

**BALLYHEA NATIONAL SCHOOL  
THE BOARD OF MANAGEMENT**

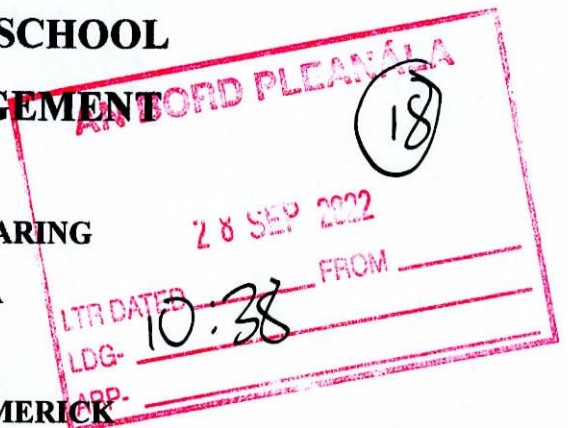
**SUBMISSION TO ORAL HEARING**

**AN BORD PLEANALA**

**held at**

**NEW CASTLE WEST, CO LIMERICK**

**27 SEPTEMBER 2022**



**Ref. Case no. NA04.310286**

**Application by CIE for a Railroad Order in respect of Development on the Cork Dublin line between Limerick Junction and Mallow comprising the suppression or upgrading of a number of Level Crossings.**

**This submission relates to Level Crossing No. XC 212 located in the townland of Ballycosgry, Charleville, Co. Cork, which intersects the village of Ballyhea.**

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**My name is Marie O'Halon-McInerney. I am a retired teacher and Vice Principal of forty two years service. I am currently a member of the Board of Management of Ballyhea National School and its treasurer.**

**INTRODUCTION**

**The Board of Management (BOM) welcomes this opportunity to address An Bord Pleanala (ABP) and believes this Oral Hearing can make an important contribution to the openness and transparency with which the present application has been considered.**

**The BOM re-iterates the points already made to ABP in its submissions of 9 June 2021 and of 17 May 2022.**

**The BOM re-iterates that it has not had any effective part in the elaboration of the current proposal, never having been approached by CIE or Cork County Council in the matter.**

**As far as the BOM is concerned, the development was drawn up in a classic application of somewhat quaint German Enlightenment principles that reduced the BOM to the status**



**'... of reluctant witnesses of [proposed] changes designed by officials and intellectuals in their [alleged] interest.'**

**This approach defines the function and operation of the school merely in terms of the delivery and collection of children at school hours. No account has been taken of the wider community and social activities of the school nor of its constant inter-activity and inter-connectivity with other elements of the village for which ease of access is essential.**

#### **Continued Viability of the School**

**As with many rural schools, Ballyhea National School is subject to social pressures impacting negatively on the number of children enrolling in the school. Over the past 3 years, numbers in Ballyhea have declined by 11.5% with a concomitant loss of 2 teachers.**

**Several reasons lie behind these statistics, not least of which the high proportion of applications refused by Cork County Council to build new homes within the catchment area of the school.**

**The long term survival of school requires every effort to ensure ease of access to the school, especially for parents who use the N20 corridor for work and/or for bringing their children to school.**

**The BOM has already indicated the likely effects on access caused by the building of the M20 motorway which will not have an access road to Ballyhea.**

**The motorway will have access roads for Charleville and Kilmallock; and for Buttevant and Mallow. These will favour schools at Charleville, Buttevant and Twopothouse.**

**The Bord of Management takes the considered view that the proposed development at XC 212 would again further reduce ease of access to the school with consequent commensurate enrollment and teacher loss. It may also infringe on the rights of parents to send their children to the school of their choice.**

#### **Safety Concerns**

**We refer ABP to our submission of 17 May 2022 on the subject of safety at Ballycoskery XC212 rail crossing and to the enclosed *Railway Safety Performance in Ireland 2020* report of the Commission for Railway Regulation in Ireland.**

**The BOM re-iterates that the safety level at Ballycoskery over the last ten years is consistent with high national safety levels with no fatal or near fatal injury occurring at level crossing XC 212. The safety levels for Ballycoskery cannot support the claim that the only solution to XC 212 at Ballycoskery is a road over bridge solution. Neither can they exclude the upgrade of level crossing XC212 to automated gates. Conversely, present safety statistics cannot demonstrate that an overbridge solution at Ballycoskery would be any safer than an automated gates solution if Ballycoskery level crossing is to be upgraded.**

**The BOM notes the proposal to install an unattended car park in close vicinity to Ballyhea National School. As far as the BOM is aware, this proposal has been advanced in the absence of**



any risk assessment evaluation for the safety of children attending the school. Neither has a child protection policy been provided for the proposed development. The BOM is also unaware of any proposed provisions to ensure the application of what are now standard child protection procedures on such a facility. As the proposed development is outside of the remit of the BOM, the BOM can confirm that neither it, nor the school, would be in a position to assure child protection personnel, standards and procedures for the proposed development.

### **New County Development Plan**

In its submission of 17 May June 2022 the BOM referred to ABP that “ During the final stages of the development of the Cork County Development Plan, a late amendment, 3.2.19.2, was proposed by the Planning Policy Unit of Cork County Council (PPU) specifically proposing a road over bridge solution at Ballycoskery (Ballyhea Village) level crossing (XC212) to the exclusion of all other possible solutions”. The purpose of the amendment was to align the County Development Plan with CIE’s application to ABP.

Following on a number of public meetings with elected members of the County Council, it was agreed that the proposed amendment was unacceptable in terms of planning policy and failed to take into account local concerns. The two main blocs of the elected members of the County Council intimated to the PPU that they would not support the proposed amendment.

The BOM can now confirm that the proposed amendment to the draft County Development Pan (2022-2028) for Ballycoskery was withdrawn by the Planning Policy Unit and does not appear in the County Development Plan as adopted by the Planning Authority and effective from 6 June 2022. There is consequently no provision in the County Development Plan for a road over bridge development at Ballycosgry level crossing.

The BOM notes that this was the second occasion for the members Planning Authority to decline supporting proposals for an overbridge at Ballycoskery, having rejected a similar previous proposal in March 2011 to which reference has already been made.

It therefore appears that this rail application insofar as it relates to this section of the railway line is at best premature and at worst would be in material contravention of the County Development Plan if granted, and accordingly should be refused.

### **Conclusion**

Taking into account the foregoing, and BOM’s previous submissions of 9 June 2021 and of 17 May 2022, as well as other submissions made to ABP on this proposed development at railway crossing XC 212, we call upon ABP to refuse permission for application no. Application no. NA04.310286 in respect of its proposed development for Ballycoskery (Ballyhea Village).

Thank you.