



Cork Area Commuter Rail Glounthaune - Midleton Twin Track

Planning Report

November 2022

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1 Introduction

1.1 Project Introduction

Córas Iompair Éireann (CIE), hereafter referred to as ‘the Applicant’, is applying to An Bord Pleanála for a Railway Order (RO) for the Glounthaune to Midleton Twin Track Project (the “proposed development”). The application is being made pursuant to the provisions of Section 37 of the Transport (Railway Infrastructure) Act 2001 (as amended and substituted) and as recently further amended by the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 in Statutory Instrument No. 743/2021. While the application is being made by CIÉ, Iarnród Éireann (IÉ), a wholly owned subsidiary of CIE, have developed the proposed development from concept to application stage.

Mott MacDonald Ireland Ltd has been appointed prepared this planning report on behalf of the Applicant to accompany the Railway Order Strategic Infrastructure Development application. The Planning Report sets out the prevailing planning policy relating to the proposed development and also outlines compliance with same, as well as the planning and development context applicable to the proposed development. The proposed development will enable enhancements to the existing Glounthaune to Midleton rail line to facilitate future increases in service frequency and passenger capacity, which is identified as part of the Cork Metropolitan Area Transport Strategy 2040 (CMATS).

1.2 Project History and Overview

The Glounthaune to Midleton rail line originally formed part of the Cork to Youghal line, which had ceased passenger services and goods traffic by the late 1970s. The existing Glounthaune to Midleton rail line was redeveloped and recommenced rail services in 2009 under the existing Railway Order, S.I. No. 145/2007 – Railway (Glounthaune to Midleton) Order 2007.

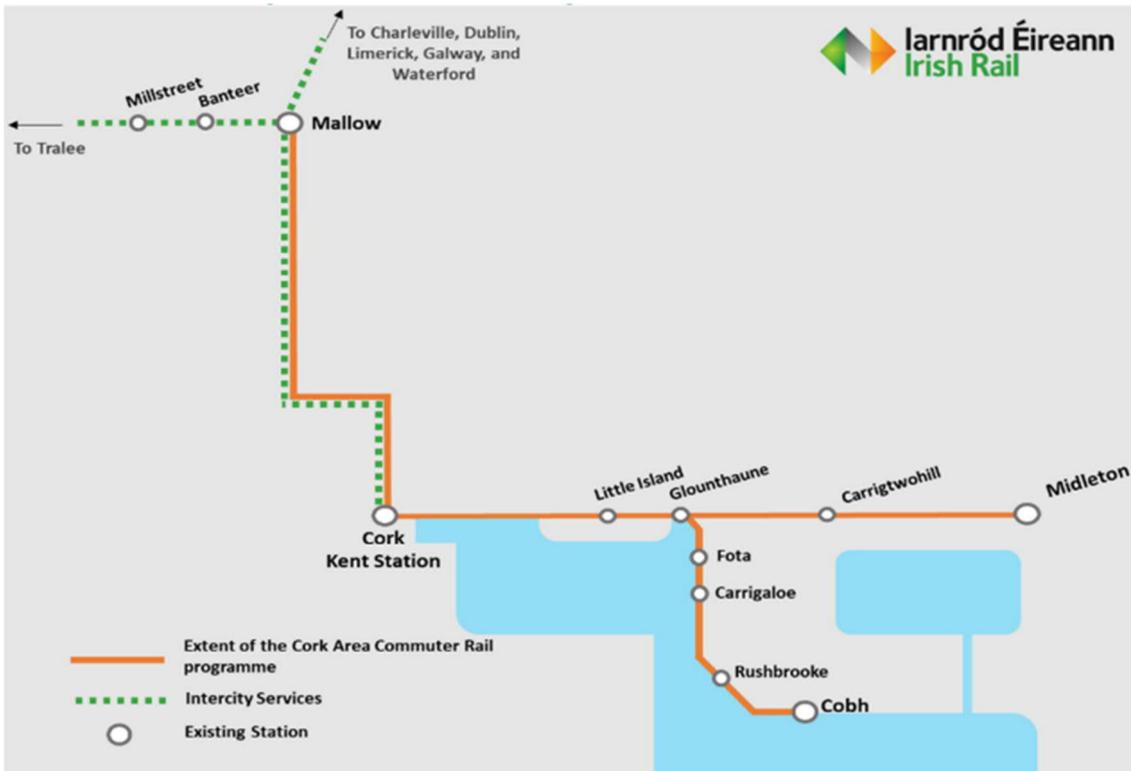
The proposed Glounthaune to Midleton Twin Track (GMTT) project is part of the greater package of improvements being delivered by the Cork Area Commuter Rail (CACR) Programme which includes the principles of the heavy rail vision of the CMATS. Overall, the CACR Programme involves the development and enhancement of approximately 62km of the rail network from Mallow, through Cork, to Cobh and Midleton. The CACR programme will transform the commuter railway from a timetabled system to a high frequency ‘show up and go’ level of service and will provide for a potential tripling of service frequency, enhanced reliability, and an increase in passenger capacity for Cork rail users. The CACR Programme is responsible for the delivery of the heavy rail development identified in the CMATS.

The CMATS was prepared by the National Transport Authority (NTA) in partnership with both Cork City and County Councils and Transport Infrastructure for Ireland (TII) and was finalised in early 2020. The CMATS strategy includes all modes of transport for the metropolitan area, including heavy rail, with the aim of creating a fully integrated metropolitan transport network for Cork.

The GMTT project involves twin-tracking of the single-line sections between Glounthaune and Midleton railway stations, for a distance of around 10km. The GMTT project will also comprise the demolition of one existing un-used bridge and the widening of the existing Owenacurra River bridge. The proposed development also includes an additional siding and siding extension/turn back facility at Midleton Station, along with new cable containment routes to facilitate future signalling upgrades and alterations.

The delivery of this project, along with the completion of the new Kent Station through-platform, proposed signalling and communications upgrades and the delivery of additional rail cars, will facilitate the operation of a higher frequency service. In the future it is intended that trains will operate up to a 10-minute service at peak hours, when future electrified vehicles are available.

Figure 1.1: Extent of the CACR Programme for the Cork Region



Source: Iarnród Éireann, Cork Area Commuter Rail – Strategic Assessment Report, November 2021

2 Legislative Context

2.1 Requirement for Railway Order

The existing Railway Order authorised a single-track from Glounthaune to Midleton with a passing loop at Carrigtwohill (Schedule 1 of S.I. 145/2007 detailing the authorised works is provided in **Appendix A**); accordingly, there is a requirement for an application for a Railway Order specific to the proposed development which makes provision for 'twin-tracking' (i.e. two tracks) and other upgrade/ enhancement works.

A Railway Order is the statutory consent granted by An Bord Pleanála and providing CIÉ with authorisation to construct, maintain, improve and operate the railway, railway works and works. Railway works and the procedure for obtaining a Railway Order is governed by the Transport (Railway Infrastructure) Act 2001 as amended and as further recently amended by the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations (S.I. 743 of 2021). The regulatory framework for Railway Orders is set out in Part 3 (Railway Orders) of the 2001 Act. The 2001 Act as amended combines a number of statutory and regulatory processes including *inter alia* public consultation, environmental impact assessment, appropriate assessment, planning assessment and compulsory purchase powers for railway infrastructure.

In 2006 An Bord Pleanála assumed the role of the Minister for Transport where the granting of Railway Orders is concerned. Subsequently, section 49 of the Planning and Development (Strategic Infrastructure) Act 2006 amended the 2001 Act *inter alia* by substituting new sections 37 to 47A for sections 37 to 47. These new sections were primarily intended to transfer responsibility for the approval of a Railway Order from the Minister for Transport to An Bord Pleanála and to make certain related amendments. Accordingly, pursuant to the 2001 Act, the Board has the powers to *inter alia*:

- Receive an application for a Railway Order.
- Assess the application.
- Hold an oral hearing.
- Consider a range of matters before deciding whether to grant the order to which the application relates (section 43 of the 2001 Act).
- After considering these matters, if the Board is of opinion that the application should be granted, it shall make an order authorising the construction of the works applied for, including improvement and the operation of the railway subject to such conditions, modifications, restrictions and requirements (and on such other terms) as the Board thinks proper and specifies in the order.

In summary, the amendments made to the 2001 Act by the 2021 Regulations in Statutory Instrument No. 743/2021 in giving further effect to the transposition of the EIA Directive include *inter alia* the following:

- It sets out the type of information which is to be included in the Environmental Impact Assessment Report ('the EIAR') and replaces EIS with EIAR.
- It provides for the dissemination of the EIAR both to the public and to the authorities which are designated by the Minister for Transport for consultation.
- It sets out the statutory functions of An Bord Pleanála and its powers for consideration and decision- making.
- It makes provision for the Minister for Transport to designate, by Notice, the authorities likely to be concerned by proposed railway works and for the publication of the Notice on the website of the Department of Transport.

