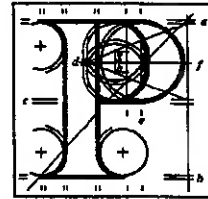


Our Case Number: ABP-310286-21



An
Bord
Pleanála

Board of Management
Ballyhea National School
Ballyhea
Co. Cork

Date: 02 July 2021

Re: Railway works and all works necessary to eliminate and, where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24-kilometre section of the Dublin to Cork Railway Line.
Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to your recent submission in relation to the above mentioned proposed railway order.

Your request for an oral hearing has been noted. The Board has absolute discretion to hold an oral hearing and its decision in relation to your request will be notified to you as soon as possible.

It has come to the Board's attention that an error was contained in the original receipt sent to you. This is regrettable and the Board would like to apologise for any inconvenience caused.

Please see enclosed a receipt for the fees lodged which notes that a request for an oral hearing has been received.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Kieran Somers
Executive Officer
Direct Line: 01-8737250

RA05

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maolbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Jennifer Sherry

From: Jennifer Sherry
Sent: Friday 2 July 2021 15:48
To: [REDACTED]
Subject: FW: For the attention of Mr. David Walsh, Secretary, An Bord Pleanála, Case N. NA04.310286
Attachments: 310286-21 .pdf

Dear James,

Further to your email below please see attached letter from the Board. A hard copy of this letter has been posted.

Apologies for any inconvenience caused.

Kind regards,
Jennifer

From: [REDACTED]
Sent: Thursday 1 July 2021 12:09
To: Bord <bord@pleanala.ie>
Subject: For the attention of Mr. David Walsh, Secretary, An Bord Pleanála, Case N. NA04.310286
Importance: High

Dear Mr. Walsh,

I refer to correspondence below in the matter of an incorrect receipt issued to me in respect of a submission made to ABP in the case number mentioned.

It now transpires that similar such receipts have been issued in respect of other submission made to the Bord, I should be glad were you kindly able to arrange to have an amended receipt sent to me.

As Mr Somers will not be at work until 5 July 2021, I have been advised by automatic reply service to contact other persons in ABP.

With many thanks.

I remain,

Yours sincerely,

James O'Brien

----- Messaggio originale -----

Da: [REDACTED]
A: Kieran Somers <K.Somers@pleanala.ie>
Data: 01/07/2021 12:11
Oggetto: Re: FW: Attention of Kevin Somers Case N. NA04.310286

Dear Mr. Somers,

Further to earlier correspondence in this matter, I was happy to accept that a genuine mistake had been made in the issuance of an acknowledgement of a submission made to you in:

NA04.310286

with which a request was made for an oral hearing.

Unfortunately, it was brought to my attention this morning that another erroneous acknowledgement was sent to a person who had made a submission and who had also requested an oral hearing.

In view of this, over the week-end I shall publish a notice in the parish newsletter mentioning these examples and asking if others who might have made similar submissions have not also received 'erroneous' acknowledgements.

I should also be obliged were you kindly to issue me with an emended acknowledgement.

With many thanks.

Yours sincerely,

James O'Brien

Il 21/06/2021 10:10 Kieran Somers <k.somers@pleanala.ie> ha scritto:

Good morning James.

Your formal request for an oral hearing is noted and the reference in our letter was made in error. The Board has discretion to hold an oral hearing on this type of case and will consider your request for an oral hearing.

I trust this is of assistance to you and provides clarity.

Kind regards

Kieran Somers

From: Bord
Sent: Monday 21 June 2021 08:54
To: SIDS <sids@pleanala.ie>
Cc: Kieran Somers <K.Somers@pleanala.ie>
Subject: FW: Attention of Kevin Somers Case N. NA04.310286
Importance: High

From: [REDACTED]
Sent: Saturday 19 June 2021 13:32

To: Bord <bord@pleanala.ie>

Subject: Attention of Kevin Somers Case N. NA04.310286

Importance: High

Dear Sir/Madam,

On behalf of Board Management of Ballyhea National School, I submitted observation/objection concerning a railway order application made by CIE for works at Ballycoskery (Ballyhea Village), Charleville, Co. Cork.

The relevant case number with ABP is:

NA04.310286

I attach a scan of the acknowledgement I have received from ABP. As you will see, it says that no oral hearing was requested.

However, at the protocol of our submission we did request an Oral Hearing to be held in relation to this matter.

