

Gabriel Clery ---- Report at Irish Rail - Railway Order - Oral Hearing.

Traffic Volume

The main reason that Irish Rail wish to close Fantstown XC187 Railway crossing is what they see as very low usage.

To prove this low usage, they have produced 3 sets of traffic recordings over the last 13 years. So, they compare the traffic recordings on a chart to those at the other 6 crossings where bridges and automated gates are being provided.

What is different with Fantstown?

1. The gates are constantly left closed except when a car approaches . This is not the norm at other gates.
2. The gates are inconsistently manned.
3. There is no phone at the hut.
4. There is no buzzer or bell on the southern side of the gates.
5. Up to 25 minutes is too long to wait for a crossing.
6. The pedestrian gates are locked for about 3 years.

We do not accept Irish Rail traffic volume figures. Irish Rail must look at the usage a bridge would be expected to have. I am referring to,

1. Houses in the immediate area
2. People walking, running, cycling, and driving the local roads
3. Farmers and other businesses in the immediate area
4. Churches, sport halls, schools, restaurants, pubs etc in the area.
5. The direct route from Bulgaden to Ballingaddy/Ardpatrick/Kilfinane
6. The community that will be split in two. This is barbaric.

Irish Rail have failed in their responsibility to give us any estimate of what usage a bridge would have. I am asking the inspector to look at the community that would use a bridge.

Does it make sense to stop us crossing by foot, car, or bicycle? Does it make sense to send every car and tractor on a longer route for ever more?

Since we lodged our observations, fuel has become more expensive and scarcer and from a climate change point of view the longer vehicle journeys are immoral.

Irish Rail have looked at distorted traffic volume figures, but they have not looked at Friendships, Families, Farmers, Joggers, School children, Horse riders.

The numbers of people are there to fully utilise a bridge that is open 24/7 ,365 days a year.

Perhaps Irish Rail should have counted the number of people who have turned around at the gate because:

- No staff were present on the day
- They couldn't wait 25 minutes
- They could not alert the operator from the Mountcoote side
- No one to open the gates after 8pm
- No pedestrian gates open
- When someone comes to the gates and find no operator on duty, it is very hard to blame them for not coming back the next day. However, they would use a bridge.

Unmanned gates.

Since early summer the gates have been unmanned much more than previously. When I asked an operator why the gates were unmanned for 2 full weeks, he explained that the priority was to man the other 6 crossings and if Irish Rail was short of staff due to Covid or otherwise, Fantstown was a very low priority for them.

This low priority explains why Fantstown was the only crossing not even considered for a bridge.

My Farm.

At the Limerick oral hearing in 2009, I fully explained why the crossing was so important to my farm. I explained that I have 55 acres of land rented from Pat Leahy on the southern side of the crossing, I have 24 acres rented from Kathleen Noonan on the northern side. This is joined to 13 acres that I own.

I am farming all of this for 30 years and now it will be divided for evermore. My home farm holding is $\frac{1}{4}$ of a kilometre from the land on the northern side I have explained the number of cows that I milk is 90 and that I would have to cut that number back to 60.

I have explained that my 18-year-old son Sean wants to go farming. In fact, last week he started studying Agricultural Science in Waterford.

I explained all this again at the Public Information meeting held by Irish Rail and Jacobs in Deebeert Hotel and in a follow up letter that I sent to them.

Irish Rail have not contacted me since 2009 to ascertain what effect this proposed closure would have on me, my farm, or my son.

They never looked for further information from me or examined the location of my lands.

At the Public Information Consultation in Deebeert House Hotel, I spoke to a representative of Irish Rail/Jacobs named David for 20 minutes. I explained the affect that the closure would have on my farm.

He replied to me: "I know exactly where you are coming from, I come from a farming background myself. If I were in your shoes, I would fight to the bitter end. Unfortunately, there is nothing I can do for you as Irish Rail have their mind fully made up".

In their response to my observation ,Irish Rail made three false and dismissive claims.

