Our Case Number: ABP-310286-21

An Bord Pleanála

Denis and Geraldine McNamara
Longford
Ballyhea
Charleville
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

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

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Copy.
Previous request for oral hearing submitted to you in June 2021, together with cheque for €50, did not have specific reference no for Ballycoskery (see below).
4/7/21.

Longford
Ballyhea
Charleville
Co. Cork

An Bord Pleanála
64 Marlborough Street
Dublin 1

23/06/2021

NA 04.310286

AN BORD PLEANÁLA
LDG-
ABP- 310286-21
06 JUL 2021
Fee: € Type:
Time: By:

Case reference number: ~~NC04.305149~~ (XC212) Ballycoskery Level Crossing in Ballyhea

We request an oral hearing.

We enclose a cheque for €50 as required. Please acknowledge same.

Dear Sir or Madam,

Having taken sight of the proposed plan for above on the Bord Pleanála website, we have several grounds for concern as follows.

1. We have reason to question the proportionality of the solution proposed for Ballycoskery. This proposal is excessive for the safety needs of the railway crossing at Ballycoskery. An application of a proper MCA would have favoured a more suitable solution such as an underpass or an electrified gate system.
2. The application for a Railway Order in the case of Ballycoskery is of dubious legality. CIE has already been directed by Cork County Council, by letter of 31/05/2011, to develop an alternative to the present proposal and to revert to the County Council for a further Section 8 application, if necessary.
3. The present service of CPOs again is of dubious legality and validity. Failure on the part of CIE to consider less intrusive alternatives, renders the arbitrary service of CPOs both invalid and unlawful.
4. The proposed carpark at the front of the school has no apparent connection with the railway, or the functioning of the railway, or railway works. Consequently, it falls without the scope of a Railway Order. Roadworks of this nature are the competence of the local authority ie Cork County Council and not CIE.
5. In its entire approach to this solution, CIE has consistently adopted an approach which gives preference to mitigation over avoidance. We deem this to be an invalid principle in terms of sustainable development.
6. The proposed translocation of the Hydrologous High Herb Appendix 1 Habitat (HHHH) is without foundation or precedence. While we are aware of individual plants being translocated, there is no professional literature on the translocation of an entire portion of this kind of habitat. We note that no authority is cited by CIE in its mitigation statement to support the notion of a 'Flying Bog'. The proposed receptor area for the translocated HHHH does not currently contain any signs of the constituent flora for a number 6430 habitat. It is our contention, that this absence indicates that the conditions necessary to support such a

habitat are not existent in the proposed receptor area. This, we contend, is a sure indicator that the receptor area is unsuitable for the translocation of HHHH which, if placed in the proposed receptor area, is likely to perish. We note that the mitigation report doesn't even contain the outline of a hydrology report. We note that the professional persons, if such were indeed employed, who conducted the mitigation report, are not named, their academic qualifications are not stated and the authorities on which they make the proposals, are not mentioned. Consequently then, the mitigation report is of little value.

In view of the above, and for other reasons, we respectfully ask the Board to refuse permission for the proposed development by CIE at Ballycoskery.

In the interests of transparency, we would urge the Board to grant an Oral Hearing.

Yours sincerely,

Denis McNamara

Geraldine McNamara

Our Case Number: ABP-310286-21

7

An Bord Pleanála

Denis and Geraldine McNamara
Longford
Ballyhea
Charleville
Co. Cork

Date: 30 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 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. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

pp Sarah Caulfield
Kieran Somers
Executive Officer
Direct Line: 01-8737250

RA05

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

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Longford

Ballyhea

Charleville

Co. Cork

23/06/2021

AN BORD PLEANÁLA
LDG- 041182-21
ABP- 310286-21
28 JUN 2021
Fee: € 50 Type: Cheque
Time: By: Post

An Bord Pleanála

64 Marlborough Street

Dublin 1

Case reference number: NC04.305149 (XC212) Ballycoskery Level Crossing in Ballyhea

We request an oral hearing.

We enclose a cheque for €50 as required. Please acknowledge same.

Dear Sir or Madam,

Having taken sight of the proposed plan for above on the Bord Pleanála website, we have several grounds for concern as follows.

1. We have reason to question the proportionality of the solution proposed for Ballycoskery. This proposal is excessive for the safety needs of the railway crossing at Ballycoskery. An application of a proper MCA would have favoured a more suitable solution such as an underpass or an electrified gate system.
2. The application for a Railway Order in the case of Ballycoskery is of dubious legality. CIE has already been directed by Cork County Council, by letter of 31/05/2011, to develop an alternative to the present proposal and to revert to the County Council for a further Section 8 application, if necessary.
3. The present service of CPOs again is of dubious legality and validity. Failure on the part of CIE to consider less intrusive alternatives, renders the arbitrary service of CPOs both invalid and unlawful.
4. The proposed carpark at the front of the school has no apparent connection with the railway, or the functioning of the railway, or railway works. Consequently, it falls without the scope of a Railway Order. Roadworks of this nature are the competence of the local authority ie Cork County Council and not CIE.
5. In its entire approach to this solution, CIE has consistently adopted an approach which gives preference to mitigation over avoidance. We deem this to be an invalid principle in terms of sustainable development.
6. The proposed translocation of the Hydrologous High Herb Appendix 1 Habitat (HHHH) is without foundation or precedence. While we are aware of individual plants being translocated, there is no professional literature on the translocation of an entire portion of this kind of habitat. We note that no authority is cited by CIE in its mitigation statement to support the notion of a 'Flying Bog'. The proposed receptor area for the translocated HHHH does not currently contain any signs of the constituent flora for a number 6430 habitat. It is our contention, that this absence indicates that the conditions necessary to support such a

habitat are not existent in the proposed receptor area. This, we contend, is a sure indicator that the receptor area is unsuitable for the translocation of HHHH which, if placed in the proposed receptor area, is likely to perish. We note that the mitigation report doesn't even contain the outline of a hydrology report. We note that the professional persons, if such were indeed employed, who conducted the mitigation report, are not named, their academic qualifications are not stated and the authorities on which they make the proposals, are not mentioned. Consequently then, the mitigation report is of little value.

In view of the above, and for other reasons, we respectfully ask the Board to refuse permission for the proposed development by CIE at Ballycoskery.

In the interests of transparency, we would urge the Board to grant an Oral Hearing.

Yours sincerely,

Denis McNamara

Geraldine McNamara