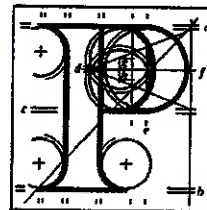
I enclose a scan of the letter of transmission indicating a request for for An Oral Hearing.

Should there have been any doubt in the matter the Board of Management of Ballyhea School did and does make request for an Oral Hearing in this case.

Could you please clarify.

James O'Brien

Our Case Number: ABP-310286-21



(F)

An
Bord
Pleanála

Board of Management
Ballyhea National School
Ballyhea
Co. Cork

Date: 16th June 2021

Re: Railway works and all works necessary to eliminate and, where necessary, upgrade seven numbered level crossings and carry out all associated and ancillary works along a 24-kilometre section of the Dublin to Cork Railway Line.
Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

Dear Sir/Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed railway order and will take it into consideration in its determination of the matter.

A receipt for the fee lodged is enclosed.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Cork County Council, Limerick City and County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

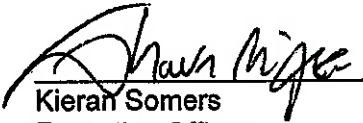
If you have any queries in the meantime, please contact the undersigned officer of the Board.

Tell	Tel	(01) 858 8100
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Facs	Fax	(01) 872 2684
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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

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

Yours faithfully,



Kieran Somers
Executive Officer
Direct Line: 01-873 7250

RA03

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**Board of Management,
Ballyhea National School**

**Ballyhea,
Co. Cork.**

9 June 2021

**An Bord Pleanála,
64 Marlborough Street,
Dublin 1**

AN BORD PLEANÁLA	
LDG-	<u>040769-21</u>
ABP-	
14 JUN 2021	
Fee: € <u>50</u>	Type: <u>cheque</u>
Time: _____	By: <u>post</u>

Case Reference: NA04.310286

In re: Dublin to Cork Railway Line (Elimination and Upgrade) of Level Crossings between Limerick Junction and Mallow Order 2021.

This submission only concerns matters pertaining to the proposed development at Level Crossing XC 212 at Ballycosgery (Ballyhea Village), Co. Cork.

A fee to Euros 50 is enclosed per cheque payable to An Bord Pleanála. Please acknowledge receipt of same.

The deponent requests an Oral Hearing to be held in relation to this development.

Dear Sir/Madam,

The Board of Management of Ballyhea National School (BOM), having taken sight on line of an application for a railway order (lodged with ABP by CIE) wishes to place before ABP the following considerations when reaching a determination *in merito*, taking account of the environmental, social, heritage and other aspects of the aforementioned application. This submission is two parts: General observations on the application, of which there are 11; and specific observations on certain aspects of the application of which there are 3.

On the basis of its submission, the BOM requests ABP to refuse permission for the proposed development. It further submits that a reconsideration of a rail-over-road solution at Ballycosgery might be made.

With best wishes, we remain,

Yours sincerely,


Chairman


Treasurer

Board of Management Ballyhea National School
Submission to An Bord Pleanála
Case no. NA04.310286
Ballycosgery (Ballyhea Village) Level Crossing 212

A. General Observations

1. Ballycosgery (Ballyhea Village) level crossing XC212 alone of the level crossings involved in the aforementioned application bisects a defined area of settlement, i.e. Ballyhea Village (cf. *Draft County Development Plan*, vol. iii, pp. 220-221). The Cork/Dublin line divides the village on a north/south axis. The religious, cultural, commercial, transport and residential hub of the village is located to the west of the railway line. To the east of the line, and within the defined village area, lies the local school, the community hall and a lesser amount of residential units. The cohesive social functioning of the village unit requires, and currently has, easy, direct and safe pedestrian and vehicular connectivity between both sections of the village (cf. Figure 1).
2. The BOM wishes to place on record that in the elaboration of the current proposed development, CIE has at no time approached the BOM of the school to ascertain its requirements particularly in relation to accessibility, connectivity, and with regard to issues arising from proposed ancillary developments in the immediate proximity of the school.
3. The BOM also wishes to reiterate that it has not sought or requested any elements of the proposed development from CIE and has not indicated to CIE that any elements of the proposed development, deemed by CIE to be beneficial to the school, would in likelihood be beneficial to the school, its functioning and to its interaction with the wider village and parish community. The BOM wishes to clarify for ABP that it alone is the body established by law (cf. Section 15, *Education Act 1998*) to determine, in its administration of the school for its Patron, what is beneficial for the school and not CIE.
4. The BOM also wishes to place on record that it shares local concern with the apparently disproportionate impact of the proposed ramps and overpass on the landscape which is deemed to be of very high value and sensitivity (cf. *Draft County Development Plan*, vol. vi, p. 125, ss. 3.9.7 and 3.9.9). It accepts that there is some merit to the criticism that the proposed ramps and overpass are better suited to a modern urban landscape rather than to a rural landscape – a view reinforced by the

use of materials such as undressed concrete, composite concrete blocks and stainless steel, coupled with the removal of a significant percentage of mature trees from the village shelter belt.