- It provides powers to monitor and assess whether ‘environmental conditions’ are being complied with and to enforce compliance if this is not the case.
- The 2001 Act provides for what is known as a coordinated assessment in section 42A of the 2001 Act. Therefore, in carrying out an environmental impact assessment (EIA) in respect of an application made under section 37 of the 2001 Act, An Bord Pleanála shall, where appropriate, co- ordinate the assessment with any assessment under the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) or the Birds Directive (Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009).
- It provides for a reasoned conclusion and integrates the reasoned conclusion into the Railway Order

A Railway Order is therefore the statutory consent to an applicant providing authorisation to construct, maintain, improve and operate the railway or railway works. Railway works and the procedure for obtaining a Railway Order is governed by the Transport (Railway Infrastructure) Act 2001, as amended and substituted. The 2001 Act sets out a bespoke process covering all aspects of consultation and notification requirements in relation to the application, consideration, assessment and decision-making for a proposed Railway Order and if granted, for the construction, maintenance, improvement and operation of a railway and railway works, including powers of compulsory acquisition.

Under Section 37(1) of the Transport (Railway Infrastructure) Act 2001 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006), an application for a railway order may be made to An Bord Pleanála by either the NTA, TII, CIÉ or any other person with the consent of the NTA. This confirms that the Applicant is permitted to apply under the provisions of the Act for a Railway Order.

Section 45 of the Transport (Rail Infrastructure) Act 2001 (as amended and substituted) provides the Applicant with compulsory purchase powers and rights to any lands to deliver the proposed development upon the commencement of the RO. Additional land take is required in areas adjacent to the existing single track rail line to allow double tracking and modification of bridges. A copy of the lands which are required for temporary use during construction, lands requiring acquisition and details of the extinguishment of Public Rights of Way are provided in Schedules 2-4 of the Draft Railway Order submitted.

The application for the RO is made pursuant to the provisions of Section 37(3) of the Transport (Railway Infrastructure) Act 2001 (the 2001 Act). This requires, inter alia, that an application shall be made in writing and shall be accompanied by:

Section 37(3) reference

(a) a draft of the proposed order

(b) a plan of the proposed railway works

(c) in the case of an application by the Agency or a person with the consent of the Agency, a plan of any proposed commercial development of land adjacent to the proposed railway works

(d) a book of reference to a plan required under this subsection (indicating the identity of the owners and of the occupiers of the lands described in the plan)

(e) a report on of the likely effects on the environment (referred to subsequently in this Part as an ‘environmental impact assessment report’) of the proposed railway works.

As required by the amendment to the 2001 Act by Section 5(b) of the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021, the RO “*shall be accompanied by an electronic version of each of the documents referred to in subsection (3) including the application itself.*” A project specific website (www.gmtrailwayorder.ie) has been provided for viewing and downloading of all application documentation.

2.2 Compulsory Acquisition of Land

A Railway Order, when granted, confers powers on a Railway Undertaking, to allow for the acquisition of land and other rights in relation to land to facilitate the construction, maintenance, improvement and operation of the railway, as provided for in accordance with section 45(1) of the 2001 Act, which states: *“Upon the commencement of a railway order, the Agency or CIÉ shall thereupon be authorised to acquire compulsorily any land or rights in, under or over land or any substratum of land specified in the order and, for that purpose, the railway order shall have effect as if it were a compulsory purchase order...”*

In accordance with 37(2)(d) of the 2001 Act, a book of reference has been prepared (indicating the identity of the owners and of the occupiers of the lands described in the plan). The submitted EIAR has also assessed the proposed railway works set out in the book of reference.

The Planning Report does not duplicate these assessments. All reasonable efforts have been made to engage with all affected property owners through the design and EIA process, including through a non-statutory public engagement process (further details provided in Section 5 of this report).

2.3 Requirement for Environmental Impact Assessment

The requirement for environmental impact assessment (EIA) for works relating to a Railway Order are stipulated under Section 37(e) of the Transport (Railway Infrastructure) Act 2001 (as amended) [by the Planning and Development (Strategic Infrastructure) Act 2006 and European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021]. Section 37(e) requires that an application for a Railway Order shall be accompanied by *“a report on the likely effects on the environment (referred to subsequently in this Part as an “environmental impact assessment report”) of the proposed railway works”*.

The requirement for a report on the likely effects on the environment is addressed by the preparation of an Environmental Impact Assessment Report (EIAR), which accompanies this Railway Order application.

The EIAR has been compiled in accordance with the Transport (Railway Infrastructure) Act 2001, as amended and EIA Directive 2014/52/EU. Further details in regard to the statutory requirements of the EIAR are set out in Chapter 2 *Methodology* of the EIAR.

2.4 Requirement for Appropriate Assessment

Article 6 of the Habitats Directive (92/43/EEC) requires that where a plan or project is likely to have a significant effect on a European site, while not directly connected with or necessary to the nature conservation management of the site, it will be subject to ‘Appropriate Assessment’ to identify any implications for the European site in view of the site’s Conservation Objectives.

Specifically, Article 6(3) of the Habitats Directive states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.

Regulation 42 of Birds and Natural Habitats Regulations 2011, including the amendments in S.I. No. 293 of 2021, transposes Article 6 of the Habitats Directive into Irish law. The regulations require that before consent for a project is given, a screening for Appropriate Assessment of a project must be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.

Article 7 of the Habitats Directive provides that the provisions of, inter alia, Article 6(3) are to apply to SPAs under Directive 2009/147/EC (the “Birds Directive”).

The determination of whether or not a plan or project requires AA is referred to as “Stage 1” or “AA Screening”. A “Stage 1” Screening was completed to determine whether or not the proposed development, either individually or in combination with other plans or projects, in view of best scientific knowledge, is likely to have a significant effect on areas designated as being of European importance for nature conservation (“European sites”).

The AA Screening completed for the proposed development could not rule out likely significant effects on European Sites and the proposal was therefore required to proceed to “Stage 2” (ie the preparation of a Natura Impact Statement (NIS)).

A Stage 2 AA (NIS) is included as a separate document with the Railway Order SID application documentation. The NIS has been prepared in accordance with the provisions of the Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), including, inter alia, sections 177U, 177V, 177S thereof, to facilitate the carrying out of an Appropriate Assessment by An Bord Pleanála.

2.5 Water Framework Directive

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 (the Water Framework Directive (WFD) 2000/60/EC), commits EU member states to protect and improve water quality in all waterbodies so that they achieve good qualitative and quantitative status of all inland and coastal waters at six-year intervals.

The WFD establishes a framework for Community action in the field of water policy and was given legal effect in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003). It applies to rivers, lakes, groundwater, transitional and coastal waters. The Directive requires that management plans be prepared on a river basin basis and specifies a structured method for developing these plans. Good status means achieving satisfactory quality water, suitable for local communities' drinking, bathing, agricultural, industrial and recreational needs, while maintaining ecosystems that can support all the species of plants, birds, fish and animals that live in these aquatic habitats.

Any works which could affect the biological, physiochemical or hydromorphological quality of a waterbody require an assessment in line with the WFD to demonstrate how the proposed works will not lead to a degradation in status and where possible, where they could enhance waterbody status, in order to achieve the required ‘Good’ status target, as set out in the directive. The likely impacts to various hydrological and hydrogeological parameters and how these affect WFD status are assessed in the EIAR, in Chapter 10 - Land, Soil and Hydrogeology, and Chapter 11 - Water and Flood Risk, of the EIAR.

2.6 Flood Risk Assessment

National flood risk policy aligns with the requirement of the EU ‘Floods’ Directive (2007/60/EC). The Directive requires EU Member States to coordinate their flood risk management practices in shared river basins and to take account of long-term developments, including climate change,

and sustainable land use practices in preparing flood risk management plans. The 'Floods' Directive is to be carried out in coordination with the Water Framework Directive (WFD).

A Flood Risk Assessment (FRA) has been undertaken in respect of the proposed twin tracking of the existing railway line – these are included as Appendices to Chapter 11 – Water and Flood Risk, of the EIAR. The FRA has informed the design stage of the proposed development and the environmental assessment contained in the EIAR. The proposed development site has been screened for all potential sources of flooding, including fluvial, coastal, pluvial, groundwater and surface water drainage derived flooding. The FRA was prepared in accordance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' published by the Office of Public Works (OPW) and Department of Environment, Heritage and Local Government (DEHLG) in 2009. The Guidelines set out a staged approach to the assessment of flood risk with each stage carried out only as needed.

The conclusion of the FRA is:

- IDA Culvert: The change in peak flood levels between pre and post scenario (existing scenario and proposed extension of the culvert), is less than 5mm, which is considered negligible.
- River Owennacurra Bridge: Through the CFRAM flood study it can be concluded that the predicted flood water level for the 0.1% AEP (or 1 in 1000 year) fluvial flood event does not reach the soffit of the bridge. It can therefore be concluded that works on extending the deck of the bridge onto the existing piers can be carried out without impacting the existing flood risk.
- The proposed abutment widening will potentially encroach into the existing flood storage, however the predicted impact is considered negligible.
- The proposed embankment widening will take place above the predicted flood extent and therefore will not impact flood storage in the area.

2.7 Other Key Legislation

The proposed development is considered to be Strategic Infrastructure Development (SID) as per Section 6(c) of the Planning and Development (Strategic Infrastructure) Act 2006, which amended the definition of 'strategic infrastructure development' within the Planning and Development Act 2000 (as amended), to include inter alia, any proposed railway works referred to in Section 37(3) of the Transport (Railway Infrastructure) Act 2001.