- 1) That the effects on my farm would be minimal.
- 2) That I did not farm within 1.5 kilometres of Fantstown crossing.
- 3) That I do walk animals on foot trough the crossing to access different land parcels.

It was pointed out to a County Councillor that I failed to produce absolute proof of damage to my business. I failed to produce professionals such as Agricultural consultants, solicitors, or accountants.

I entered the public consultation process in good faith.

I did not feel that I needed to prove beyond a shadow of a doubt the negative effects on my farm and livelihood. I expected a follow up visit from Irish Rail followed by a professional report if they deemed it needed that.

I know if I close 1/3 of Irish Rail tracks, they will suffer a significant reduction in traffic, it will cause huge disruption and affect their viability.

I know the effect of removing 1/3 of a school's classrooms or 1/3 of a hospital's beds. I know that would be serious and I expected Irish Rail to take me seriously. The onus was on them to follow up my claims.

There is a responsibility on Irish Rail to engage with the public and to follow up on any issues raised. The negative effect on my farm was a serious issue.

They have dismissed my claim that my farm is dissected by the crossing.

They have stated that I do not farm within 1.5 kilometres of the crossing.

I am attaching a map of my farm that was printed by Teagasc.

In reference to their third inaccurate statement, I walk cattle across the railway crossing about 8 to 10 times a year and have been doing so for 30 years.

Legal Points

From a legal point of view, I have two issues I wish to explain to the inspector,

Firstly, the legality of permanently locking the pedestrian gates.

Over three years ago, Irish Rail felt there was a safety issue with the pedestrian crossing. They had options open to them:

They could close the pedestrian gates temporarily while they applied to Limerick County Council for permission to close them permanently, or

they could have built an overhead pedestrian crossing or

they could have installed an automated crossing.

They chose to lock the pedestrian gates permanently.

It is my contention that there are 2 separate "rights of way" at Fantstown XC187

One is for vehicular traffic and is irregularly and inconsistently manned

The other is the pedestrian gates which have been unmanned for nearly 180 years.

They have been open to the public 24/7, 12 months of the year for nearly 180 years. This is a separate right of way, and it has not even been mentioned in the Railway Order application.

The **second** is the failure of Irish Rail to include the remedial works needed at Ballinascaula bridge in the Application for a Railway order.

Irish Rail have stated in their application that serious remedial work is needed at Ballinascaula Bridge if Fantstown XC187 is permanently closed. They have made clear that they will provide funds to Limerick Co. Council to carry out such repairs. They have given no indication of how much they will provide, what work needs to be done, what assessments or professional advice will be used to determine the level of upgrade at Ballinascaula Bridge.

The application is very clear that they are applying for a Railway Order **"for all works necessary for, to eliminate and where necessary upgrade 7 crossings and to carry out all ancillary works along a 24km section of the line"**.

They cannot claim they have a right to eliminate Fantstown and tell us that they will decide afterwards what they mean by upgrades necessary at Ballinascaula Bridge.

Lack of consultation

In 2009, Irish Rail applied to Limerick Co. Council to close XC187. They did this without consulting a single local person. We were only granted a voice when Limerick Co. Council called an oral hearing. We raised many issues back then and these are the very same issues that still exist today.

There was no follow up from Irish Rail.

Roughan & O'Donovan were commissioned by Irish Rail in 2011 to make a recommendation for XC187. They were clearly not instructed to engage with the local people, not one was consulted. Despite this, they decided to recommend an Overhead Bridge. Between 2011 and December 2019, not a single local person was consulted.

In 2018, Irish Rail staff met in Limerick Junction to discuss the options/appraisal for XC187. Again, no local was consulted.

To satisfy a legal requirement for An Bord Pleanála, a public information meeting was held in Deebert House Hotel in December 2019. David (from Irish Rail) made it clear to me that Irish Rail had their mind fully made up. The information on their application is clear, their mind was made up prior to the sham meeting in Limerick Junction and well prior to the Public Information Meeting. It is also clear that after the public meeting, changes were made at most other crossings to accommodate the views of the public.

