

An  
Bord  
Pleanála

## Memorandum ABP-310286-21

---

**To:** Board  
**From:** Niall Haverty  
**Re:** Oral Hearing for Railway Order application  
**Date:** 6<sup>th</sup> October 2021

---

### **Introduction**

CIÉ ('the applicant') has made a Railway Order application under section 37 of the Transport (Railway Infrastructure) Act 2001, as amended, for railway works and all works necessary to eliminate and, where necessary, upgrade 7 No. level crossings and carry out all associated and ancillary works along a 24km section of the Dublin to Cork Railway Line. The level crossings in question are located in Fantstown and Thomastown in Co. Limerick and in Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, in County Cork.

### **Railway Order Application**

The applicant made a request to enter into pre-application consultation under section 47B of the Transport (Railway Infrastructure) Act 2001, as amended, on 13<sup>th</sup> August 2019 (Ref. ABP-305149-19). The Board directed the applicant to serve certain prescribed bodies with a copy of the Draft Railway Order and accompanying documents in a Direction dated 26<sup>th</sup> February 2021.

The applicant subsequently lodged a section 37 Railway Order application on the 20<sup>th</sup> of May 2021, which was accompanied by an EIAR, NIS, Draft Railway Order, related drawings and various technical appendices and associated documents including schedules and Book of Reference.

It is proposed to compulsorily acquire certain lands on a permanent or temporary basis in order to implement the proposed development. It is also proposed to extinguish certain public rights of way.

### **Submissions**

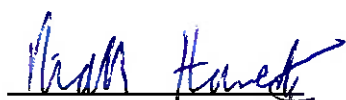
- **Cork County Council:**
  - Proposed project accords with the objectives of National, Regional and Local Planning and Transport policy and will facilitate improved travel times on the Dublin - Cork line and as such will encourage a shift to public transport.
  - Design of the proposed project is proportionate, having regard to its local context, level of use of existing crossings and rail services, and having regard to the resulting benefits 'to the common good' in terms of improvement to safety and efficiency of rail services.
  - No objection, subject to conditions.
- **Limerick County Council:**
  - Planning authority is supportive in principle, subject to conditions.
- **Prescribed Bodies:**
  - None.
- **Third Party Observations and Objections:**
  - 37 No. third party observations were made. 6 No. of these requested an oral hearing.
  - 11 No. objections to the proposed CPO were made (5 No. of which were made by the Trustees of the Diocese of Cloyne in respect of individual land folios).
  - A number of the observations included signed petitions.
  - The breakdown of observations/objections for each level crossing is as follows:

<b>Level Crossing Ref.</b>	<b>Location</b>	<b>No. of observations/ objections specific to crossing</b>
<b>XC187/XC201</b>	Fantstown and Thomastown, Limerick	<b>14</b>
<b>XC211/XC212</b>	Newtown and Ballycoskery, Cork	<b>31</b>
<b>XC219</b>	Buttevant, Cork	<b>2</b>
<b>General</b>	All locations	<b>1</b>
<b>XC209/XC215</b>	Ballyhay and Shinanagh, Cork	<b>0</b>

- Issues raised include, inter alia:
  - Impact on schools.
  - Alternatives such as underpasses or controlled crossings available rather than road-over-rail proposal.
  - Community severance/fragmentation.
  - Landscape and visual impacts.
  - Inadequate consultation.
  - Design issues (inadequate width of proposed roads and bridges), road safety issues, retaining wall design).
  - Environmental impacts.
  - Residential amenity issues (noise, dust, loss of privacy, overshadowing,
  - Impact on walking routes.
  - Built heritage impacts.
  - Provision of a car park adjacent to Ballyhea National School without agreement of school. Issues with design, child safety, query inclusion of car park within Railway Order Application.
  - Proposed development is outside the scope of a Railway Order Application.
  - Comparison with previous Part 8 proposal by Cork Co. Co. for similar development.
  - Access and drainage issues.
  - Impact on farming activities.
  - Antisocial behaviour and dumping on roads to be turned into cul-de-sacs.
  - Biodiversity and Appropriate Assessment issues.

### **Recommendation**

Having regard to: the nature and scale of the proposed development; the potential issues arising; the public interest in the case, particularly in respect of Ballyhea village (XC211 and XC212); and noting that a number of objections to the proposed CPO were made, I recommend that an oral hearing be held.



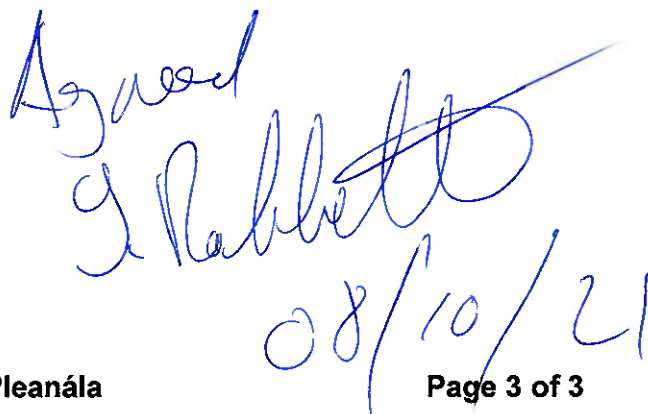
**Niall Haverty**

**Inspectorate**

**6<sup>th</sup> October 2021**

**ABP-310286-21**

**An Bord Pleanála**



Agreed  
G. Rabbitt  
08/10/21

**Page 3 of 3**