The proposed development falls under Paragraph 2 - Transport Infrastructure, of the Seventh Schedule of the Planning and Development Act 2000 (as amended), which reads as follows:

"A terminal, building or installation associated with a long-distance railway, tramway, surface, elevated or underground railway or railway supported by suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport, but excluding any proposed railway works referred to in section 37(3) of the Transport (Railway Infrastructure) Act 2001 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006)."

The proposed development is categorised as SID, as the proposed development corresponds with the definition of SID transport infrastructure as outlined above, comprising installation(s) associated with a railway used exclusively or mainly for passenger transport.

In conclusion, the proposed development has been designated by ABP as Strategic Infrastructure Development (SID) following pre-application consultation between CIÉ, IÉ and the SID Division of ABP, undertaken in accordance with the provisions of section 47B of the Transport (Railway Infrastructure) Act, 2001 (as amended) (inserted by Section 50 of the Planning and Development (Strategic Infrastructure Act) Act 2006) – ABP Ref. ABP-312676-22. The written correspondence from ABP confirming the proposed development to be SID, is enclosed as **Appendix B** of this Report.

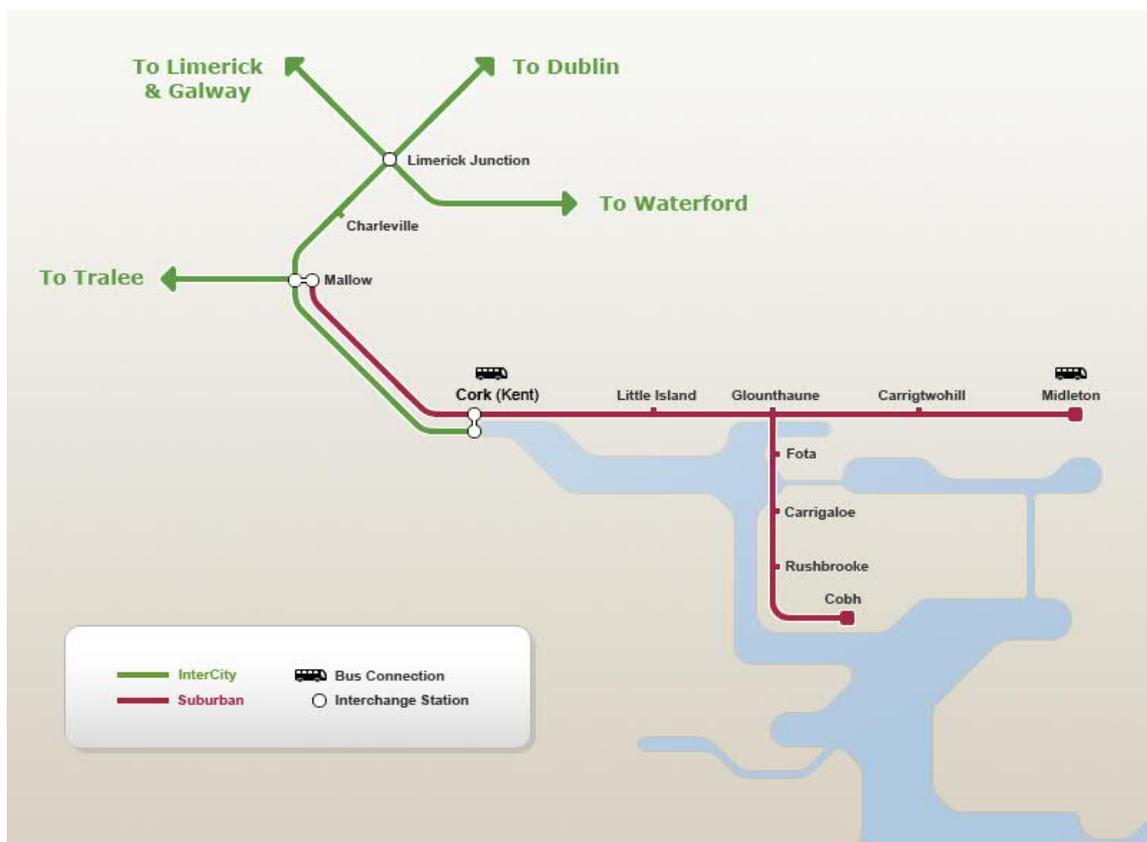
3 Project Description

Chapter 6 of the EIAR accompanying the SID RO application provides a comprehensive and detailed description of the proposed development and its component parts, as does Schedule 1 of the Draft Railway Order. The section below, however, provides a summary contextual overview of the proposal.

3.1 Rail Network

The Cork Suburban Rail Network is the southernmost extent of the national rail network. It consists of line linking from Mallow, through Cork City to Midleton and Cobh, branching at Glounthaune. In total there are ten stations on the Cork Suburban lines.

Figure 3.1: Cork Suburban Rail Network



Source: <https://www.irishrail.ie/en-ie/accordion/pdf-timetables/network-maps> (accessed 18.08.2022)

Train services run from Cork City (Kent Train Station) to Little Island, Glounthaune, Carrigtowhill and Midleton. On a Saturday there are 18No. trains each direction and on Sunday there are nine trains running from Cork to Midleton and nine trips returning from Midleton to Cork. The journey time between Cork and Midleton is 23 minutes, and together with the existing Cork - Cobh services there are 45no. trains a day from Glounthaune and Little Island to Cork city.

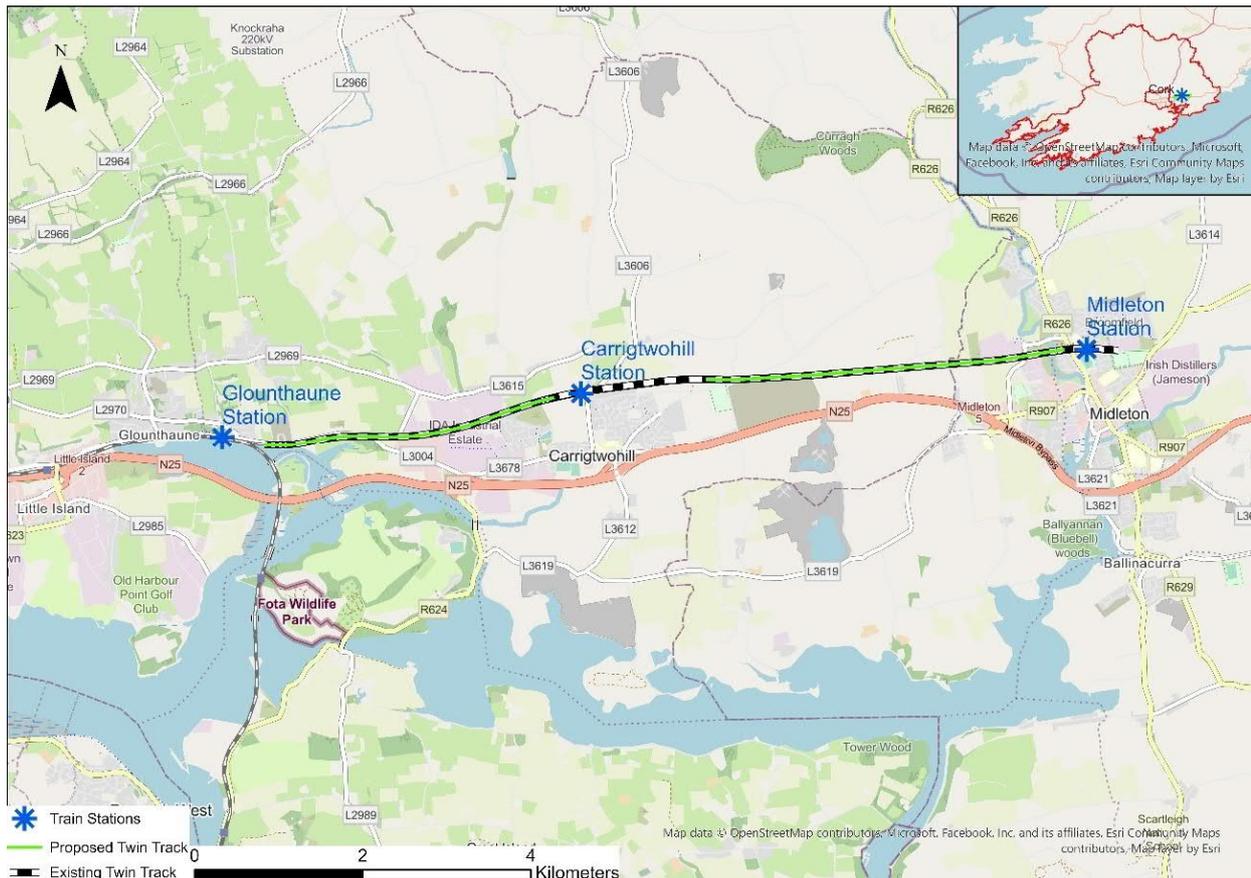
3.2 Site Location and Context

The proposed development covers an approximate total length of 10km parallel to the existing track rail network from Glounthaune, beginning at Cobh Junction, and continuing eastward

passing through the IDA Industrial Estate and Fota Retail and Business Park before reaching Carrigtwohill station and then continuing on, along mostly open ground for approximately 6km, before terminating at Midleton train station.