At Fantstown XC187, no views were being entertained, no changes were being made and no further consultation with the local community was necessary for Irish Rail.

Irish Rail do not know Mary Leahy, Sean Cronin, Dave Passmore, Valerie Hanley, Rosemary and Tucker Riordan, Paddy Carroll, Margaret Clery and many more. You should know them; they all live within a half kilometre of Fantstown crossing and they are all supporting our desire to keep a pedestrian and vehicular crossing open to the community.

The crossing isn't just about the effect on Mountcoote Stud, my farm, Peter O'Mahoney's farm or Bulgaden school/

I refer to Tom O'Donnell's letter, "I cross on my bike a few times a year"

It is about Betty Houlihan being free to call to Mary and Pat Leahy.

It is about Leonie Passmore stopping for a chat with Rosemary Riordan or Paddy Carroll as they are out walking the scenic roads at Mountcoote.

It is about two 17-year-old boys working in Mountcoote, Luke Earls and Cathal O'Donoghue being able to cycle down to visit my son Sean during their 2-hour work break.

It is about Valerie Hanley being free to go for a walk after work without having to worry if she will make it back before 8 o'clock, when the attendant leaves the gates.

It is about Hugh Lillingston who at the age of 15 cycled 1412 kms for charity yet will not be able to cycle 2 kms to visit his friends Bill and Bernard Leahy because the route passes through XC187.

It is about Bill and Bernard Leahy who will not be able to ride their horses to Hugh's family gallops for riding out because the route passes through XC187.

On Sunday, September 18th, my son Sean, and I attempted to bring silage bales home from Pat Leahy's land across the Fantstown railway crossing. We approached with two tractors and trailers full of bales of silage, the load measured about 40 feet from the front of the tractor to the end of the trailer. There was no attendant present to open the gates at the crossing. I phoned Mallow station, there was no reply. I phoned Dublin station and they tried to contact Mallow station but failed. They promised to ring me back but never did. We had no option but to attempt to reverse the 2 loads back up the narrow lane and back out onto the main road. I again rang Dublin and again got no help and no call returned. We abandoned the job on Sunday and decided to draw the rest of the bales the next day, Monday. You won't believe this, no attendant at the gates! On Friday I again attempted to cross with a tractor and trailer. No operator on duty. On Saturday no operator. Health and Safety doesn't matter when it comes to forcing us to reverse back up the narrow road and onto the main road.

T.J Hanley

In late 2018, in a house near the crossing, a couple in their early 70's were at home when T.J Hanley got a heart attack. His wife, Mary called an ambulance and alerted their grown-up family most of whom lived within a few miles. One and a half hours waiting for the ambulance, Mary was getting distraught as she felt she was losing T.J. The sons and daughters were ringing Limerick Regional hospital to know why the ambulance was delayed as their father's condition was deteriorating. The hospital did not know. They then got a call to say that the ambulance was trapped at the opposite side of the railway crossing and was unable to turn and reverse back up to the main road. T.J's sons ran to the gates with flashlamps, jumped the gates and guided the ambulance inch by inch back up the narrow lane and onto the main road. Thankfully TJ survived.

TJ's son Brendan and his wife Valerie sent an email to Irish Rail explaining the incident and pointed out that we needed a properly manned crossing or an overbridge. We were denied our right of way. They were clear that locking the pedestrian gates was illegal and a violation of our rights. The reply came from Niall Lynch, Infrastructure Manager for Irish Rail at Limerick Junction. It was months later, and it was unsympathetic. He pointed out that it was a rostering problem and that there were alternative access routes available for the emergency services.

The pedestrian gates would remain locked for safety reasons.

Well, Irish Rail didn't care about the safety of T.J Hanley.

They didn't care about the safety of my son and I trying to reverse 2 large tractors and trailers back out on to the main road.

They didn't care about the safety at Ballinascaula bridge for the last 13 years.

They don't seem to care about the number of people jumping the gates because the pedestrian gates are locked.

