

Michael O'Kelly
5 Beechwood Drive
Ballyhea
Charleville
Co. Cork

Date: 21st 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,

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 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.

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

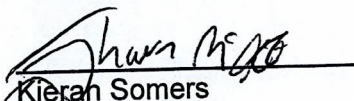
Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
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

RA05

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**5 Beechwood Drive,
Ballyhea,
Charleville,
Co. Cork.**

Case Reference no. NA04.310286

An Bord Pleanála
64 Marlborough Street,
Dublin1.

AN BORD PLEANÁLA	
LDG- <u>041550-21</u>	
ABP- _____	
08 JUL 2021	
Fee: € <u>50</u>	Type: <u>Banla Dócaft</u>
Time: _____	By: <u>post</u>

Dear Sir/Madam,

On Behalf of the Ballyhea Community Hall Committee I am forwarding the enclosed submission on the proposal to close Ballycoskery (Ballyhea Village) level crossing n. XC212 on the Dublin to Cork line.

The Submission consists of this cover letter, the submission itself, and a report on the proposal drawn up by Hegsons Design Consultancy Ltd.

I enclose a fee of 50 euros.

I would be obliged if you would please acknowledge receipt of this submission.

On behalf of the Committee, I am also requesting an Oral Hearing into this case.

Thanking you for your attention,

Yours sincerely,

Michael O Kelly 6th July 2021

MICHAEL O' Kelly

**Submission to Bord Pleanála from
Committee for Ballyhea Community Hall**

Ref. N. NA04.310286

The above Committee makes this submission to Bord Pleanála concerning a proposal to close level crossing XC 212 at Ballycoskery (Ballyhea Village), to replace it with a flyover of excessive proportions, built in the idiom of a dated brutalism, and to realign the road network leading to and coming from the flyover.

In view of the Committee's concerns, and those of the public, regarding this application, the Committee requests that an Oral Hearing be held on this proposal.

INTRODUCTION

Ballyhea Community Hall is situated near the eastern boundary of the designated settlement area of Ballyhea village. It is located on the eastern side of the Dublin/Cork railway line on land to the north of the national school.

The Community Hall is 20m in length, 15m in width, its roof line is 7.1m high. It has a gross floor area of 278 sq m. It consists of a large assembly space capable of accommodating 400 people, a smaller meeting room as well as kitchen and ancillary services. The hall has its own parking facilities. It is the most prominent structure within the designate settlement area of the village to the east of Ballycoskery level crossing. Yet, it is the least noticeable due to careful design, planning, and regard for the landscape and pre-existing built context.

The facility serves as a social focus for a fragmented rural and sometimes isolated community and is an essential element to a wider plan to integrate, sustain and assist the development of this community. As such, all social groups and associations as well as individuals within the parish of Ballyhea have priority use of the hall which is also available to external groups if not otherwise internally engaged.

Although social activities are currently suspended due to COVID restrictions, the hall is fully operational and in use as supplementary space for the school so

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as to allow the school to operate within the public health guidelines. A full range of social and cultural activities is set to resume as soon as public health guidelines will permit.

COMMUNITY HALL IN PCR¹ AND EIAR²

The PCR and EIAR makes three references to the Community Hall in their assessments of the planning context and impact of the proposed development on the section of the Ballyhea defined settlement area to the east of the Ballycoskery level crossing (XC 212).

1. The first reference, albeit oblique, to the Community Hall is to be found in the *Planning Compliance Report*, Table G.5: XC212 Ballycoskery, page 83. This is a planning history search which revealed 'recent applications for improvements to the existing school'. The planning application number (Reference Number 186539) is cited together with a registration date (26th. September 2018) and a date of conditional grant of permission (31st. January 2019). The development is described as 'construction of detached general purpose room incorporating storage room and toilets'.

Clearly, in this case the planning file with its accompanying plans, drawings and specifications was not examined. The developers, the Trustees of Ballyhea National School (Landowners), were not accurately identified. The conditions, subject to which the grant was made, are unspecified.³ A colour code (Yellow) indicates that the development is 'Built'.⁴

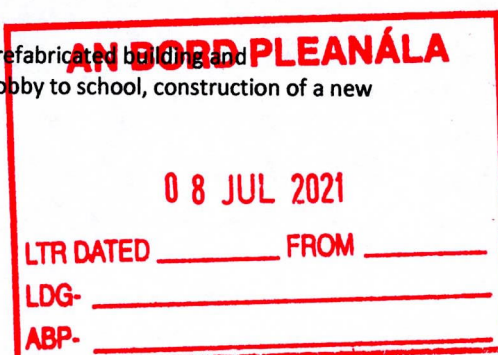
¹ Planning Compliance Report (PCR).

² Environmental Impact Assessment Report (EIAR).

³ The complete file is available at <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/186539/0>

⁴ The planning context for the site of the Community Hall has seven planning applications since 2003:

1. An application (Reference Number 031408), submitted on 23rd. March 2003 in respect of construction of pre-fabricated pre-school, waste water treatment system and pedestrian access, was finalized on 22nd. May 2003. The present applicant omits reference to this development. The file is available here: <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/031408/0>
2. A planning application (Planning Reference 0712773) for demolition of prefabricated rooms and the construction of new class rooms made 30th. November 2007 and invalidated on 30th. November 2007 is not mentioned in the application. The respective file is here: <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/0712773/0>
3. An application (Reference Number 0713380) for demolition of prefabricated building and construction of a two classroom extension, office and entrance lobby to school, construction of a new



2. The second reference to the Community Hall is to be found in EIAR, volume 3, chapter 6, page 38. The reference reads thus:

‘It is noted that there is a planning application for a new community centre on the school grounds to the north of the school; it is not yet constructed and there is not [sic] timeframe yet available for it. Notwithstanding, it is not expected that the proposed Project will have a significant effect on it during construction and may provide a benefit through improved ease of access to it during operation’.