5. The BOM notes that Ballyhea Village is located between two Special Conservation Areas (SAC): Ballyhoura Mountain (SAC no. 2036) to the east of the village; and the Blackwater Valley Special Conservation Area (SAC no. 2170) to the west and south of the village (cf. *Draft County Development Plan*, vol. vi, pp. 1175 and 80, 107, especially 126 (3.9.9), and 1717). This fact is minimized by CIE in its submission.
6. The BOM wishes to signal to APB that the present proposed development with regard to level crossing 212 is substantially the same development as that elaborated by Roughan & O'Donovan (ROD), and deemed their preferred option in 2010 prior to proposal by CIE to Cork County Council (cf. *Planning Compliance Report*, p. 86 sub 26 May 2010; 17 September 2010; 23 November 2010). At that time, concerns were expressed by the school on that proposed development. Those concerns have not been addressed in CIE's re-proposal of the scheme to ABP (cf. *ibid.* pp. 88 and 89).
7. The BOM regrets that the proposed development was progressed during the public health restriction imposed by suppression of COVID 19. This has, in effect, rendered impossible any useful engagement with CIE regarding to the proposed development and permitted a significant deficit in equity to the advantage of CIE, a privileged body, at a time when persons affected by the proposed development could not leave their homes let alone take professional advice on the proposed development.
8. The BOM notes that Cork County Council's *Draft Development Plan*, vol.iii, *North Cork*, pp. 220-221, has no reservation for a road realignment at XC212.
9. The BOM also notes that a development, as outlined in public notices, almost identical in design and content to the present proposal for XC 212, was submitted by CIE to Cork County Council as a Part 8 Application in 2010. The application was refused permission on 31 May 2011 (c.f. *Planning Compliance Report*, Appendix H, pp. 86-89) and CIE was advised "... 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" (*Ibid.* p.88 underlining added). Regrettably, CIE has returned, for all practical purposes, with the 2010 proposal for XC 212 under a railway order application thereby circumventing Cork County Council and normal planning procedures.
10. The BOM regards an examination of the 2010 application to Cork County Council as material to the present application to ABP. In this current submission to ABP, the BOM has been unable to obtain copies of original documentation relating to CIE's 2010 application to Cork County Council. Neither has it been able to ascertain a case reference number for the 2010 application. Unfortunately, as of writing, an FOI application to Cork County Council for sight of the 2010

application remains unanswered due to Cork County Council's inability to locate the relevant file or even cite the assigned case number.

11. The BOM also records the absence from the present application to ABP of any material from the public consultation conducted in 2018 and subsequently. It notes that on this material not even a basic analysis has been provided. In line with article 5(2) of the EIA directive and stage 3 of the scoping process, the BOM would ask ABP to solicit this material from CIE as the inclusion of this "information [...] may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment".

B. Particular Observations

1. CONNECTIVITY

As already mentioned, the designated area of Ballyhea Village is bisected by the Cork Dublin railway line. Consequently, easy, direct, safe pedestrian and vehicular connectivity between the eastern and western part of the village are necessary for the social functioning of the village. This is also true of Ballyhea National School. In its report, CIE notes that a significant impact on Ballyhea National School will be an increased time to walk to school from the western portion of the village to the school. Clearly, this point of view reflects a study of connectivity in a west/east direction. No information can be found in the supporting documentation reflecting a study of connectivity from east/west, and particularly, the likely impact on the school's east/west connectivity.

At present, the school enjoys easy, direct and safe pedestrian access to the western part of village for its various activities. These include:

- Access to the parish church for pupils to attend Mass at various times during the school year, particularly in Advent and Lent;
- Access to the parish church for pupils for First Confession and the practices attendant on it;
- Access to the parish church for First Holy Communion and the practices attendant on the ceremony;
- Access to the parish church for Confirmation and the practices attendant on it;
- Access to the parish church for pupils to attend funerals;
- Access to the parish church for the annual celebration of the day dedicated to grandparents;
- Access to the parochial house and parish administrative offices;
- Access to the western part of the village for curricular activities such as nature studies and environmental studies;
- Access to the western part of the village for parents, pupils and teachers availing of the public transport system located on the N20 in the village.