The majority of the length of the existing line is single track, although there are also existing sections which are already double (twin) tracked. In 2018, there were 437,000 passenger journeys on the Cork-Midleton line (up 5.8% on the 2017 figures)¹.

Figure 3.2: Site Location Map



Source: Mott MacDonald

There are three stations along the route, at Glounthaune, Carrigtwohill and Midleton. These stations are currently functioning. Midleton railway station building is a Protected Structure (RPS no. 02512) within the Cork County Development Plan 2022-2028 Record of Protected Structures. No works are proposed to any of the existing station buildings.

Along the route of the existing track, are a total of 11no. bridges, including three watercourse crossings (Killacloyne, Tibbotstown and Owenacurra rivers) and 3no. level crossings. The southern embankments of sections of the existing rail line run parallel to the boundary of Great Island Channel Special Area of Conservation, from Glounthaune station to the Old Youghal Road (L3004), west of the junction with the L3605.

The design speed of the railway line is 100 km per hour, and this will be maintained for the future operations.

¹ <https://www.thecork.ie/2019/02/04/cork-dublin-train-passenger-journeys-highest-on-record-in-2018/>

3.3 Main Features

The proposed development will involve the upgrade and enhancement of the Glounthaune to Midleton rail line to a twin track configuration over a total distance of approximately 10km. The proposed development as stated within the statutory notices comprises:

- Twin tracking of the single-track sections between Glounthaune and Midleton totalling a distance of approximately 10km
- Reconfiguration of the operational track layouts
- Removal of 1No. bridge (OBY08, Ballyadam House overbridge) and widening of bridge deck crossing the Ownenacurra River (UBY11)
- Extinguishment of one level crossing (Ford CCTV XY010) and widening of one level crossing (Water-Rock CCTV XY009)
- Provision of sidings/turn back facility at Midleton Station
- Provision of new cable containment routes from Glounthaune to Midleton to facilitate signalling upgrades and alterations
- Associated signalling upgrades and alterations; and
- All associated works (e.g. temporary construction compounds; drainage, retaining walls, boundary treatments).

4 Need for the Development

The National Planning Framework – Project Ireland 2040 (NPF) anticipates that Cork will become the fastest growing city region in Ireland with a projected 50% to 60% increase in its population by 2040. Consequently, the projected population increase will result in a need for increased transport provision within the Cork Metropolitan Area (CMA). As a response to the projected need, the National Transport Authority (NTA), in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council prepared the Cork Metropolitan Area Transport Strategy (CMATS) 2040 to provide a land use and transport strategy for the managed delivery of an efficient transport network.

CMATS will support compact urban growth in a more sustainable way, facilitating a modal shift from the private car to public transport. A more efficient, sustainable, low carbon and climate resilient heavy rail network will help to reduce road congestion and support Ireland’s transition to a low emissions transport system and assisting in achieving emission reduction targets.

The proposed development has been identified within CMATS and within the Cork Area Commuter Rail (CACR) programme, the CMATS heavy rail strategy (also referred to as suburban rail); as such its need has been identified as part of the development of these strategies and its delivery is anticipated to be implemented before the lifetime of these strategies. Figure 4.1 illustrates the proposed development context within the CMATS heavy rail strategy.

Figure 4.1: CMATS Proposed Suburban Rail



Source: Cork Metropolitan Area Transport Strategy 2040

The CMATS provides a coherent transport planning policy framework and implementation plan around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure, such as housing and water, can align their investment priorities

The CMATS seeks to reduce car dependency and increase sustainable modes of transport as part of an integrated transport system. The projected population growth and demand for travel, which accounts for 20% of the country's current greenhouse gas emissions, emphasises Ireland's decarbonisation challenge. The CMATS is aligned with the Climate Action Plan 2019 and its subsequent 2021 update to ensure that a shift to sustainable and active modes of travel can be facilitated and delivered.

The fundamental aim of the CMATS is the delivery of an *“accessible, integrated transport network that enables the sustainable growth of Cork Metropolitan Area, as a dynamic connected, and internationally competitive European city region as envisaged by the National Planning Framework 2040.”*

In order to develop an enhanced public transport system which is identified as a key growth enabler within the NPF, the CMATS has identified six criteria which will deliver an attractive and reliable public transport system, namely;

- Capacity
- Frequency
- Speed
- Directness
- Coverage
- Interchange

The need to improve the Cork rail network is well established having formed part of numerous local plans and recently having been included within Project Ireland 2040 - National Planning Framework and now forms part of CMATS. The concept for CACR has been in existence for nearly 20 years. There is a robust policy context at all levels which support the improvement of the heavy rail system to enable the CMA to develop in a sustainable manner.

In order to support the projected population increases and facilitate economic development of the CMA, the CACR programme, which will facilitate future provision for being able to cater for up to 2,500 passengers per direction per hour, increase frequency of services providing services every 10 minutes along the proposed twin track route and improve journey times, equating to 25 minutes from Kent Station to Midleton.

At present there is limited capacity within the existing CMA transport network to cater for the projected population increases. The CMATS proposes that heavy rail (referred to as suburban rail in the CMATS) is developed to maximise opportunities presented by the existing rail network. The development of the current rail corridor is consistent with the Cork County Development Plan 2022-2028 and its policy framework to support the intensification of residential and commercial activity of settlements along the Glounthaune to Midleton rail line, namely, Midleton, Carrigtwohill and Water Rock. Both the Cork City and Cork County Development Plans recognise and aim to enable the proposals in CMATS.

The overall CACR programme consists of a number of separate but interrelated projects which will be developed in phases for the heavy rail network, and comprises the following separate but interrelated projects:

- Kent Station Through Platform
- Signalling and Communications Upgrade
- **Glounthaune to Midleton Twin Track - the proposed development**

- Per-way, Civils & Structures
- Depot
- Electrification
- Rolling Stock

The Glounthaune and Midleton Twin Track Project along with the completion of the new Kent Station Through Platform and the proposed Signalling and Communications upgrades will facilitate a tripling of service frequency along the line, while also ensuring a more reliable service for commuters and other rail users to and from the city.

The proposed future electrification of the heavy rail network is supported by the CMATS. It is anticipated that the proposed future electrification of the rail network across the CMA will be applied simultaneously across the rail network and not to individual projects.

The Glounthaune to Midleton Twin Track Project is a key development as identified within the national and regional strategy for rail development included within the Cork Metropolitan Area Transport Strategy (CMATS) 2040 and CACR programme. The proposed development will deliver improved links to and from Cork city and the CMA and provide a more efficient, sustainable, low carbon rail network, which will assist in reducing road congestion. The proposed development helps to support Ireland's transition to a low emissions transport system helping achieve emission reduction targets.

5 Consultation

In advancing a project/ proposed development for its linear projects, Iarnród Éireann tries to create as little disturbance as possible. However, it is acknowledged that this work has an impact on landowners and neighbouring communities, and that the provision of new infrastructure requires local support, co-operation and knowledge.

Consultation for the proposed development, has thus been shaped by engagement with statutory and non-statutory bodies and a wide range of key stakeholders including directly affected landowners and the general public. The principles behind the consultation were the same for all groups – i.e. to engage in open, honest and meaningful discussion and consider all feedback, suggestions and information brought to the attention of the project team. Details relating to the consultation process are outlined in full in the Public Consultation Report (included as Appendix 5.1 to the EIAR) accompanying this SID RO application, as well as within Chapter 5 (Consultation) of the EIAR. The Planning Report nonetheless provides an overall contextual summary outline of same.

5.1 Non-statutory Consultation

The non-statutory consultation process included consultation and engagement with prescribed bodies, landowners and public consultation events.

The public consultation process and events also involved the production of project brochures, media advertisements, meetings, public information events and a microsite on the IE website² with updates and materials from the public information events, as well as information on the proposed development and contact details.

Public consultation on the proposed development took place from Tuesday 26th July to Tuesday 16th August (three weeks). During this time, members of the public, interested stakeholders, landowners and prescribed bodies were invited to submit observations on the proposed development. The public consultation included:

- A launch event which took place on Tuesday 26th July at Midleton Station with media, IE CEO and other guests in attendance. This highlighted the wider Programme and the Glounthaune to Midleton Twin Tracking Public Consultation going live.
- Two public information days - one held in Midleton (My Place, Midleton Main Hall, Mill Road, Midleton) on Wednesday 3rd August, between 1pm and 8pm, and the other held at the Glounthaune Community Centre (Glounthaune Village), on Thursday 4th August, between 1pm and 8pm. Feedback forms were also made available for visitors to submit any comments/suggestions.

In total the public consultation process resulted in engagement from 66 people, although many of the issues raised were not directly related to the proposed development, but to the wider rail network and public transport services. Further detail on this engagement is included in section 3.3 of Appendix 5.1 (Public Consultation). All submissions and feedback received during the public consultation were reviewed and considered by the design team, with feedback incorporated into the design and the accompanying Environmental Impact Assessment Report where possible appropriate. This included such matters as potential rock-breaking required at Water-Rock, resulting in measures being included into the EIAR to mitigate any likely environmental effects in this regard.