A comprehensive search of their respective archives failed to produce any correspondence between the applicant and the Community Hall Building Committee and the Community Hall Committee. Neither Committee holds any request from the applicant for a timeframe for the building of the Community Hall.

It should also be noted that the applicant (CIE), as a statutory body, was notified of the planning application to construct a new Community Hall in Ballyhea. The respective planning file with Cork County Council

sand polishing filter and proprietary wastewater treatment unit, realignment of front boundary wall, provision of additional staff parking area, new set down area and all associated site works, was lodged on 21st.December 2007. Permission was granted on 6th.April 2008. No mention of this application is made in the PCR. The maps and drawings of the schools site supplied by the applicant show this development. The file is available here:

<http://planning.corkcoco.ie/ePlan/AppFileRefDetails/0713380/0>

4. An application (Reference Number 116703) consisting of Construction of extension to existing school comprising of 2 no. mainstream classrooms, alterations to existing elevations to accommodate new fire doors and alterations and relocation of boundary walls and fences and retention of existing car park and vehicular entrance was lodged with the respective planning authority on 23rd.December 2011, for which conditional permission was granted on 16th.April 2012. While this development was completed in 2012 and is fully operational it is colour coded ‘Orange’ and classified as ‘unclear’ in the PCR of the present application. The respective file is available here:
<http://planning.corkcoco.ie/PlanningDocumentDisplay/documents/18a-116703>
5. Planning application for Community Hall, lodged in 2018, and granted 31 January 2019, is not mentioned in the supporting documentation of the present application. The complete file is available at <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/186539/0>
6. Invalidated application for rebuilding of pre-school.
7. The PCR does not reference a current application (Reference Number 2104302) with Cork County Council for demolition of existing portacabin and construction of new childcare building in place of existing portacabin structures and all associated site works. The application was lodged on 10th.February 2021. CIE has been notified of the proposed development as a statutory body and has indicated that it does not have observations to make on the application. The respective file is available here: <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/214302/0>

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holds a reply from Andrew Wilson, Senior Track and Structure Engineer at Limerick Junction, of 18th.October 2018, indicating that the present applicant (CIE) had “no observations to make in regard to this planning application’ for a new Community Hall.⁵

Taken in the context of item 1 above, it is not particularly easy to reconcile two statements to the effect that the same building has both been constructed and has not been constructed at the same time. The coincidence of both statements indicates a research deficit combined with editorial deficiencies, both of which give rise to concerns regarding the material accuracy and the reliability of the PCA and EIAR.

3. A third mention of the Community Hall is to be found in EIAR, Table 6.10, *Summary of Findings XC211 & XC 212 Newtown & Ballycoskery*, volume 3, chapter 6, page 41. Under a heading ‘Land Use: Community and Development Land’, it is stated that construction of the proposed project would have ‘no significant effects’, with an assessment to the effect that it would give ‘Increased access to school and community centre but not [sic] significant effects.

The pedestrian and vehicular entrances to the Community Hall have been omitted in the documentation supporting this application. It is not explained how access to the Community Hall can be increased in the absence of any reference to the specific accesses to the hall.

It should be noted that several of the plans, drawings and for the site of the Community Hall contained in PCA and in the EIAR date from a period post 2007 (when the first extension was built on the south side of the school [Reference Number 0713380]), since this development is shown on them, but prior to the building of the second extension to the south of the school of 2012 [Reference Number 116703] which does not appear on them . None of the plans or drawings exhibited shows the Community Hall [Reference Number 186539].⁶

In this analysis, no effort has been made to compile a planning history/context for sights adjoining or close to the Community Hall as it was outside the frame of reference of this analysis. Such a study, however, may also prove helpful.

⁵ The file is accessible at: <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/186539/0>

⁶ Among others see, for example, PCA, Figure G.5: XC212, p. 83; EIAR, vol. 2, chapter 3: Project Description, Inset figure 3.II: XC212, p. 17; EIAR, vol. 4, Figures, 6B(ii) Ballycoskery existing (sic) layout plan; *ibid.*, 6C(ii) Ballycoskery proposed layout; *ibid.*, 6N(i) Ballycoskery Land Boundaries; and *ibid.*, 6O: Sightline plan.

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By way of summary, from the foregoing, it can be inferred that both the PAC and the EIAR conducted no specific survey of the planning context of the Community Hall and the EIAR made no examination or analysis of the impact of the proposed development on the Community Hall nor of its impact on the functioning of the Community Hall. The EIAR, as has been shown, believes the Community Hall has not yet been built. At least some of the materials presented in the EIAR derive from some earlier study and exhibit many of the characteristics of a *minestra riscaldata*.

REVIEWING EIAR

In view of the difficulties encountered by the Community Hall in the PAC and EIAR, the Community Hall Committee commissioned Hegson, Design Consultancy Service, to review that part of the EIAR referring specifically to the proposed closure of level crossing XC212 at Ballycoskery. Their report and assessment is subjoined to this submission.

Among the findings highlighted by Hegsons are the following:

1. A full feasibility study and analysis was not undertaken for XC212 at Ballycoskery as all potential options for a new crossing facility were not reviewed;
2. The impact of the proposed development has been understated;
3. The proposed development relies more on mitigation rather than avoidance;
4. Much of the language of the proposed development is contingent or conditional thus suggesting the design is uncertain or vague and that it has not fully considered in relation to the landscape impact on the area;
5. The assessment of the proposed project is misleading. There are no other elevated road sections in this locality so it would be a 'new' form of road infrastructure and will appear incongruous in the locality;
6. The road and proposed 8 meter high street lamps will considerably increase visual not only on the immediate locality but also on the wider locality and damage views of the Ballyhoura mountains;
7. The limited impacts as set out in the design report are generally understated and cannot be relied upon to form an impartial assessment of project impacts;
8. The visual impact assessment confirms that the proposed project has a medium to high impact on the landscape which will have a long lasting and harmful impact on the immediate community

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CONCERNS

Fragmentation

The village of Ballyhea is divided by the railway line and by the N20 along a north/south axis. The western portion of the village contains the focal point of the church, the parochial house, the ride-and-park carpark, bus connections to Cork and Limerick, a housing development, and the local shop.

