and 1No. under bridge option. Correspondence refers to previous discussions in 2005 – 2007 where a more compact overbridge and under bridge were deemed to be unacceptable.
Unknown	Letter with no date or signature to the Minister Re Mrs. Frances O'Brien, Ballyhea, Charleville, Co. Cork The letter states, "Some time ago we were contacted by Ballyhea Community Council to improve access across the railway for the children attending Ballyhea School..."
26th May 2010	Meeting between Iarnród Éireann, Roughan & O'Donovan (ROD) and Cork County Council. Purpose of the meeting was to review the latest Irish rail proposals for Ballyhea Village (XC212 Ballycoskery). The decision was taken to not progress an under bridge solution. Cork County Council noted that they are fully supportive of Irish Rails efforts to close the level crossing at Ballyhea.
26th May 2010	Meeting between Iarnród Éireann, Roughan & O'Donovan (ROD) and Cork County Council. Purpose of the meeting was to review the latest Irish rail proposals for Ballyhea Village (XC212 Ballycoskery). The decision was taken to not progress an under bridge solution. Cork County Council noted that they are fully supportive of Irish Rail's efforts to close the level crossing at Ballyhea.
June 2010	Updated drawings for overbridge option prepared. This includes further details re car parking at the school, provides a pedestrian ramp to serve the housing estate to the west and includes a proposed access road to the south east. Additional information is also provided in regard to footpath details, stop signs, safety barriers, retaining walls, embankments, and areas to be removed, top soiled and seeded. 'Alternative Options' overbridge options prepared include new access road to link housing estate 'cul de sac' with Newtown further to the north. The overbridge is brought further to the south from the school and housing estate in one option. Another option brings the proposed alignment south and includes a roundabout at the entrance to the parochial house
17 th September 2010	Meeting between Iarnród Éireann, Roughan & O'Donovan (ROD) and Cork County Council. ROD presented their preferred solution and Cork County Council confirmed it will assist as appropriate in the progression of Part 8 planning approval.
12 th October 2010	Letter from Mr. Michael Cotter (Area Engineer) and Mr. Kieran Lehane (M20 Project Engineer). This sets out that "The general plan layout is quite acceptable and appears to make very good provision for both vehicular and pedestrian access to, and parking for Ballyhea National School". It goes on to make 14 comments on the design and issues for consideration.
23rd November 2010	Meeting between Irish Rail, Roughan & O'Donovan (ROD) and Cork County Council. This sets out that: <ol style="list-style-type: none"> 1. The local Gardai are generally supportive of the proposed Project and stressed the need to include the pedestrian railing (as already proposed) to discourage drop off on the main road; 2. The school management are generally supportive subject to the following: <ul style="list-style-type: none"> ▪ School concerns regarding visual intrusion will be addressed by construction of 1:2 side slope at the north western corner of the proposed rail overbridge. This side slope will be treated with maintenance free soft landscaping; ▪ Requirement for further assessment regarding precise parking location; and ▪ Examine possibility of linking this area with a pedestrian walkway.