² www.irishrail.ie/gmtt

In addition to the above, as part of the EIAR process, an informal EIAR scoping exercise was carried out with stakeholders in February/March 2022 relating to the scope of the EIAR. Further consultation was also undertaken with Cork County Council, prescribed bodies and stakeholders prior to finalising the EIAR. Consultation with the Heritage section of Cork County Council in particular, highlighted the necessity of incorporating a design approach which would entail minimal changes to existing bridge structures along the route.

Public information events were held on 3rd and 4th August 2022 respectively, with observations from the public accepted during this (non-statutory) public consultation period which ran from 26th July to 16th August 2022. Through this process, the EIAR project team was able to account for issues raised and consider them in the RO process – this related to such matters as proposed permanent and temporary landtake.

5.2 Statutory Consultation

Strategic Infrastructure Development (SID) RO pre-application meetings were held with An Bord Pleanála on the 26th April 2022 and 31st August 2022, where the proposed development was presented and advice from ABP was received. This is set out in the various records of the pre-application meetings, available at www.pleanala.ie.

The design development and all public consultation feedback has informed the preparation of the RO application documentation, including the Environmental Impact Assessment Report (EIAR) and an Appropriate Assessment (AA), which culminated with the publication of a draft Railway Order and supporting documentation, as well as an Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and other supporting documents. These are all submitted to ABP as part of the suite of documents required for the railway order application and approvals process.

6 Planning Context

6.1 Introduction

This chapter sets out the planning and policy context applicable to the proposed development. The chapter is structured as a series of subsections which provide an outline at national, regional and local levels, of relevant policy provisions, and an indication of the proposed development's compliance with these.

The planning history of the existing rail line and surrounds has also been reviewed in order to provide a full contextual synopsis of the existing rail line and surrounding, adjacent land uses.

6.2 EU Policy

6.2.1 EU White Paper on Transport: Roadmap to a single European Transport Area – Towards a competitive and resource efficient transport system

In March 2011, the European Commission adopted a comprehensive strategy (Transport 2050) for a competitive transport system aimed at increasing mobility, removing major barriers in key areas and fuelling growth and employment. It sought to define a vision and set a framework for the necessary short to medium-term actions to guide the development of EU transport policy to meet long-term objectives.

The general objective and overall role of the White Paper is as a strategy document for the EU's transport policy and whose main purpose is to develop a transport system that meets the needs and aspirations of people while minimising undesirable impacts. The vision of the White Paper identified four broad areas:

- Growing transport and supporting mobility while reaching a 60% emission reduction target
- Delivering an efficient core network for multimodal intercity travel and transport
- Ensuring a global level-playing field for long-distance travel and intercontinental freight
- Promoting clean urban transport and commuting.

The White Paper focussed on the reduction of emissions from transport, with a series of target actions established for Member States, including supporting increasing demand for mobility whilst meeting the 60% emission reduction target.

Project Response

The proposed development will attract and encourage a greater modal shift to an accessible, efficient and sustainable public transport mode, thus also contributing to climate change targets by reducing car dependency and journeys and will therefore contribute to the wider policy objectives of the White Paper. The Glounthaune to Midleton line already carries a significant number of commuters daily – thereby reducing carbon emissions per person travelling.

6.2.2 European Sustainability and Smart Mobility Strategy – putting European transport on track for the future (COM/2020/789 final)

In December 2020, the European Commission presented its 'Sustainable and Smart Mobility Strategy'. The Strategy is part of the EU Green Deal³ and lays the foundation for how the EU transport system can achieve its green and digital transformation and become more resilient to

³ EU Green Deal (2019) Action Plan: *Accelerating the shift to sustainable and smart mobility*

future crises. It includes an action plan interlinking 3 objectives, 10 flagships, 14 milestones and 82 initiatives.

Given the ambitions of the European Green Deal, the result should be a 90 % cut in emissions by 2050, delivered by a smart, competitive, safe, accessible and affordable transport system. The Strategy highlights the need for cities and regions to adapt their existing systems and invest to make transport more sustainable, whilst also allowing citizens to better combine the available mobility options, enabling them to reduce their daily travel needs while ensuring connectivity and service accessibility.

As rail is one of the most environmentally positive choices with regards to public transport, the Strategy targets transport and mobility under 3 key objectives, including sustainable mobility, smart mobility and resilient mobility. As regards achieving sustainable mobility, three key perspectives will be evident in EU policies enacted to achieve sustainable mobility, with two of these comprising:

- The reduction of fossil fuel dependence
- Making alternative choices

Project Response

The proposed development is being undertaken as a direct response and in accordance with the EU Sustainability and Smart Mobility Strategy and has also thus accordingly been awarded significant EU grant funding under the EU Recovery and Resilience programme. It is the proposed upgrading and enhancement of an existing rail line which will provide future benefits in relation to increased frequency and capacity, better connectivity and enhanced reliability, and shorter wait times associated with the existing services and rail line. Such improvements will improve the offer and attractiveness of using the train for journeys to/ from Cork City and the other stations and settlements along this route and therefore assist in an increase in modal share of train journeys compared to individual car journeys.

Projects awarded funding under the EU Recovery and Resilience programme were those considered by the EU to comprise the highest social, environment, economic and EU value added and direct impact, on jobs, growth and resilience⁴.

6.2.3 The European Green Deal

The European Green Deal (EGD) sets out the EU's increased ambition on climate action. It presents a roadmap of key policies and measures needed to achieve the ambition of becoming the first climate-neutral bloc in the world by 2050. This requires a transformation of the EU's economy, with sectors such as transport, buildings, agriculture, and energy production all having key roles to play.

As well as setting out the policy and legislative programme for all key economic sectors to deliver on the EU's climate ambition, the EGD also addresses the EU's overall ambition on climate targets. It proposes increasing the EU's emissions reduction targets for 2030 from 40% to at least 50% and towards 55% compared with 1990 levels. In December 2020, EU leaders agreed to reduce GHG emissions by at least 55% by 2030 compared to 1990 levels

In identifying that surface transport is one of the second most CO₂ emitting sectors in the EU, the European Green Deal recognises the role of rail as one of the key sectors in greening European transport and for reaching both the EU targets and the Paris Agreement objectives.

⁴ Proposal for a Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Ireland: COM(2021) 419 final; 2021/0238(NLE)

Rail is identified as the only mode of transport that is able to achieve economic growth whilst reducing its emission levels.

The Green Deal is composed of various elements going from “a zero-pollution ambition for a toxic-free environment” to “mobilizing industry for a clean and circular economy”. The strategic element in the railway sector is named “accelerating the shift to sustainable and smart mobility”.

Project Response

The Glounthaune to Midleton twin track project supports and is aligned to the ambitious objectives set out by the European Green Deal. The proposed development has been designed and will be delivered to support additional and future rail capacity and frequencies; contributing to a sustainability mode that can reduce congestion and pollution in metropolitan Cork. Transport in Cork is thus on a path to become less polluting and more sustainable. This will assist Ireland in reaching stringent air pollutant emissions standards of the EU.

6.3 National Policy

6.3.1 National Planning Framework – Project Ireland 2040

The National Planning Framework – Project Ireland 2040 (hereafter referred to as the NPF), sets out the strategic planning and development context for Ireland up to 2040. As such, it sets a high-level framework for the co-ordination of a range of national, regional and local authority policies and activities, aligned with planning and investment - both public and private.

The NPF is structured around a set of shared goals which are expressed as National Strategic Outcomes (NSOs). The following NSOs relate directly to the proposed development, namely:

- **NSO 1 Compact Growth**

NSO 1 seeks to build on existing assets and “improve accessibility to and between centres of mass and scale and better integration with their surrounding area”. The proposed development will help the achievement of compact growth at local level. The proposed development will “enhance the attractiveness, viability and vibrancy of smaller towns” by ensuring that rail services will result in viable alternative options when deciding on locations to live in the Cork Metropolitan Area.

- **NSO 2 Enhanced Regional Accessibility**

Under “Enhanced Regional Accessibility” the NPF details the sought outcome for NSO 2; it seeks to build on a “more compact approach to urban development requirements, enhancing connectivity between centres of population of scale”. In relation to public transport, NSO 2 seeks to “strengthen public transport connectivity between cities and large growth towns... with improved services and reliable journey times”.

- **NSO 4 Sustainable Mobility**

The importance of a well-functioning and integrated public transport system is acknowledged with NSO 4 which seeks to provide “attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer term population and employment growth in a sustainable manner” and also “provide public transport infrastructure and services to meet the needs of smaller towns, villages and rural areas”.

- **NSO 5 A Strong Economy Supported by Enterprise, Innovation and Skills**

The proposed development will indirectly support NSO 5 by ensuring that the employment base required to provide a “competitive, innovative and resilient regional enterprise base” is retained

and attracted to the area as an improved level of rail service provision is provided to the Cork Metropolitan Area and wider region.