The eastern section of the village consists of the school, the crèche, the community hall and a lower density of residential properties.

At the present time, the community has good direct connections between both sides of the village. The XC212 level crossing is open, except when trains are passing. In a day, the combined up line and down line traffic is some thirty trains. The gate closure time amounts to an average of c.4 minutes per train (as surveyed on 9 June 2021). In twenty four hours per day, the gates remain closed for two hours (120 minutes) and open for twenty-two hours.

The proposed development, despite assertions to the contrary, would inevitably fragment the village into a western part consisting of church, bus stop, shop, ride-and-go carpark. The western side of the rail line would see the development of a segregated housing development without direct access to the other part of the western side of the village and with no direct access to the eastern side of the village. In addition, the eastern side of the village would also be segregated from both parts of the western side leaving essential community facilities such as the school, crèche and community hall marooned on an unconnected island to which there would be no direct access from the western part of the village. Equally, the eastern part of the village and its community facilities would be deprived of direct access to the western part of the village.

The proposed development, if built, would effectively divide the village into three disjointed parts without direct access to each other. This is hardly reconcilable with Cork County Council's development plan for sustainable villages as outlined in the County Development plan.

Connectivity

The present level crossing provides a vital connection between both parts of Ballyhea village. Effectively, that connection serves quick communication and movement between the current eastern and western parts of the village. It

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means that all social facilities (school, crèche and community hall) are completely integrated into village life which has evolved a proper *modus vivendi* since the arrival of the railway in the 1840s. Much of the present form of the village directly derives from that accommodating integration.

The proposed development would have drastic effects on the social, educational and economic life on the village. It would no longer be possible for the St. Patrick's Day parade to follow its usual route from the Community Hall to the parish church. Equally, an increased isolation of the Community Hall would make it almost impossible for the hall to host the usual receptions after Holy Communion, Confirmation, funerals and other events originating at the parish church. These kinds of effects must ultimately raise the question of the viability not only of the hall itself but also of the school and crèche as more easily accessible options exist in Charleville and Buttevant for parents on the way to work in the morning.

In this scenario, the Parochial House becomes equally difficult to reach from both eastern and western parts of the village, thereby causing the administrative offices of the parish to end up in another unconnected island.

Visual Impact

The documentation on which the proposed development relies makes no effort to conceal the massive brutalism of the proposed flyover which is euphemistically described as 'utilitarian'. Its incongruous lack of proportionality with a small rural village suggests disaster levels on a par with Sam Stephenson's Central Bank of Ireland building on Dame Street in Dublin, or the Dublin Corporation Offices on Wood Quay, or the (mercifully demolished) ESB headquarters on Fitzwilliam's Street. Theoretically the proposed development might be classified as a recrudescence of 'the recidivist views of a handful of unreconstructed Functionalists' blinkered to the aesthetics of form, matter, proportion and materials.

The use of concrete blocks in a context of Victorian stone-masonry, undressed poured concrete, light pollution, stainless-steel, the removal of vegetation and natural habitat, and a height level twice the roofline of the Community Hall characterize an approach that has forgotten nothing and learned nothing from a catastrophic and deviant experiment, long abandoned in more cultured milieus.

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It should not be necessary to underline that the proposed development would be nothing if not a singular erratic in a bucolic Arcady, destined to generate a tourism in the grim and macabre.

Environmental Impact

The environmental impact of the proposed development would be drastic and irreversible.

It is proposed to fell 18 mature trees to accommodate the proposed development. This number of trees has to be seen in the overall context of tree plantations within the defined settlement area of the village. The most extensive area of trees is to be found along the southern boundary of the defined settlement area with sparse planting elsewhere and little tree cover on the western side of the settlement area. The proposed development would remove 18 trees from the southern boundary area thereby removing the greater part of tree cover along the southern boundary and up 60% of the overall tree cover within the defined area. The mitigation proposals for this level of felling are unlikely to ease the negative impact particularly on the southern boundary of the settlement area and on the settlement area in general.

Such large scale removal trees and hedgerows will also have a severe negative impact on the bat colonies established within the settlement boundary and also within 100m of the works' site indicate in red. In particular, it would have fatal implications for the long established and large maternity colony of bats in the attic of the Parochial House. Although locally well known and its presence very obvious, no mention was made of this colony in EIAR submitted by the applicant.

The proposed development would also have significant negative impact on the Hydrologous High Herb Habitat of Appendix 1 character and of national importance which is to be found on the western embankment of the railway line, just to the south of the defined settlement boundary of the village of Ballyhea. The proposal to translocate a 30m section of the habitat from its present location to another site is without precedent. It has been pointed out that a translocation area has been identified prior to soil analysis and hydrological study. It has also been pointed out that the construction of the proposed flyover may well affect drainage into the swamp area currently supporting the Hydrologous High Herb Habitat. The proposed development poses a real danger to the survival not only

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of that to be translocated but even to the survival of the residual undisturbed part of the habitat.

The defined settlement area of Ballyhea village is located within a landscape area deemed to be of high landscape value and of high sensitivity. The village is also located between two SACs: the Blackwater River SAC and the Ballyhoura Mountains SAC. The area is completely rural and regarded as a stable rural area in Cork County Development Plan. The massive scale of the proposed development would constitute a gross intrusion on this landscape, especially when viewed from the surrounding hills.

