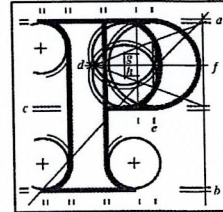


Our Case Number: ABP-310286-21



**An
Bord
Pleanála**

Trustees of Diocese of Cloyne
c/o James O'Brien
Ballyhea
Charleville
Co. Cork

Date: 27th 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.

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

Tel	Tel	(01) 858 8100
Glaó 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

LDG-041806-21.

Ballyhea,
Charleville,
Co. Cork.

Your reference NA04.310286

28th. June 2021

AN BORD PLEANALA	
LDG-	_____
ABP-	_____
30 JUN 2021	
Fee: €	_____
Type:	_____
Time:	_____
Pre:	post

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 railway 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. 29035F.

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.

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).

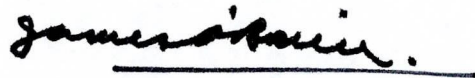
The Trustees fail to make sense of these statements, unless they are mistakenly ubicated and/or refer to another development. The Trustees clarify that the Community Hall forms part of their property, is completed and is fully operational. It has been made available full-time to the local school during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

A handwritten signature in black ink, appearing to read "James O'Brien", followed by a horizontal line.

pp. The Trustees of the Diocese of Cloyne