Irish Rail obligation to safety does not end at the railway gate. It extends to the hazards that are causing by their actions.

Locking the Pedestrian Gates.

Irish Rail list 2 incidents at XC187. They have given very scant detail to explain these incidents.

I have explained both in my original observation. I wish now to expand on the more serious claim by Irish Rail. I am referring to the incident where they say, a man was standing on the tracks as a train approached. This is their only Justification for locking the pedestrian gates. I was asked by Denis Duggan

the operator present at the gates, to speak to the man in question, Local farmer Pat Leahy . I did, and he informed me that he lived his whole life in Fantstown and has been crossing the gates since he as young. On the day of this so-called incident, he walked down to the gates and went to cross as usual. He looked up the tracks and when he saw a train coming, he exited the pedestrian gate and waited for the train to pass. He said the train was no where near him when he left the tracks.

Shortly after this the pedestrian gates were locked. When Pat complained to me about this , I explained that it was because of his incident. His reply was why did Irish Rail not speak to him about what happened? Why did they not report this so- called serious incident to the Gardai or Limerick Co. Council? Why did they make no attempt to investigate this .

He made the point , that if a man stood on a motorway ,it would be reported to the Gardai, Limerick Co. Council and investigated? The motorway would not be permanently shut down and defiantly not without an investigation. Why is Gabriel Clery are the only one to speak to me about this?

Map of Gabriel Clery's farm produced by Teagasc.

Plots - **1,2,3,4,5,11,&12** are my home farm. (70 acres)

Plot - **13** is owned and farmed by me for over 30 years. (13acres)

Plots - **6.7.&8** Rented and farmed by me from Kathleen Noonan for over 30 years. (23Acres)

Plots – **9,10,&14** Rented and farmed by me from Pat Leahy for over 30 years. (55acres)

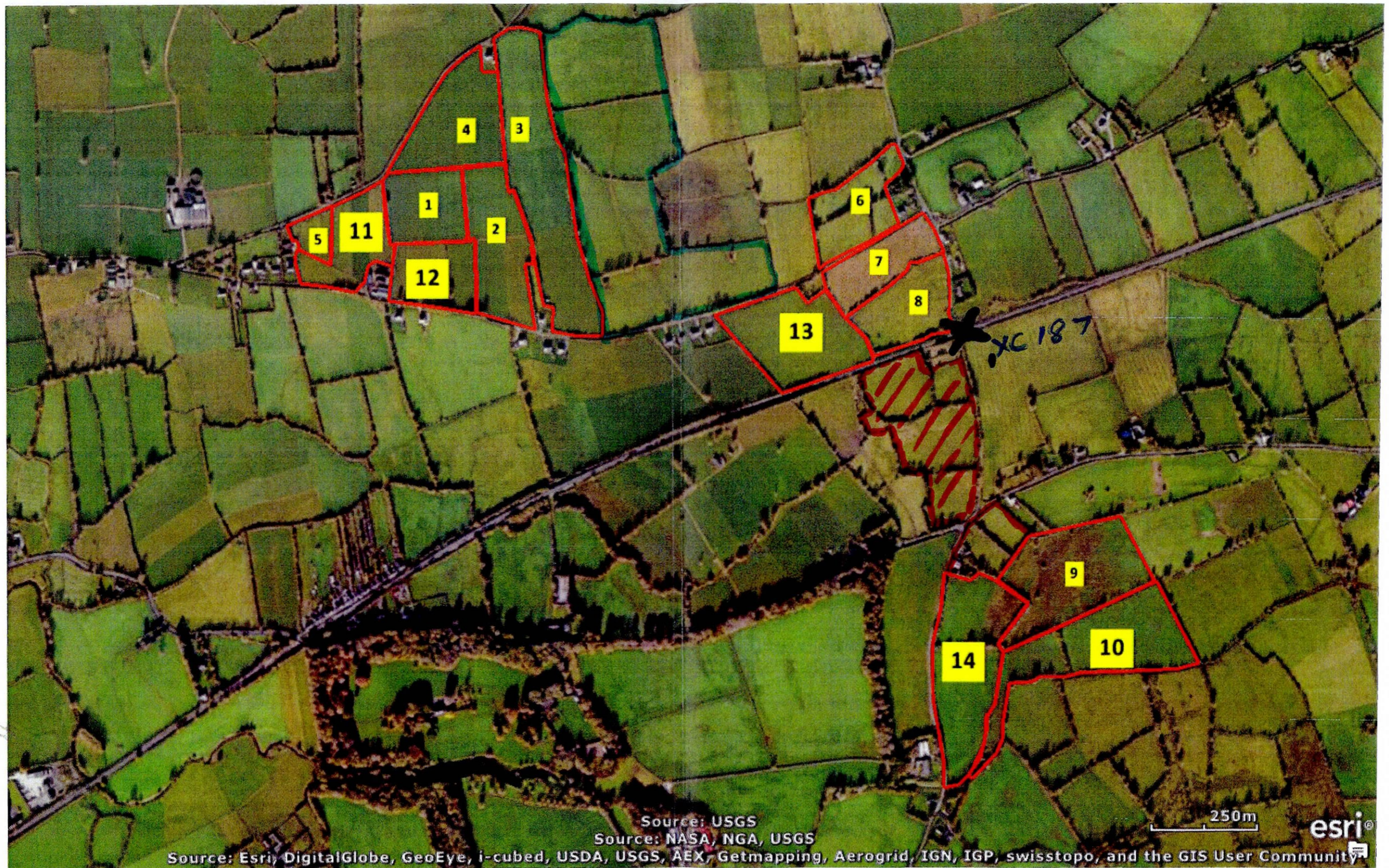
Plot beside XC187 in red stripes, is rented by me from Pat Leahy at times of the year but is not farmed by me on a permanent basis. (17 acres)