CONCLUSION

The proposal presented to ABP for a railway order is essentially a re-presentation of a Part 8 submission made to Cork County Council in 2010 and rejected by the planning authority in 2011. In representing the proposal to ABP for a railway order and compulsory purchase powers, CIE has not taken account of the more contracted legal scope of such a procedure and its inappropriateness for many features of the present application.

The analysis of PCA and EIAR above has produced clear evidence the developer's failure to appreciate the social significance of the Community Hall and its role of support for and assistance to a rural community. Neither the PCA nor the EIAR takes account of the impact of the proposed development on the hall and on its functioning.

The proposed development, as explained above, would fragment the village community in four or more satellites with little interconnectivity thereby rendering everyday living in the village more difficult for its residents. This fragmentation poses significant threat to the long term viability of the Community Hall and perhaps even for the adjacent school and crèche.

The negative environmental impact has been mentioned above and reference made to the applicant's approach to mitigating negative impacts. Unfortunately, none of those measures are guaranteed to succeed and, indeed, more likely destined to failure, especially in the absence of sufficient and even necessary prior feasibility studies and analysis. In terms of trees, flora and fauna, the proposed development would have the cumulative effect of denuding the village

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of its rural character and, in place, it would substitute a type of urban wilderness.

It is regrettable that CIE has not given serious consideration to alternatives such as an underpass or to an upgraded system of four barrier CCTV such as is widely used in upgraded European rail systems and of which examples can be seen in Spain, Lithuania, German and France.

The Board might do well in moving in the direction of an alternative to the proposed development.

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Ref: HDC1271/001/PB

2nd July 2021

RE: NA04.310286 Fantstown, Thomastown, Ballyhay, Newtown, Ballycoskery (Ballyhea Village), Shinanagh and Buttevant, Co. Cork and Co. Limerick.

Dear Sir/Madam,

Hegsons Design Consultancy Ltd are instructed to prepare a submission to An Bord Pleanála to a proposed road over rail bridge proposed for the XC212 Ballycoskery crossing at Ballycoskery in Ballyhea Village as per case reference no. NA04.310286 and case reference no. ABP 305149-19

The observations on the proposed development, particularly in relation to the Environmental Impact Assessment Report on which the application relies, are set out below and we should welcome their consideration in the Board's deliberation and determination.

Background

The proposal to construct a road over rail bridge in this small settlement dates to 2005. The project was officially proposed to Cork County Council in 2011.

Appendix H to the Planning Compliance Report sets out a timeline of events and comments from interested parties. In the process references are made to an underbridge solution for Ballycoskery. The correspondence also indicates reservations with the over bridge solution. Specifically -

20 May 2010 - Iarnród Éireann submitted 3 No. scheme options for XC212 to Cork County Council. This included 2No. overbridge options and 1No. under bridge option. Correspondence refers to previous discussions in 2005 -2007 where a more compact overbridge and under bridge were deemed to be unacceptable

26 May 2010 - Meeting between Iarnród Éireann, Roughan & O'Donovan (ROD) and Cork County Council. Purpose of the meeting was to review the latest Irish rail proposals for Ballyhea Village (XC212 Ballycoskery). The decision was taken to not progress an under bridge solution. Cork County Council noted that they are fully supportive of Irish Rails efforts to close the level crossing at Ballyhea.

20 March 2011 – the first formal application for the over bridge solution was made.

26 April 2011 - "As noted earlier there are at times problems with traffic congestion along this road. In this regard I feel that eliminating the level crossing and providing a car park for the school will greatly improve traffic safety. I have some concerns regarding the visual appearance of the bridge and embankment especially on householders of the adjacent housing estate to the north. There does not appear to have been any effort made to lessen the visual impact through landscaping. A suitably qualified and experienced landscape architect should be required to produce a planting scheme that softens the overall impact of the reinforced concrete wall on the neighbouring residents to the north." Recommendation: "I have no issue with the proposal in terms of proper and sustainable development subject to a comprehensive landscaping scheme to lessen the overall visual impact."

9 May 2011 – the Development Applications Unit (Department of Tourism, Culture and Sport) comments "The current Government Policy on Architecture promotes all public works to have a design and aesthetic appeal. It is

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recommended that the design of the proposed causeway and railway bridge works, which will form a significant structure within the Ballyhea locality, should be reviewed in terms of its aesthetic appeal."

These concerns about the visual appearance of the road over rail solution were supported by third party submissions.

31 May 2011 - Letter from Cork County Council to Irish Rail advising that "following recent public meetings and submissions received regarding the proposal, I wish to advise you 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."

To summarise, the previous application process it appears that a number of organisations and individuals raised valid concerns about the proposed over bridge solution which culminated in the 2011 application process being terminated. What is apparent from this initial application process is that there was an engineer centric approach to the solution. The failure to put aesthetic, visual and social integration at the front end of the design process in an attempt to find a bespoke and appropriate solution for this small and remote pastoral community were the primary reasons the application was terminated. It is apparent that a 'non-standard' approach was needed in this instance. The Development Applications Unit (Department of Tourism, Culture and Sport) comments in 2011 which described the bridge over rail solution as a 'significant structure' and needed to be reviewed in terms of its aesthetic appeal remains as valid now as it did in 2011.



Photographs 1-3: Views on either side of the existing rail crossing facility.

It should also be noted that a recent Freedom of Information request to obtain further information as to why the previous 2011 application did not proceed was requested and the following information was received on the 18th June 2021:

"Email of the 30/05/11 from Staff Officer, Cork National Roads Office, to the Council's co-ordinator for the Mallow Area Roads meeting, requesting that the Part 8 planning be withdrawn from agenda for the meeting to be held on 14/06/11 because the Part 8 planning process would not be proceeding"

It was also explained that it is with regret that it "cannot be arranged for you to take sight of the file because it contains submissions made by external parties and we are required to obtain their permission in order to grant access."