XC212 Ballycoskery	
	<p>3. Irish Rail to present proposals to Kanturk Electoral Area Councillors Group on 3rd December 2010; and</p> <p>4. Final drawings to be submitted to Cork County Council by 26th November 2010.</p>
11th March 2011	<p>Irish Examiner, Notice under Section 179 of the Planning and Development Act, 2000 and Part 8 of the Planning and Development Regulations, 2001 as amended. This sets out that (inter alia) Cork County Council seek to close XC211 and XC212 and construct a new road bridge over the Dublin to Cork Railway Line.</p> <p>Submissions and observations in regard to the proposed Project were sought by 12th May 2011.</p>
26th April 2011	<p>Report by Assistant Planner Christopher Kenyon regarding proposed closure of two railway level crossings and construction of new road bridge over the Dublin-Cork railway line.</p> <p>Planners Assessment:</p> <p><i>"As noted earlier there are at times problems with traffic congestion along this road. In this regard I feel that eliminating the level crossing and providing a car park for the school will greatly improve traffic safety. I have some concerns regarding the visual appearance of the bridge and embankment especially on householders of the adjacent housing estate to the north. There does not appear to have been any effort made to lessen the visual impact through landscaping. A suitably qualified and experienced landscape architect should be required to produce a planting scheme that softens the overall impact of the reinforced concrete wall on the neighbouring residents to the north."</i></p> <p>Recommendation:</p> <p><i>"I have no issue with the proposal in terms of proper and sustainable development subject to a comprehensive landscaping scheme to lessen the overall visual impact."</i></p>
9th May 2011	<p>Development Applications Unit (Department of Tourism, Culture and Sport).</p> <p>This sets out the following:</p> <p><i>"The current Government Policy on Architecture promotes all public works to have a design and aesthetic appeal. It is recommended that the design of the proposed causeway and railway bridge works, which will form a significant structure within the Ballyhea locality, should be reviewed in terms of its aesthetic appeal."</i></p>
	<p>Development Applications Unit (Department of Tourism, Culture and Sport).</p> <p>This sets out the following:</p> <p><i>"The current Government Policy on Architecture promotes all public works to have a design and aesthetic appeal. It is recommended that the design of the proposed causeway and railway bridge works, which will form a significant structure within the Ballyhea locality, should be reviewed in terms of its aesthetic appeal."</i></p>
	<p>Objections received from Pauline Morrissey and Allie Morrissey</p> <p>This sets out that they have never had any cause to complain about the railway gates and any delay caused by it. The proposal is deemed to be an "eyesore" situated close to a school and has potential health and safety concerns. They do not want the proposed Project to 'tie into' the road outside their house as children play in the garden. Concerns regarding the proposed ramp being difficult to climb. Concerns in regard to house price devaluation. Concerns in regard to severance and closure of "The Ring". Concerns in regard to blocking light to the school.</p>
12th May 2011	<p>Objection received from Mr. Patrick Davern Junior and Mrs. Nodhlaig Davern.</p> <p>This cites numerous issues with the proposed Project including:</p> <p>XC211 Closure of XC211 adding an extra 2 miles each way to their work journey, creation of a cul-de-sac, devaluation of property, additional 2 miles to son's journey to school and impact upon education, denies direct access to parish amenities, provides opportunity for anti-social behaviour, severs links with nearby family and "walking ring" in the area and obstructs emergency services access.</p> <p>XC212 Health and safety concerns in regard to proximity of proposed bridge to local housing estates; negative visual impact; children through objects from the bridge raised health and safety concerns and</p>

XC212 Ballycoskery	
	<p>the removal of personnel who currently man the crossings will remove a deterrent to anti-social behaviour.</p> <p>Objection from Kay Whitehead (12 Beechwood Drive) to the proposed Project.</p>
31st May 2011	<p>Letter from Cork County Council to Irish Rail advising that <i>“following recent public meetings and submissions received regarding the proposal, I wish to advise you that further assessment of alternative options needs to be examined. Accordingly, Cork County Council has terminated the Part 8 planning process. When and if an alternative solution requiring planning is identified, a new planning process will commence.”</i></p>
18th November 2011	<p>Meeting held with Ballyhea Community Forum.</p> <p>Issues raised (inter alia):</p> <ul style="list-style-type: none"> ▪ Plans for XC211 – Can’t just close it. ▪ Will XC211 be pedestrianised? ▪ Have there been any accidents there? ▪ Those going to hurley field will be blocked off. ▪ Detour route for XC211- has three bad bends and a bad junction on it. ▪ Footpath taken to housing estate. ▪ Schools concerns- gates closed at 1100 and 1300 break for 20 mins - concern at getting ambulance to Mallow Hospital. ▪ XC211 – not included in changes. ▪ When ice/snow came- cars couldn’t get up to level crossing. ▪ Side gates locked – safe to open them to pedestrians 24hs/day. ▪ No one objecting to bridge - wants to move it further from them. ▪ Move away for gates. ▪ Proximity of bridge to house. ▪ Gradient. ▪ Will scheme affect light with the school. ▪ If bridge was moved, how would pedestrians access at level crossings be dealt with? ▪ No staff car park. ▪ Teachers are spending more time at school as kids have not been collected due to delays at level crossing. ▪ All classrooms face onto proposed location of bridge. ▪ Bridge needed but too close to school. ▪ Why were gates closed for 15mins at a time in last 5/6weeks. ▪ Will there be landscaping? (to hide the bridge).