Conversely, the school currently enjoys easy, direct and safe pedestrian access from west/east, going from the church/village to the school. This is availed of, among other things, on occasions such as:

- Refreshments provided in the school after Holy Communion,
- Reception held in the school after Confirmation;
- Meeting with grandparents in the school following annual Mass;
- Meetings of the Board of Management held in the school;
- Parent teacher Meetings;
- Sacramental preparation meetings with parents;
- Meetings of the parent's association;
- Polling purposes when the school acts as the local polling station;
- Extra curricular classes outside of school hours;
- When the school uses the community hall for events, concerts etc..

The development, as proposed, significantly reduces the current ease of direct and safe interconnectivity between western part of the village, including the church, parochial house, bus stop, public car park, and the eastern part of the village including the school and community hall. It significantly reduces ease of direct and safe pedestrian access between the eastern part of the village including the school and the community hall and the western part of the village. The development, as proposed, tends to render the school isolated from the western part of the village.

The BOM notes the effects of elimination of the present easy, direct and safe pedestrian and vehicular access to the school from the western part of the village, and specifically from the N20. This route is used by parents going to work to convey their children to the school from the more populated area to the west of the railway line. A foreseeable consequence of the proposed development at XC212 is to render it more convenient for parents going to work to drop their children off at schools with immediate access to the N20 in Buttevant and Charleville - with the resultant negative impact on Ballyhea school's catchment area. Any negative impact on the numbers of children attending the school will ultimately affect its long-term viability.

2. PROPOSED ROAD-OVER-RAIL-CROSSING

The proposed road-over-rail solution at Ballycosgery was selected by CIE as the preferred of three options: two road-over-rail solutions and one rail-over-road option. The documentation submitted to ABP affords an abbreviated history of the project and an account of the methodology used by CIE in its application of the *Department of Transport, Tourism and Sports' publication Guidelines on a Common Appraisal Framework for Transport Projects and Programmes*, particularly in *Cork Line Level Crossings Volume 2, ELAR Introductory Chapters*, section 2.3.3, p. 21. The BOM notes that the guidelines indicate the criteria for a qualitative assessment of a

project as: Economy• Safety• Environment• Accessibility and Social Inclusion• Integration• Other Government Policies• and Non-quantifiable economic impacts. (*Guidelines on a Common Appraisal Framework for Transport Projects* (2020 edition), pp. 41-49). The BOM notes that the MCA study conducted by CIE in an effort to identify a preferred option was an abbreviated study that omitted a number of the guidelines' criteria. No reasons were specified for those omissions. They were merely declared to be not relevant or not considered part of a Route Options Report (CLL, vol. 2, pp.21/22). Thus, the criteria for CIE's restricted MCA are: Economy, Engineering, and Environment (*ibid.*, p. 22, table 2.7). Other criteria, such as • Accessibility & Social Inclusion; • Integration; and, • Physical Activity were excluded from the analysis because "*As such, it was assumed that there is no relevant differentiation between the route options regarding... [those] criteria*" (*ibid.*, p. 22), [emphasis added]. This curtailment of criteria eliminated consideration of several factors which have effects on the differentiation of route options at Ballyhea. For example, Accessibility and Social Inclusion criteria cover groups such as "...those suffering from social deprivation, geographic isolation and mobility and sensory deprivation" (*Guidelines on a Common Appraisal Framework for Transport Projects* (2020 edition), p. 38). Other examples can be found. Clearly, such groups are relevant to an MCA study and do have a differentiating effect on route options – and on the three options proposed for Ballycosgery. The BOM maintains that the restricted MCA study conducted by CIE is inherently flawed particularly in its application to an area of defined settlement, i.e. Ballyhea village. A more comprehensive application of MCA criteria would have significantly affected the differentiation process without necessarily confirming the present road-over-rail solution and quite possibly by further enhancing the rail-over-road option, that already has several environmental strengths and for which a positive consensus exists among the affected landowners and those more immediately impacted by the proposed Ballycosgery development.

A similar road-over-rail development with accompanying car par for the school was proposed to Cork County Council by CIE in 2011. A summary of the events leading to its rejection by the Council is contained in the *Planning Compliance Report*,(p. 83 and appendix H, pp. 86/89). The issues raised concerning the proximity of the development to the school were never resolved. They remain unresolved.