Planning Policy

The primary policy considerations are set out in the following publications –

- **National Policy**

National Planning Framework (Ireland 2040) (NPF) – policies NS02, NS03 NS04

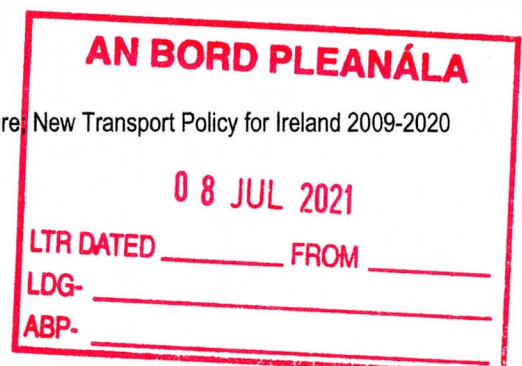
National Development Plan (NDP) 2018 – 2027

Building on Recovery: Infrastructure and Capital Investment 2016-2021

National Transport Authority's Smarter Travel- A Sustainable Transport Future New Transport Policy for Ireland 2009-2020

Ireland's Transition to a Low Carbon Energy Future 2015-2030

National Landscape Strategy (2015-2025)



- **Regional Policy**

Regional Spatial & Economic Strategy (RSES) for the Southern Region (2020)

Mid-West Area Strategic Plan (MWASP) 2012 – 2030

Cork Metropolitan Area Strategic Plan (MASP) and Limerick MASP (2020)

North West Cork Strategic Plan 2002-2020 (NWCSPP)

- **Local Policy**

Cork County Development Plan (CCDP) 2014

Draft Cork Landscape Strategy (2007)

Fermoy MD Local Area Plan 2017

The proposed project at XC212 Ballycoskery is primarily within the Settlement Boundary of Ballyhea Village with eastern portions within the 'Strong Rural Area' of 'very high value landscape' (note - the visual eye doesn't discern the settlement boundaries of the village).

Assessment Methodology

In accordance with the Department of Transport, Tourism and Sports' 'Guidelines on a Common Appraisal Framework (CAF) for Transport Projects and Programmes' (2016) the provision of and need for improved transport systems is based on the following criteria:

- Economy;
- Safety;
- Physical Activity;
- Environment;
- Accessibility and Social Inclusion; and
- Integration.

<https://igees.gov.ie/wp-content/uploads/2018/07/Common-Appraisal-Framework-by-Neil-Gannon-Department-of-Transport-Tourism-and-Sport.pdf>

These guidelines and requirements are themselves in compliance and in accordance with the Department of Finance's 'Guidelines on the Appraisal and Management of Capital Expenditure Proposals in the Public Sector' (2005).

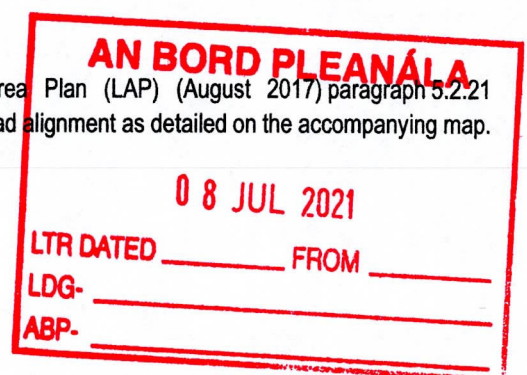
The Feasibility Study Multi-Criteria Analysis utilised the CAF approach and sets out the summary results of the multi criteria analysis and identifies the emerging preferred solution for the proposed project at XC212 Ballycoskery. The criteria summary for the options stated:

"The red option performs poorly on engineering and economic criterion; it performs the best on the environment, except for flood risk. Whilst the Green Option is not the best option regarding the engineering criterion, it does perform well, and it is the least expensive option as there is no requirement for the construction of an underbridge, which also presents engineering advantages. Overall, the Green Option is the preferred option."

As outlined above, the preferred option has been identified based on the engineering, economic and environmental criteria. There is no mention of the other criteria, such as social inclusion in relation to the identification of the preferred route which is a country to the CAF approach and route selection fails to conduct the Multi Criteria Analysis (MCA) for selection of preferred option in accordance with common guidelines.

Project Need and Alternatives

In relation to XC212 Ballycoskery, the Fermoy Municipal District Local Area Plan (LAP) (August 2017) paragraph 5.2.21 sets out that "Reservation is made for possible construction of a new road alignment as detailed on the accompanying map. This may result in the creation of a new parking area in front of the school."



The road and walkway defined in the LAP crosses the railway line on an east -west axis to the immediate south of the school and residential area. The proposed realignment of the road will impact the current non-motorised connectivity that the school has with the residential area, church and other facilities to the west of the crossing.

This policy does not explicitly mention the provision of a bridge as part of the scheme or reference the elimination of the existing railway crossing. Neither does it exclude a level crossing upgraded to a four gate CCTV level crossing.

Incidents on the Ballycoskery crossing can reasonably be described as minimal with no fatalities or near fatality in the period 2015-2020 as referenced in Table 2.2 (extract below).

Also, in relation to above, see ABP Record of First Meeting here on design approach –

<https://www.pleanala.ie/publicaccess/EIAR-NIS/310286/Cork%20Line%20Level%20Crossings%20Project%20ABP/ABP%20Consultation/13%20Letter%2020.11.19%20&%20Meeting%20Minute%2017.10.19.pdf>

In relation to the design approach, it is clear that the eventual proposal and the conditions as set out by An Bord Pleanála at the 17th October 2019 meeting have had little influence in relation to the development of the present project design and the scheme largely remains similar to the scheme that had been substantially developed in 2011.