- **NSO 7 Enhanced Amenities and Heritage**

The NPF seeks to ensure placemaking results in attractive and appealing places for citizens which are easily accessible to all, provide a diversity of uses and are supported by integrated transport systems. NSO 7 also seeks the implementation of planning and transport strategies for the five cities and other urban areas; the publishing of the Cork Metropolitan Area Transport Strategy 2040 fulfils an element of this objective. The proposed development, also comprising an element of the overall CMAT strategy, is thus also compliant with the objective of NSO7 which seeks to implement the CMATS.

- **NSO 8 Transition to a Low Carbon and Climate Resilient Society**

There is a strategic aim to increase renewable deployment in line with EU targets and national policies to 2030 and beyond. The proposed development will assist the country's transition to a low carbon future by providing a viable and attractive alternative to private car use. The proposed development will facilitate the future electrification of this rail line. It will thus further the aims and objectives relating to a reduction of carbon emissions post 2030 as electrification is rolled out nationally across the rail network.

In addition to the above, within Section 3.4 - Cork City & Metropolitan Area of the NPFP, Cork is identified as an emerging medium-sized European centre of growth and innovation. To build on this potential the provision of transport system which is created in line with best European practice is stated as one of the requirements to achieving significant growth. Other requirements for growth fall under the NSO's for compact growth (NSO 1), strong economy (NSO 5) and enhanced regional accessibility (NSO 3), through the diversification of Cork's employment base, addressing the long-term decline of the city's urban population and providing, in tandem, improved regional connectivity (NSO 2). It is stated that journey times per km from Cork are up to 30-40% slower per km travelled than from Dublin to the other regional cities. An identified 'key future growth enabler' for Cork city and metropolitan area is specifically identified as *"improved rail journey times to Dublin and consideration of improved onward direct network connections."*

Project Response

The proposed development utilises an existing rail infrastructure asset and seeks to enhance and improve its operability. The proposed development will enable the future ability of the rail line to accommodate increased passenger numbers, reduce travel times and increase frequency of service to 10-minute intervals. It therefore provides opportunity for a more integrated public transport system and offering and will provides an attractive alternative to car transport for commuters.

The provision of increased services and their frequency, as may be facilitated by the proposed development, will encourage sustainable development focused on settlements serviced by rail stations and public transport infrastructure and thus assist in the reduction of urban sprawl, through the provision of accessible and appropriately located public transport infrastructure for passengers travelling between Cork city and Midleton, and also for those connecting to other services beyond these stations, as well as with regards to assisting citizens to access leisure, amenity and/ or heritage sites, civic spaces or areas.

The proposed development will contribute towards the achievement of the NSOs through an enhanced service provision, as a result of double tracking along the Glounthaune to Midleton rail line. The aims of the proposed development are thus directly aligned with the identified NSOs.

The proposed development will contribute to the realisation of the identified CCMA identified future growth enabler, by increasing frequency of services and ultimately journey times between Midleton and Cork city, and thus also access to associated onward direct network connections.

The delivery of the proposed development supports National Policy Objective 74 to “*secure the alignment of the National Planning Framework and the National Development Plan through delivery of the National Strategic Outcomes*”.

The implementation of the proposed development is thus demonstrated to be aligned with the policy and strategic objectives of the NPF and will serve Cork Metropolitan Area as well as having wider regional benefits. It will facilitate and support the integrated, sustainable and plan-led growth of Cork city and metropolitan area as a strategic centre for social and economic growth, through the provision of a viable, attractive and reliable public transport rail network.

6.3.2 National Development Plan 2021 – 2030

The revised National Development Plan (NDP) was published on 4th October 2021. The NDP is a detailed investment strategy setting out the ten-year capital ceilings to 2030 which will support economic, social, environmental and cultural development across all parts of the country under Project Ireland 2040, in parallel with the NPF.

The NDP provides for significant investment in terms of expanding sustainable mobility options in the country’s cities, towns and villages, supporting the ambition for compact growth under Project Ireland 2040. The NDP highlights that improved and expanded sustainable mobility services and infrastructure can act as an enabler of the NPF’s commitment toward compact growth of our cities, towns and villages within their existing urban footprint. The NDP confirms that Commuter Rail is an investment priority and will be delivered under NSO 4 - Sustainable Mobility. Cork Commuter Rail is specifically identified as one of the Major Regional Investments planned for the Southern Region.

Project Response

The proposed development comprises Phase 1 of the Cork Commuter Rail Programme which forms part of Ireland’s National Recovery and Resilience Plan as submitted to the European Commission as stated in the NDP. The Cork Commuter Rail Programme has been awarded €185million (through the EU Recovery and Resilience Fund), to address the existing bottleneck in the city centre, also enabling the creation of a suburban rail network between Mallow, Midleton and Cobh and ensuring a comparable level of track infrastructure by double tracking the eastern end of the corridor between Glounthaune and Midleton.

The proposed development is considered consistent with the NDP and its aim to provide increased sustainable mobility and sustainable transport choices.

6.3.3 National Investment Framework for Transport in Ireland (NIFTI)

The Department of Transport has prepared and finalised the National Investment Framework for Transport in Ireland (NIFTI). NIFTI is the Department of Transport’s high-level strategic framework to support the consideration and prioritisation of future investment in land transport. It represents the Department’s contribution to Project Ireland 2040, Government’s long-term, overarching strategy to make Ireland a better country for all and to build a more sustainable future. NIFTI has been developed to ensure sectoral investment is aligned with the National Planning Framework (NPF) and supports the delivery of the ten National Strategic Outcomes (NSOs).

The NIFTI notes that the National Development Plan identifies a range of transport projects, including a host of smaller projects, that will enhance regional connectivity and improve the transport offering in rural Ireland. The NIFTI establishes an ‘Intervention Hierarchy’ (Maintain,

Optimise, Improve, New), with interventions being made according to four Investment Priorities: Decarbonisation, Protection and Renewal, Mobility of People and Goods in Urban Areas, and Enhanced Regional and Rural Connectivity. Future transport projects must align with these priorities to be considered for funding. Moreover, as the National Strategic Outcomes are embedded in NIFTI, future investment made in accordance with the priorities will support the delivery of the National Planning Framework over the coming decades.

Project Response

The Glounthaune to Midleton Twin Track project will comply with the Intervention Hierarchy and Investment Priorities. It will provide 'Improve' measures "*which increase the capability of existing infrastructure*" and 'New' measures which will facilitate increases to transport infrastructure capacity and assist in the decarbonisation of the transport system. It will link into the Cork County Council cycling and pedestrian network. It will help in the protection of the environment, and it will improve the mobility of people in a sustainable manner.

6.3.4 National Sustainable Mobility Policy

The National Sustainable Mobility Policy, published in April 2022, sets out a strategic framework to 2030 for active travel (walking and cycling) and public transport journeys to help Ireland meet its climate obligations. The Policy builds on and replaces existing active travel and public transport policy as set out in the 2009-2020 policy document – Smarter Travel: A Sustainable Transport Future. The National Sustainable Mobility Policy is accompanied by an action plan to 2025 which contains actions to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternatives to car journeys.

The Policy forms part of Ireland's climate action agenda with a number of complementary actions in the Climate Action Plan 2021, including actions focused on decarbonising the public transport fleet and enhancements across active travel and public transport. This Policy is primarily focused on measures to promote and facilitate active travel and public transport for all and, in doing so, encourage less private car usage nationally and particularly to, from, and within our towns and cities.

The policy aims to deliver at least 500,000 additional daily active travel and public transport journeys by 2030 and a 10% reduction in the number of kilometres driven by fossil fuelled cars. It will make it easier for people to choose walking, cycling and use public transport daily, instead of having to use a petrol or diesel car.

Project Response

The proposed development, providing enhancements capable of facilitating future increased capacity, frequency and speed of journey times, as well as electrification of the line, within an existing public transport service corridor and facilitating linkages to the wider Cork County Council cycle and pedestrian initiative, accommodates and meets with these aims.

It will assist in improving the movement of people involved in a wide range of community, business and social activities. It patently supports a more sustainable form of transportation within a significant catchment of the Cork Metropolitan Area, providing key links between the city and growing centres which are a focus for social and economic development. The proposed development is aimed at drawing upon the established car user, as it will assist in providing an efficient and attractive mode of sustainable transport. It provides an enhanced offering to the wider Cork City Metropolitan Area public transport network.

6.3.5 Department of Transport: Statement of Strategy 2021-2023

The Statements of Strategy set out the departmental priorities and action plans for the coming years. It does not refer to specific projects, however, there are a number of objectives outlined in the Strategic Approach that are relevant to the Glounthaune to Midleton Twin Track project:

“Aligned with the National Planning Framework and the National Economic Plan we will maintain and develop high quality sustainable road, public transport and active travel networks to enable economic activity, essential services and social connections between and within our cities, regions and communities.

We will encourage and support transport networks and services that are environmentally, economically and socially sustainable, in line with the UN Sustainable Development Goals.

We will prioritise the decarbonisation of transport and low carbon technology in line with the EU Green Deal and ambitious government policies.

We will continue to invest in active travel and in our public transport networks, greenways and alternative technologies.”

Project Response

The proposed development embodies and reflects the Department of Transport’s objectives and is part of a suite of actions and projects which will assist the Department in delivering on these.