Plot highlighted in green beside my home farm is belonging to Eamon & Peter O Mahoney, whose main farm is across Fantstown crossing at Ballingaddy.

My home farm is 1050 metres (1Km) from the crossing and 250 metres from plot 13.

Irish Rail falsely claim that I do not farm within 1.5klms of the crossing.

Gabriel Clery



4 Questions for Irish Rail.

- 1) Last year Irish Rail erected a 100-foot mast at Fantstown crossing. This mast towers over the houses in the immediate area.

When Irish were contacted their reply was that it was planning exempt. A request was made to Irish Rail for confirmation in writing that no mast equipment other than for Irish Rails necessary use would be erected as this would not be covered by the planning exemption.

That reply never came.

In the dark of night, about 2-3 am all the tower blocks and necessary equipment were delivered. The locals were never pre-warned about this.

4 Nights later a crew arrived at about 1 am and worked through the night with lights blazing, to erect this tower. The locals were never pre-warned about this.

The pedestrian gates were locked permanently, and no locals were pre-warned about this.

The rostering schedule was reduced from 7.30am to 11.30pm to a much shorter 8am to 8pm. No locals were pre-warned about this.

During the week I found out to my cost that, that Sunday morning Staff roster was further reduced from 8 am to 11 am. No locals were pre-warned about this.

My question for you is "Would it not be common decency to alert the public of upcoming changes"?

- 2) Do you have a record or an estimate of the number of people who have jumped the railway gates since the pedestrian gates were locked?
- 3) The pedestrian gates were locked, we claim illegally in violation of our right of way. Why are the other railway pedestrian gates unlocked? What stops pedestrians from accessing the tracks in the many places that ye have installed automatic crossings?
- 4) Fantstown was left unmanned for 2 weeks in early summer this year. Last week on Sunday, Monday, Friday, and Saturday, they were also unmanned. This has been a regular occurrence in violation of our right of way. Can you tell me how many days the gates have been left unmanned since 1st of April this year?

AN BORD PLEANÁLA

16:38

27 SEP 2022

18

LTR DATED _____ FROM _____
LDG- MSRLL CLERY
ABP- _____