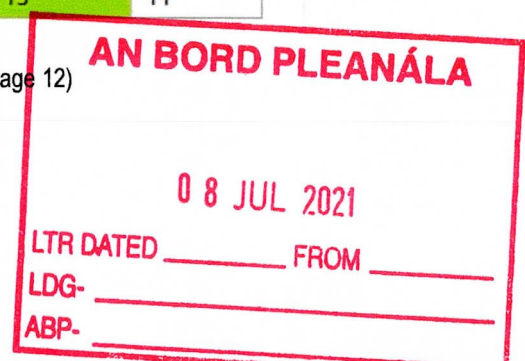
XC212 Ballycoskery						
Incident Type/Year	2015	2016	2017	2018	2019	2020
Signalling electrical and telecoms equipment	1					
Locking mechanism broken		1				
Gate keeper – delay in clearing crossing at Ballycoskery				1		
Gate keeper not in attendance				1		1
LX equipment failure				1		
Signal fault					1	
Road vehicle strikes level crossing gate or barrier					1	
Trespass on railway line					1	


Above: extract from Table 2.2: Accidents/Incidents 2015–2020 Page 7

Table 2.3: Summary results at each site

Site	Do Nothing	Straight closure	Alt access/ overbridge	CCTV
XC187 Fantstown	11	14	13	13
XC201 Thomastown	11	14	16	13
XC209 Ballyhay	9	N/A	13	13
XC211 Newtown	11	12	15	13
XC212 Ballycoskery	10	N/A	16	11
XC215 Shinanagh	10	N/A	15	11
XC219 Buttevant	9	N/A	15	11

Above: Feasibility Study Options (page 12)



XC212 – Ballycoskery	<p>Closure and alternative route via new road alignment and overbridge and underbridge. Three options for alignment considered.</p> 
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Above: Table 2.9: Options Considered at Each of the Crossing Points (page 24)

XC212 – Ballycoskery	Option 1	Green	New road-over-rail bridge to South of level crossing.
	Option 2	Red	New rail-over-road bridge to South of level crossing.
	Option 3	Blue	New road-over-rail bridge to South of level crossing. New junction on the N20.

Above: Table 2.10: Summary of Level Crossings and Alternative Options (page 25)

It should be noted from the above feasibility studies, that an underbridge was never offered as a potential option nor was the feasibility of some level of underbridge connects examined. Neither was there an analysis for an upgraded four gate CCTV option. The lack of an assessment in relation to 2 alternative options would suggest a preferred option and design principles were already chosen.

A full feasibility study and analysis was therefore not undertaken for the XC212 Ballycoskery crossing and cannot be considered that all potential options for the new crossing facility have been undertaken.

XC212 Ballycoskery

The comparative assessment of the route and road crossing options for XC212 Ballycoskery level crossing is summarised below and shown in Table 2.14. Note at this location, an "underbridge" (Red Route) was also considered.

- The Green option was the least expensive option as the construction of an underbridge is not required, in comparison with the Red option which is considered the most expensive;
- The construction of an underbridge with the Red option produced safety concerns, increased land take, and disruption during construction;
- The Blue option would move road traffic the furthest away from receptors, making it the best option for noise. However, the Blue option had the least advantages with regards to environment overall. Furthermore, the Blue Option had significant disadvantages over the other options with regards to Land Take and Geometry due to the required tie-in to the N20 Primary School; and
- The Blue Option was the least preferred on a number of environmental criteria also, with only noise benefiting from this option.

Table 2.14: Comparative assessment - XC212 Ballycoskery

Primary Criteria	Secondary Criteria	Route Option		
		Green	Red	Blue
Economy	Cost	Green	Red	Yellow
	Land Take	Green	Red	Yellow
	Reliability / Journey Time	Green	Red	Yellow
	Aggregated score	Green	Red	Yellow
Engineering	Geotech	Green	Red	Yellow
	Structures	Green	Red	Yellow

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Primary Criteria	Secondary Criteria	Route Option		
		Green	Red	Blue
Environment	Geometry			
	Aggregated score			
	Ecology			
	Water/Flood Risk			
	Landscape			
	Noise			
	Cultural Heritage			
	Aggregated score			

Based on the outcomes of the above comparative assessment, the preferred option was the Green Option. Whilst the Green option was not the best option regarding the engineering criterion, its overall score in the economic and environment criteria presented it as the best option when compared to the others.

In support of this decision, it is important to note that the 2017 Local Area Plan for Fermoy Municipal District which includes a reservation for the construction of a new road alignment across the railway line in roughly the same area as the proposed alignment and provision for a new car park for the school. As such, the principle of a new crossing has been recognised and accepted by Cork County Council.

Landscape Character

The site is located within LCT 5 – Fertile Plain with Moorland Ridge in the landscape character assessment as set out in the adopted Cork County Development Plan (2014-2020). This landscape area is identified as having a 'Very high' landscape value, a 'Very high' Landscape Sensitivity and has a Landscape Importance at a 'County' level. These landscape areas are described as "scenic landscapes with highest natural and cultural quality, areas with conservation interest and of national importance." The imposing impact of the project proposals will only serve to diminish the landscape character of the area.

Landscape Impacts

The most notable operational phase landscape impact will be the introduction of a new piece of road infrastructure and its associated signage, lighting, fencing and safety barriers into an area comprising of pastoral farmland. Landscape impacts are likely to arise at XC212 Ballycoskery from modifications to the landform generated by the engineered embankments, which will gradually rise from the existing ground levels along the local road corridor to a maximum of c. 10.8m above the existing ground levels where the proposed project crosses the existing Dublin-Cork Railway Line

Comment - the overall height of the road over rail will be higher than 10.8 metres plus the associated street furniture. The highest part of the lamp columns will be 8 metres above the new land levels and will be seen over much longer distances especially in the Autumn and Winter seasons. These impacts are therefore understated.