6.3.6 Climate Action Plan (CAP) 2021 – Securing Our Future

The Climate Action and Low Carbon Development Act 2015 was amended by the Climate Action and Low Carbon Development (Amendment) Act 2021 (also referred together herein as “the 2015 Act”) and defines the National Climate Objective as “... to pursue and achieve by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy”

Under section 3(2) of the 2015 Act the requirement for the Minister for the Environment, Climate & Communications to make the Climate Action Plan, the National Long-Term Climate Action Strategy and the National Adaptation Framework is for the purpose of achieving the National Climate Objective. The National Climate Objective (again, the objective of becoming 'climate neutral' by 2050) is the same objective (and is to be achieved within the same timeframe) as the climate objective that the EU as a whole has set for itself (in Regulation (EU) No 2021/1119 (the 'European Climate Law'). The 'European Climate Law', writes into law at EU level the goal set in the 'European Green Deal' for the EU to achieve climate neutrality (or, 'net zero' greenhouse gas emissions) by 2050.

Section 15 of the Climate Action and Low Carbon Development Act 2015 was *inter alia* amended by section 17 of Climate Action and Low Carbon Development (Amendment) Act 2021 with effect from 7 September 2021 (S.I. No. 468 of 2021).

Section 15 of the 2015 Act, as amended with effect from 7 September 2021, now provides:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- (a) the most recent approved climate action plan,
- (b) the most recent approved national long term climate action strategy,
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”

The most recent approved climate action plan is the *Climate Action Plan 2021*, which was published on 4 November 2021.

The Climate Action Plan 2021 (CAP) commits Ireland to a legally binding target of net-zero greenhouse gas emissions no later than 2050, and a reduction of 51% by 2030. These targets are a key pillar of the Programme for Government.

An action identified to reduce emission in the transport sector is: “*The proposed pathway in transport is focused on accelerating the electrification of road transport, the use of biofuels, and a modal shift to transport modes with lower energy consumption (e.g. public and active transport).*”

The abatement ambition targets for the transport sector in 2030 are predicted to result in a reduction of greenhouse gas (GHG) emissions of between 40-50% when compared against 2018 GHG emissions. This reduction rate is based on the implementation of core measures or a combination of core and future measures from the CAP. The abatement ambition is set to be achieved by the transport sector via several core measures and a total of 72no. actions with associated timelines and responsible organisations detailed. The core measures are detailed in Table 6.1:

Table 6.1: Core Measures of the Climate Action Plan 2021

Climate Action Plan 2021 – Core Measures	Technology/Actions
T1 electrification of road transport	845,000 passenger electric vehicle (EVs) with a focus on battery EVs 95,000 vans 3,500 heavy goods vehicles
T2 increase biodiesel blend rates	Bioethanol blend increases; petrol-E10 and diesel-B20
T3 transition to zero emission mass transportation	1,500 EV buses Expanding electrified rail services
T4 Sustainable Transport Journeys and Demand Management Measures	500,000 (14%) additional public transport and active travel journeys per day Reduce kilometres travelled by internal combustion engine (ICE) cars by c.10%

Project Response

As has been noted earlier in this report, the CMATS is aligned with the Climate Action Plan 2019 and its subsequent 2021 update to ensure that a shift to sustainable and active modes of travel can be facilitated and delivered. The main ambition for the transport sector is to provide the public with reliable and realistic sustainable mobility options to enable better mobility choices.

In recap, section 15 of the 2015 Act relates to the duties of certain bodies and requires that such bodies perform their respective functions, in so far as is practicable, in a manner ‘consistent with’ specified matters. The proposed development in this case involves the upgrade and enhancement of the Glounthaune to Midleton rail line to a twin track configuration over a total distance of approximately 10km. The RO application and accompanying/ supporting documentation has been considered against the matters set out in subsection 15(1). For the reasons set out below, in relation to the proposed development, it is considered that An Bord Pleanála can perform its functions in relation to the consideration and granting of this application for a Railway Order in a manner consistent with the matters set out at section 15(1)(a) to (e) of

the 2015 Act, and the granting of a Railway Order for the proposed development would not involve any inconsistency with the matters set out at section 15(1)(a) to (e) of the 2015 Act.

The Climate Action Plan sets out a target for 2030 of an additional 500,000 daily public transport and active travel journeys. The proposed development will facilitate a future increase in the use of public transport and a modal shift from private car to train through the future provision of attractive and reliable rail services for those within the Cork Metropolitan Area, in accordance with T4 of the CAP core measures, as well as the potential for future electrification across the entire network as envisaged as part of the CACR programme. The proposed development is consistent with enabling modal shifts to sustainable transport, which is a fundamental objective of the Climate Action Plan 2021.

6.4 Regional Policy

6.4.1 Regional Spatial and Economic Strategy for the Southern Region

The Regional Spatial and Economic Strategy for the Southern Region (hereafter referred to as the RSES), came into effect on 31st January 2020. The RSES sets out a 12-year strategic regional development framework for the Southern Region. The primary aim of the RSES is to support and implement the NPF and NDP.

The RSES supports investment, strengthening and enhancement of the rail network for the Region and seeks to ensure that rail services meet passenger demand and future growth while providing reliable services to encourage use of sustainable transport. The Regional Transport Strategy for the RSES sets out 'A Transport Vision for the Southern Region' which states that investment in the Region aims to meet a number of objectives, including the following objectives which are considered relevant to the proposed development:

- To reduce environmental impact of travel on the Region.
- To provide for the integrated development of sustainable transport infrastructure, including walking, cycling (including emerging e-modes) and public transport to accommodate the necessary switch to private car, for the travel needs of all individuals in the Region, in line with the stated government transport policy.
- Supporting improved strategic and local connectivity.
- To expand attractive public transport and other alternatives to car transport.

The Transport Vision within the RSES is based on a set of principles which inform the integration of land use and transport planning in the Region. In regard to rail infrastructure it sets out that *"The management, maintenance and improvement of the regions transport infrastructure is a key consideration to ensure that the safety, capacity and efficiency of the networks are maintained and factored into the capital funding process"*, whilst also highlighting the need for *"Strengthening intra-regional connectivity between the metropolitan areas and large towns, and between large towns to improve public transport services and reliable journey times."*

The proposed development is considered to be supported by and in turn supports, the following Regional Policy Objectives (RPOs);

- **RPO 155 Managing the Region's Transport Assets** It is an objective that the capacity and safety of the Region's strategic land transport networks will be managed and enhanced including through the management of travel demand to ensure their optimal use. Enhancement to existing land transport to existing land transport networks shall be subject to robust feasibility, route selection, environmental assessment and planning processes that reduce impacts on the environment

- **RPO 160 Smart and Sustainable Mobility** It is an objective to deliver NSO: Sustainable Mobility subject to the required appraisal, planning and environmental assessment processes. This includes the following sustainable mobility investment actions:
 - Recognise the importance of public transport networks and multi-modal interchange
 - Continued investment in bus and rail fleets
 - Support Steady State Investment to maintain and upgrade the existing road, rail and bus networks to provide a quality service to transport users
 - Reduction in the use of fossil fuels for public transport and increasing the use of technology and green energy sources to pursue low emission public transport fleets
- **RPO 163 Sustainable Mobility Targets** It is an objective that⁵
 - a. Through effective integration of land-use and transport planning, implementation of RPOs in the RSES and MASPs and actions driven through Development Plan, Local Area Plan, Metropolitan Area Transport strategies and Local Transport Plans, significant progress is sought for the Southern Region to reduce the modal share of travel by walking, cycling, public transport and car sharing
 - b. Support the function of Metropolitan Area Transport Strategies and Local Transport Plans to achieve higher rates of modal shift to sustainable transport.
- **RPO 164 Metropolitan Area Transport Strategies** This objective has been realised through the publication of the Cork Metropolitan Area Transport Strategy 2040 and is discussed further below, in this context, under Section 6.4.2.
- **RPO 170 Rail** It is an objective to seek to strengthen investment in the maintenance, improvement and strengthening of the rail network in the Region subject to appropriate environmental assessment and outcome of the planning process. This will provide for (listed below are those objectives specific to the proposed development):
 - Future proofed infrastructure for rail in our transition to smart transport networks and low carbon society
 - Improved journey times, services and passenger facilities to encourage greater use of rail between cities, towns and villages on the rail network across the Region
 - Take immediate actions to transition transport fleets to non-fossil fuel and renewable/low emission energy sources
 - Optimisation of the existing rail network assets and the protection of these assets for our region's transition to greater levels of sustainable mobility, use of rail and achievement of lower carbon emissions
 - Achieve improved and consistent journey times and frequencies

Project Response

The proposed development is considered consistent with and will provide both direct and indirect support to, the attainment of the above policy objectives.

The proposed development, providing enhancements capable of facilitating future increased capacity, frequency and speed of journey times, as well as electrification of the line, within an existing public transport service corridor and facilitating linkages to the wider Cork County Council cycle and pedestrian initiative, accommodates and meets with the above-outlined policy objectives.

It will assist in improving the movement of people involved in a wide range of community, business and social activities. It also supports a more sustainable form of transportation within a

⁵ only project specific paragraphs included for RPO 163

significant catchment of the Cork Metropolitan Area, providing key links between the city and growing centres which are a focus for social and economic development.

