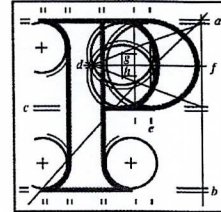


**Our Case Number: ABP-310286-21**



**An  
Bord  
Pleanála**

James O'Brien  
Trustees of the Diocese of Cloyne  
Ballyhea  
Charleville  
Co. Cork

**Date:** 26th 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 letter in relation to the above-mentioned case.

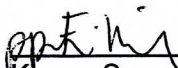
The contents of your letter have been noted.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in relation to the matter, 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: 01-873 7250

RA03

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

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

LDG-041804-21.

Ballyhea,  
Charleville,  
Co. Cork.

28<sup>th</sup>. June 2021

Your reference NA04.310286

Dear Sir/Madam,

The Trustees of the Diocese of Cloyne, holding land in trust for the parish of Ballyhea which is administered on their behalf by The Right Reverend Monsignor O'Brien, have received notice of an application to acquire by compulsory purchase lands contained in County Cork Folio no. 146747F for the purposes of railways works under section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006.

Having taken counsel in the matter, the Trustees are to signal to An Bord Pleanála that a grant of a railway order for the purposes mentioned above would be *ultra vires*, invalid and unlawful. In consequence of which the Trustees would be obliged to refer the matter to the Courts of Justice and to seek recovery of all costs, expenditure, outlay etc.

In the public interest an oral hearing is requested.

While awaiting your acknowledgement of receipt of this letter,

I remain,

Yours sincerely,

*James O'Brien*

pp. The Trustees of the Diocese of Cloyne

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
30 JUN 2021	
Fee: €	Type: _____
Time: _____	By: <i>post</i>

By registered post.

Phone: (063) 81470

*Ballyhea,  
Charleville,  
Co. Cork.  
6. VII. 2021.*

Case Reference no. NA04.310286

An Bord Pleanála  
64 Marlborough Street,  
Dublin 1.

Dear Sir/Madam,

I act as authorized agent for the Trustees of the Diocese of Cloyne in respect of properties held at Ballycoskery, Ballyhea, Co. Cork.

On 28 June 2021, I forwarded three submissions to An Bord Pleanála regarding three properties held by the Trustees for the Diocese of Cloyne at Ballycoskery, Ballyhea, Co. Cork, on which notices of compulsory purchase orders have been served.

I am advised that with regard to the lodgment of these submissions, it is necessary that they be lodged in names of the registered landowners of the respective CK Folios all in the County of Cork, Barony of Fermoy.

These, I supply below:

The registered landowners for Folio no. 146747F:

1. The Right Reverend Denis Monsignor Reidy;
2. The Very Reverend Eugene Baker.

The registered landowner for Folio no. CK 25282F:

1. The Very Reverend Donal Leahy;
2. The Very Reverend Frank O'Neill;
3. The Most Reverend Dr. John Ahern (who is deceased and should not appear).

The registered owner for Folio no. 28756:

1. The Right Reverend Denis Monsignor Reidy;
2. The Very Reverend Eugene Baker;

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ABP- _____	
07 JUL 2021	
Fee: € _____	Type: _____
Time: _____	By: <i>post</i>

Phone: (063) 81470

3. The Very Reverend Bartholomew Canon Troy (deceased and who should not appear).

I should be most grateful were you kindly able to ensure that the above submissions are registered in the names of the current registered landowners as indicated.

With best wishes,

I remain,

Yours sincerely,

James O'Brien



28<sup>th</sup>. June 2021

Your reference NA04.310286

Dear Sir/Madam,

The Trustees of the Diocese of Cloyne, holding land in trust for the parish of Ballyhea which is administered on their behalf by The Right Reverend Monsignor O'Brien, have received notice of an application to acquire by compulsory purchase lands contained in County Cork Folio no. 146747F for the purposes of railways works under section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006.

Having taken counsel in the matter, the Trustees are to signal to An Bord Pleanala that a grant of a railway order for the purposes mentioned above would be *ultra vires*, invalid and unlawful. In consequence of which the Trustees would be obliged to refer the matter to the Courts of Justice and to seek recovery of all costs, expenditure, outlay etc.

In the public interest an oral hearing is requested.

While awaiting your acknowledgement of receipt of this letter,

I remain,

Yours sincerely,

pp. The Trustees of the Diocese of Cloyne





28<sup>th</sup>. June 2021

Your reference NA04.310286

Dear Sir/Madam,

The Trustees of the Diocese of Cloyne, holding land in trust for the parish of Ballyhea which is administered on their behalf by The Right Reverend Monsignor O'Brien, have received notice of an application to acquire by compulsory purchase lands contained in County Cork Folio no. CK25282F for the purposes of railways works under section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006. The Trustees are also registered owners on the same trust for lands in Cork County Folio no. 29035E.

Having taken counsel in the matter, the Trustees are to signal to An Bord Pleanála that a grant of a railway order for the purposes mentioned above would be *ultra vires*, invalid and unlawful. In consequence of which the Trustees would be obliged to refer the matter to the Courts of Justice and to seek recovery of all costs, expenditure, outlay etc.

Without prejudice to the above, the Trustees bring to the attention of ABP the entrance to the avenue along the entire northern boundary of Ballyhea National School. The entrance and avenue are dedicated facilities providing access to the school, its playground, and to the community hall for emergency vehicles (ambulance, fire tender etc.) as per planning permission granted by Cork County Council and per fire certificate issued by Chief Fire Officer for Cork County Council. They are required to be functional at all times.

The Trustees bring to the attention of ABP that emergency water supplies (fire hydrants) are required to be operational at all times.

The Trustees note the following statement made in the above mentioned application:

"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 a time frame 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 benefit through improved ease of access to it during operation" (CLL chapter 6, p. 38).





The Trustees fail to make sense of these statements, unless they are mistakenly ubicated and/or refer to another development. The Trustees clarify that the Community Hall forms part of their property, is completed and is fully operational. It has been made available full-time to the local school during the COVID emergency as supplementary space to allow the school to comply with emergency health regulations.

In the public interest an oral hearing is requested.

While awaiting your acknowledgement of receipt of this letter,

I remain,

Yours sincerely,

pp. The Trustees of the Diocese of Cloyne





28<sup>th</sup>. June 2021

Your reference NA04.310286

Dear Sir/Madam,

The Trustees of the Diocese of Cloyne, holding land in trust for the parish of Ballyhea which is administered on their behalf by The Right Reverend Monsignor O'Brien, have received notice of an application to acquire by compulsory purchase lands contained in County Cork Folio no. CK28756 for the purposes of railways works under section 37 of the Transport (Railway Infrastructure) Act 2001 as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006.

Having taken counsel in the matter, the Trustees are to signal to An Bord Pleanala that a grant of a railway order for the purposes mentioned above would be *ultra vires*, invalid and unlawful. In consequence of which the Trustees would be obliged to refer the matter to the Courts of Justice and to seek recovery of all costs, expenditure, outlay etc.

In the public interest an oral hearing is requested.

While awaiting your acknowledgement of receipt of this letter,

I remain,

Yours sincerely,

pp. The Trustees of the Diocese of Cloyne