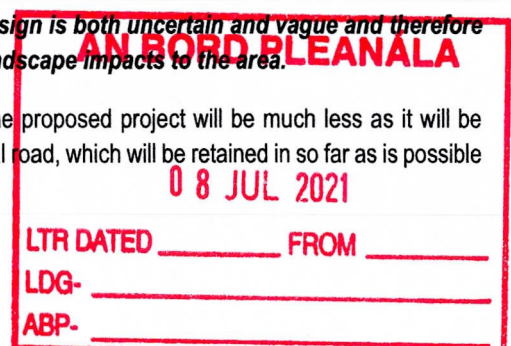
There will also be some embankments at the XC211 Newtown site, however much of the terrain modifications relate to areas of cut. Once mitigation planting has become fully established the engineered embankments at both sites will blend more readily with the surrounding fields and hedgerows, however, the precast concrete sections of the road-over-rail bridge, the concrete retaining walls, metal crash barriers and signage will contrast with the natural tones and textures of the surrounding rural context

Comment – the scheme presented is over reliant on mitigation planting and the precast concrete sections and associated bridge street furniture will introduce urban features into this flat pastoral landscape.

While there is a considerable buffer distance between many of the residential dwellings in the vicinity of the proposed retaining wall at the XC212 Ballycoskery crossing, it will generate a **stronger sense of enclosure** and foreshortening of views to the front of the national school as well as a stronger influence from built transport infrastructure on the localised landscape character. The latter effect is likely to be reduced by the introduction of amenity planting to the front of both the retaining wall and embankments and will likely soften their 'engineered' appearance.

Comment – the language used such as 'likely' in relation to the proposed design is both uncertain and vague and therefore suggested that the design has not been fully considered in relation to the landscape impacts to the area.

On the western side of the existing Dublin-Cork Railway Line, the presence of the proposed project will be much less as it will be located to the rear of a dense mature tree lined hedgerow that lines the existing local road, which will be retained in so far as is possible



Comment – the language ‘in so far as possible’ is vague and uncertain and therefore suggested that the design has not been fully considered in relation to the landscape impacts to the area. There should already be some understanding of what amount of the hedgerow will be retained already, what is the height of the ‘mature tree lined hedgerow’ compared to raised new road, and it is unclear why this detail is not illustrated on sectional drawings. Based on the information provided, an accurate assessment of the impact of the proposed project cannot be accurately be undertaken.

The existing trees surrounding the small grassed area to the front of the residential estate will also provide an additional layer of vegetative screening. In terms of the proposed new access road for XC211 Newtown, it may be briefly and intermittently visible from the linear cluster of dwellings on the western side of the railway tracks however, the presence of the proposed Project will be considerably less than those dwellings north and south of the alignment, as the proposed road corridor will be located beyond two sections of hedgerow that currently flank Dublin-Cork Railway Line. In terms of the landscape character, the proposed project is not an unexpected or unfamiliar form of upgrade development in the context of major transport infrastructure such as the national Dublin-Cork Railway Line, which encompasses numerous other railway overbridges and the N20 National Primary Route.

Comment – this appears to be justifying the principle of the road over rail design solution which is inappropriate as it fails to take account of the immediate landscape and visual context.

In the design teams assessment, the proposed project represents an intensification of road infrastructure within the study area rather than the introduction of a new or distinctive form of development. They also state that the proposed project at XC212 Ballycoskery is situated within and adjacent to the settlement of Ballyhea which is already influence by the existing Dublin-Cork Railway Line infrastructure and the N20 which occurs immediately to the west, and consequently the proposed new road alignment will not appear incongruous within this small village.

Comment – this assessment of the project is misleading. There are no other elevated road sections in this locality so it would be a ‘new’ form of road infrastructure and will appear as an incongruous feature in the locality.

While it is not expected that the proposed crossing will generate a much higher quantum of traffic, vehicles, their lights and the proposed roadside lighting will all potentially be visible in the immediate surrounds of the proposed Project and at the most elevated sections of the crossing at Ballycoskery where it passes over the existing railway crossing.

Comment – the road and in particular the proposed 8 metre high street lamps will considerably increase the visual impact not only on the immediate locality but also the wider landscape. This impact will be particularly damaging on views of the Ballyhoura mountains when viewed from locations west of the settlement (i.e. from the N20).

It also stated that the proposed road corridor will never be in direct alignment with nearby dwellings, and thus there will never be instances where car lights will shine directly at or in the direction of nearby residential dwellings. Many of the surrounding roads and dwellings also avail of dense screening in the form of existing hedgerow networks, which will also help to reduce the visual presence of the proposed project within the immediate and wider landscape context. Sections of semi-mature and mature hedgerow vegetation, including approximately 15 mature trees, will also be removed to facilitate the proposed alignment and its associated sightlines; however, this will be offset by the newly proposed areas of planting outlined in the mitigation strategy in Section 13.7 of this chapter. On the basis of the reasons outlined above, the magnitude of operational stage landscape impacts is deemed to be Medium-low. When combined with the Medium-low landscape sensitivity rating, the significance effect is judged to be Slight.

Comment - the limited impacts as set out in the design report are generally understated and cannot be relied upon to form an impartial assessment of the project impacts.

Visual impacts

The Visual Assessment (VP1, VP2 and VP3) give an overview of the local visual impacts. VP1 states that the proposal will ‘blend with its muted tones and textures’ and confirms that ‘A notable section of the mature tree-lined hedgerow will be removed to facilitate the full footprint of the proposed development and will reduce the natural enclosure that was once generated by the dense tree line, allowing a clearer view of the proposed road alignment and its engineered embankments’. With the magnitude of visual impact deemed to be ‘High-Medium.’