XC212 Ballycoskery	
	<ul style="list-style-type: none">Who will look after it?

Appendix I - XC187 - Fantstown Oral Hearing

CIÉ advised Limerick County Council (LCC) that Iarnród Éireann sought to close XC187 for operational and safety reasons. It was put forward that alternative access could be achieved via two nearby overbridges and the Council could extinguish the Right of Way by engaging Section 73 of the Roads Act, 1993.

Ten submissions/objections were submitted to LCC including a petition from local residential with 47 signatures as well as a resolution from the Elected Members of the Kilmallock Area Committee.

Key issues raised by those objecting included:

- Road needed by locals and visitors for delivery of services;
- Important pedestrian route; closure would divide the community;
- Creation of two cul-de-sacs may result in increased dumping;
- Closure would encourage temporary dwellings; and
- Closure would hinder access by Emergency Services.

Key issues raised by CIÉ and LCC

- Closure necessary to improve public safety, and for operational efficiency of the railway;
- There is little traffic using the road, even agricultural, except at harvest time and the latter would pose a high risk crossing a railway;
- Pedestrians crossing present a serious hazard to rail traffic and to themselves
- Usage was too low to warrant provision of a pedestrian bridge;
- Dublin/Cork Line is the busiest in the State with trains running hourly in each direction and vehicular delays of up to 20 minutes at a time while trains are using the line.
- Current speed of the line is 100mph and intend to increase to 125mph.
- Analysis of impact on journey times following closure between Gibbonstown Cross to north and Foleys Cross to south (approx. 700m). Current journey time of 3.7minutes assuming 3 minutes delay at the crossing. Post closure alternative detour to the east would take 5.1minutes, detour to the west would take 6.5 minutes. If the delay at the crossing is more than 3 minutes the alternative route options are more attractive.

It is noted that the LCC Senior Executive Engineer for Planning confirmed the proposal did not require planning permission and did not object on planning grounds. Also, the Assistant Chief Fire Officer did not object on fire or other emergency grounds.

A cross examination then took place whereby the evidence presented by both those supporting and those objecting was questioned and scrutinised.

Recommendation:

The Inspector concluded that *"Having given detailed consideration to the points made and issues arising, both in the written objections and submissions, and at the Oral Hearing, and from my own inspections of the location, and given the current restrictions on and the very low level of usage of Fantstown Level Crossing, I believe the substantial public safety arguments in favour of the proposed Extinguishment outweigh those made against. Accordingly, I recommend that Limerick County Council proceed with the proposed Extinguishment of the Public*

Right of Way over part (16m) of Local Road LS 8514, at Level Crossing XC187, at Fantstown, Killmallock, Co. Limerick, in accordance with the provisions of Section 73 of the Roads Act, 1993.

As closure of the Level Crossing will have an adverse impact on persons, particularly young people accessing the sports and community complex at Martinstown, improvements need to be carried out, by Limerick County Council on the alternative route, via Ballinascula, in the interests of road safety. I further recommend that the cost of the necessary improvements be substantially borne by Iarnród Éireann."

Subsequent to the above determination the Section 73 motion was never put before the Council despite an offer of €250,000 to upgrade an alternative route.