In the 2011 proposed development, some emphasis was given to a perceived problem of traffic congestion at school opening and closing times. While a similar problem is true of many schools (e.g. Buttevant school situated on the N20), it should be noted that congestion issues arise only at opening and closing times and not at other times of the day. At Ballycosgery, the situation was alleviated by the acquisition of land to increase the area available for set-down and parking purposes.

The present proposal envisages a an extensive ramp rising to a clearance height on the railway of at least 15 meters – approximately twice the height of roof ridge of the school and of the dwelling houses in the vicinity of the XC 212 level crossing. Such a construct in the immediate vicinity of the school will affect light and create a boxed atmosphere in front of the school. It is to be expected that noise levels will increase and have potentially negative affects on the school rooms facing towards the south. The use of undressed concrete, composit blocks, stainless-steel etc. would add a significant blight to a rural landscape.

Concerns have been expressed to CIE with regard to the disproportionate scale of the proposed development at Ballycosgery, its physical proximity to school, its impact on the social connectivity of the school with the western part of the village, and its visual impact on the landscape in front of the school.

The BOM maintains that a less intrusive option for an eventual closure of the Ballycosgery gates would be a rail-over-road solution given its lesser intrusive profile, its maintenance of current connectivity, and its general acceptance by the village community.

3. PROPOSED CAR PARK

By way of context, the BOM notes that the population of Ballyhea village is 125 persons (cf. *Draft County Development Plan*, vol vi, p. 1909) and observes the existence of four car parks within the defined area of the village: the local shop provides two car parks (accessible to the public from 8am to 10pm) both of which are gated and subject to CCTV surveillance; a third public car park next to the church; and a fourth car park next to the community hall (gated and subject to CCTV) available to the public during events in the hall.

Proportionate to the needs of the village (the population of Ballyhea parish is 1,400 and that of the village is 125) a fifth car park within the defined area of the village seems excessive, particularly when seen in terms of the proportionate geospatial use of the area within the define area devoted to car-parking.

The BOM notes that it has not asked CIE to provide the carpark in front of the school mentioned in the present proposal.

The BOM notes the following in the lodged application at vol. 5, appendix 2B: *Route Options Report, Multi-criteria Analysis*, p. 17, in relation to Ballycosgery: “Existing road to the east of the level crossing would be replaced with a car park which would be developed in association with the local school”. This is a mendacious statement. No agreement exists between the BOM and CIE for such an associative development. Furthermore, the BOM is not in a position to accept expenditure on development of the proposed carpark, both in terms of initial capital expenditure and subsequent

maintenance costs. The BOM would be most anxious to avoid attracting any possibility of public liability as a result of an associative development with CIE of the proposed carpark.

The BOM re-iterates that it has not been approached by CIE to discuss or ascertain the needs of the school during the elaboration of the present carpark proposal. The BOM notes that the needs of the school mentioned in the current proposal are those unilaterally attributed to the school by CIE.

The BOM notes the concerns of those who question the validity and legitimacy of the inclusion of a car park in front of the school in a railway order application. If the BOM understands the matter correctly, for any item to be included in a railway order application then it must in some way relate to the railway itself or to works related to the railway and its operation. Indeed, the case of provision of carparking facilities is mentioned in the opinion provided to CIE by Conleth Bradley SC (ABP Consultation, document 19, at no. 23, p.7) with the example of carpark facilities being included in a railway order to provide for the buses and cars of those completing their journey by rail - an impossible eventuality in this instance since there is not, and never has been, a railway station at Ballycosgery. From the documentation deposited with ABP in the present application, the carpark facility is justified by reference to the school and not to the railway.

The BOM notes that CIE has made no provision or proposal for the safety, security, maintenance and supervision of the proposed carpark. In contrast with the measures adopted by the private carparks within the defined area of Ballyhea village, nothing has been proposed with regard to those initiatives that need to be taken in order to deter anti-social behaviour and criminal activities within the proposed CIE carpark which is located in a relatively secluded part of the village.

The BOM notes the concerns expressed by local residents with regard the antisocial and criminal potential of the proposed carpark in CIE's Part 8 application of 2010/2011 (vide Planning Compliance Report, appendix H, pp.88/89). These concerns continue to subsist and remain unaddressed in the present application to ABP.

The BOM notes with no little concern that CIE has advanced a project to construct a significant carpark space in the immediate vicinity of the school without any reference to child protection concerns, procedures, risk assessment or risk management.

FIGURE 1.