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VP2 confirms that proposal will create 'considerable visual change to this scene'. It acknowledges that the embankments and retaining walls 'will generate a strong sense of enclosure' and will be of 'a distinctly utilitarian appearance. It concludes that 'the proposed project represents a considerable increase in the scale of transport infrastructure development in the immediate setting of the national school and consequently, the magnitude of pre-mitigation visual impact is deemed to be High.'

VP3 confirms that 'The proposed road-over-rail bridge will be visible at a relatively short distance from the front of a single-storey residential dwelling on the L1327 local road immediately east of Dooley's crossroads' It goes on to clarify that a sections of hedgerow to be removed and the lighting poles lines the southern side of the carriageway increasing the vertical envelope of the proposed Project'. It is important to note that whilst the depicted south-westerly view is somewhat foreshortened by the proposed Project, the more sensitive aspect of this view to the south and southeast towards the Ballyhoura mountains is retained and uninterrupted. On balance, the magnitude of visual impact is deemed to be Medium at best.

The visual assessment is more balanced than the landscape assessment with the conclusions all confirming that the magnitude of visual impact is 'Medium to High'. These again illustrate that this design solution will have a long lasting and harmful impact on the immediate community and its visitors.

Conclusions

During the consideration of the 2011 scheme for a similar proposal, concerns were raised about the visual impact of the road over bridge solution. This was raised not only by local people but also government organisations such as the Development Applications Unit (Department of Tourism, Culture and Sport). After long hiatus, the process began again in 2018. In progressing the current scheme, the EIA acknowledges and explains the concerns and issues previously raised in 2011. However, the same methodology has been used to determine the design solution which is principally the same as that which was previously considered to be unacceptable.

In policy terms little has changed except that the development plan identifies a route roughly where the road over bridge is now proposed whilst also seeking to protect important landscapes from inappropriate development. Importantly whilst this identifies a route of a new road, it does not identify the specific details – i.e. bridge over rail or road under rail solution.

Visually, there have been no changes to the locality or landscape that warrants the return to the original design solution. In the absence of a change to the methodology, the community is, again, presented with the same proposal as 10 years ago. It is obvious that a road under bridge solution will always be the most expensive design and it will be rated red under the methodology. The design process is therefore fundamentally flawed as it rules out the most appropriate design solution on the grounds of cost and imposes a wholly inappropriate design that is out of place socially, visually and in a landscape context.

The EIA Landscape and Visual Assessment accurately depicts the landscape area as 'generally flat to mildly undulating' with reference made to 'pastoral farmland' within 'a matrix of small to medium sized fields that are generally defined by a mix of low clipped hedgerows and dense mature tree lined hedgerows' creating a 'rural tranquility'. The Ballyhoura Mountains are the most prominent landscape feature within the wider surrounds of the proposed project. All these attributes cumulatively contribute to create a special landscape known as the 'Golden Vale'.

However, overall the landscape impacts arising from the proposal are either not detailed/thorough enough or understated. The judgments made within the EIA, the arguments in the rationale for the ratings in the tables, the views expressed and the conclusions reached, rather than being impartial, are slanted in favour of the proposed design solution.

The visual acceptability of the scheme is heavily dependent on landscape mitigation thus emphasizing it's inappropriateness. The proposed bridge includes no bespoke street furniture or innovative design solutions to lessen its 'distinctly utilitarian appearance' (VP2 of the visual assessment) all of which will contribute to the harm the proposal will cause to the wider landscape and immediate locality. This is particularly disappointing as these matters were first identified during the processing of the 2011 proposal.

Having regard for the above, we believe that the proposal is contrary to the Cork County Development Plan its vision and its policies. There appears to be particular conflict with the landscape strategy objectives GI 6-1 which seeks to

"a) Protect the visual and scenic amenities of County Cork's built and natural environment. b) Landscape issues will be an important factor in all land use proposals, ensuring that a proactive view of development is undertaken while maintaining

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respect for the environment and heritage generally in line with the principle of sustainability. c) Ensure that new development meets high standards of siting and design. d) Protect skylines and ridgelines from development. e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments."

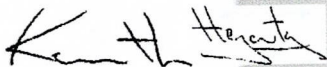
To support this application would devalue the landscape, its character, distinctiveness and sensitivity as contrary to the Cork County Draft Landscape Strategy and ultimately it would have a significant and harmful visual and environmental impact on this High Valued Landscape.

Finally, it should be noted that a selected feasibility studies would seem to have been undertaken in that an underbridge was never offered as a potential option (nor was the feasibility of some level of underbridge connects examined) and / or the option for an upgraded four gate CCTV option. The lack of an assessment in relation to alternative options would suggest a preferred option and design principles were already chosen.

A full feasibility study and analysis was therefore not undertaken for the XC212 Ballycoskery crossing. It cannot be considered that a full feasibility study and analysis of all potential options for a new crossing facility at Ballycoskery has been undertaken.

Given the information highlighted above, in relation to the proposed road over rail bridge proposed for the XC212 Ballycoskery crossing at Ballycoskery in Ballyhea Village, it is clear that the EIAR assessment presented in the application is fragmented and misleading in respect to its proposals (i.e. alternative option assessment, visual impact, landscape impact, planning policy, etc). In our opinion, an objective assessment of the impacts/implications arising from the proposed solution for Ballycoskery presented in this application cannot be secured on the basis on the EIAR in its current form.

It is evident that critical information has be omitted from the submission, limited consultation has been undertaken over an extended 12-year period and that the information that has been provided has been used to mask the critical implications of the proposed project.



Ken Hegarty, BE, MEngSc, CEng, MIEI, MCHIT

Director: Hegsons Design Consultancy Limited

Tel: 021 234 8624 / 01 443 3437

Mobile: 085 875 0954

ken.hegarty@hegsons.com

www.hegsons.com

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