6.4.2 Cork Metropolitan Area Strategic Plan

The Cork Metropolitan Area Plan (CMASP), which forms part of the RSES for the Southern Region, seeks to make Cork a primary driver of economic population growth in the Region, as aligned with the objectives of the NPF. Each MASP is based on seven universally applied goals. Goal 1-Sustainable Place Framework comprises a number of objectives, including, the delivery of a “*network of compact metropolitan settlements and employment areas offering quality residential and working choices, interconnected with sustainable public transport, pedestrian and cycling networks*”. These principles are translated into Policy Objective 1 – Cork Metropolitan Area.

Goal 2 - Excellent Connectivity and Sustainable Mobility seeks to deliver, inter alia.

- well-connected metropolitan areas through efficient rail, road, bus networks and services
- encourage the development of sustainable modes of transport; and
- ensuring the provision of high-capacity public transport corridors and achieve sustainable higher densities and appropriate uses at nodes serviced by public transport networks.

The CMASP acknowledges that the distribution of population and employment growth in the metropolitan area must align with public transport investment and that the delivery of an integrated multi modal transport network is a key requirement.

Policy Objective 8 – Key Transport Objectives is subject to the finalisation of the Cork Metropolitan Area Transportation Strategy, which has subsequently been published and is discussed in Section 5.5.2. Under Policy Objective 8 (e) Rail Network the dual tracking of the rail line to Midleton is stated as a specific suburban rail project, along with the improvement of journey times and electrification of the rail fleet. The proposed development is therefore aligned with Policy Objective 8. The proposed development also supports other policy objectives which are reliant on sustainable transport to be a catalyst for the delivery of compact residential and employment growth and improve the quality of living for citizens, specifically:

- Policy Objective 1: Cork Metropolitan Area
- Policy Objective 2: Cork City
- Policy Objective 4: Cork Metropolitan Regional Interactions
- Policy Objective 5: Investment to Deliver Vision
- Policy Objective 6: National Enablers
- Policy Objective 7: Integrated Landuse and Transport Planning
- Policy Objective 12: Infrastructure for Strategic Employment Locations
- Policy Objective 15: Cork MASP Tourism
- Policy Objective 16: Retail

Project Response

The proposed development is fully in accordance with the CMASP as the proposed development represents one of several rail projects which will directly help to deliver Policy Objective 8 of the CMASP. Overall, the proposed development will help to indirectly assist in the fulfilment of the other aforementioned objectives in achieving compact growth and economic growth for the city and region. This is in line with sustainable development principles and the need to consolidate built up areas.

6.4.3 Cork Metropolitan Area Transport Strategy 2040

As stated in Section 3 of this report the Cork Metropolitan Area Transport Strategy (CMATS) provides a land use and transport strategy for the managed delivery of an efficient transport network in the CMA. The CMATS is directly informed by the NPF policy objectives. The proposed development is one of a number of projects identified in the CMATS heavy rail strategy which will ensure the provision of the following:

- **Attractive and reliable rail services:** Ensure that sustainable modes of transport, such as rail, are provided as an attractive alternative to private car use
- **Increased rail infrastructure capacity:** Address inadequate levels of rail service to meet current and future need
- **Facilitate compact development:** Ensure that planned new residential development is support with sustainable modes of transport
- **Facilitate economy development:** Ensure that sustainable transport is provided to attract investment
- **Address transport carbon emissions:** Electrification will reduce carbon emissions and help achieve the Government’s transport carbon targets under the Climate Acton Plan 2019
- **Protect residential amenity:** Electrification of the rail network will reduce noise and air emissions to protect proposed new residential amenity along rail corridors

Project Response

The proposed development forms part of the suburban rail network proposed within the CMATS and is just element of the strategy which will require delivery to form part of an integrated public transport system. The over-arching objective of the enhanced suburban rail services is to maximise development opportunities offered by the existing railway line to support a greater level of coordination between land use and transport planning.

The proposed development is directly delivered as a programme of works by Iarnród Éireann to fulfil the Strategy’s vision of delivering an integrated transport network that addresses the needs of all modes of transport, offering better transport choices, resulting in better overall network performance and providing capacity to meet travel demand and support economic growth.

6.5 Iarnród Éireann Strategic Plans

6.5.1 Iarnród Éireann Strategy 2027

Iarnród Éireann as the national rail provider has prepared a strategy detailing how service provision will be transformed over the lifetime of the NDP through strategic investment interventions and programmes. The Iarnród Éireann Strategy 2027 (hereafter ‘the Strategy’) states that the “*rail network is an invaluable national asset, providing the backbone for an integrated public transport system*”. The Strategy aims to strengthen Ireland’s rail system to “*create a modern, fit-for purpose and sustainable transport asset that will deliver for customers and support Ireland’s growing population and economy for decades to come*”.

The Strategy supports the delivery of the ten National Strategic Outcomes (NSO’s) of the NPF, either ‘directly addressing’ and/or ‘supporting’ the ten NSO’s, as illustrated in Figure 6.1. Additionally, it also contributes towards Ireland’s meeting of several UN Sustainable Development Goals.

Figure 6.1: Iarnród Éireann Strategy 2027 contribution to NSO delivery

Project Ireland 2040 National Strategic Outcomes		Directly Addressed	Supported	Strategy outcome
1	Compact Growth	✓	✓	Improved integration and access to Rail
4	Sustainable Mobility	✓		Safeguarding the rail network
10	Access to Quality Childcare, Education & Health	✓	✓	Capacity to meet transport demand
5	A Strong Economy Supported by Enterprise, Innovation & Skills	✓	✓	Customer satisfaction Future proofing our business <i>Meet United Nation Sustainable Goals 8, 9 and 11</i>
2	Enhanced Regional Accessibility	✓		Improved Regional Connectivity by Rail <i>Meet United Nation Sustainable Goal 11</i>
3	Strengthened Rural Economies & Communities		✓	
6	High Quality International Connectivity	✓		Delivery of connectivity through Rosslare Europort Hourly Enterprise services between Dublin and Belfast Opportunities for additional rail freight access to ports Support public transport connectivity to Dublin Airport through interchange with MetroLink <i>Meet United Nation Sustainable Goal 9</i>
7	Enhanced Amenity & Heritage		✓	Safeguarding the rail network
8	Transition to a Low Carbon and Climate Resilient Society	✓		Taking action against climate change <i>Meet United Nation Sustainable Goal 13</i>

Source: Iarnród Éireann Strategy 2027 p.44

The Strategy identifies several challenges which will result from increasing demand pressures on the rail network, these include:

- Growing congestion on road networks
- Inadequate levels of infrastructure and service to meet the needs of the growing population and economy
- Lost potential to develop rail as a high-capacity transport solution in support of compact development along key corridors
- Impacts on the delivery of sustainable transport and negative implications for climate change
- Deteriorating infrastructure and increasing maintenance backlog
- Increasing safety requirements resulting in slower services or reduction in activity

The Strategy uses demand modelling to forecast the anticipated growth scenarios for the rail network based on three population growth scenarios - low, central and high. From the baseline, taken as 2018 passenger numbers, by 2027 the total growth in annual journeys for the low-growth scenario is 21%, compared to 51% in the central scenario and 81% for the high-growth scenario. The high-growth scenario broadly reflects Iarnród Éireann's '75 by 25' vision with just under 75 million passengers expected by 2025 in this scenario. Combined annual growth rates up to 2027 are 2.1% for the low scenario, 4.6% for the central scenario and 6.7% for the high scenario.

To meet the forecasted demand and deliver the increase in rail network capacity the Strategy references three programmes of invest to achieve continued and sustainable economic growth, including:

DART+ - Envisaged as part of the NTA's GDA Transport Strategy to provide fast, high frequency electrified services to Drogheda on the Northern Line, Celbridge/Hazelhatch on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones.

Infrastructure Manager Multi Annual Contract - funding maintenance and safety projects on the rail national rail network.

Heavy Rail Enhancement Programme - A Programme of investment consisting of numerous signalling, civils and on-board fleet renewal projects. This includes an ongoing programme of investment to upgrade certain stations, improve accessibility, track renewal, city centre re-signalling and other network development projects. This includes the City Centre re-signalling project.

Specifically referenced is Cork Commuter Services with service enhancement proposals that are aligned to CMATS, which includes the proposed development.

Project Response

The Strategy fully supports the NPF and NDP National Strategic Outcomes and Climate Action Plan 2021 objectives, as it seeks to enable compact growth to achieve sustainable land usage and encourage sustainable travel habits.

The Strategy seeks to increase passenger journeys to 75 million by 2025, an increase of 20 million on 2019 figures. The projected demand and passenger target will be achieved through an increase in rail network capacity, substantial investment in new rolling stock, improvement to track infrastructure, elimination of constraints, electrification of routes and enhancement of control systems. The proposed development is listed under Cork commuter services within this context.

6.5.2 Iarnród Éireann Cork Area Commuter Rail Programme Strategic Assessment Report (November 2021)

This strategic assessment report (SAR) examines the investment rationale for the Cork Area Commuter Rail (CACR), its strategic fit and alignment with Government policy and assesses programme objectives, consideration of options and identification of risks. The report represents the first deliverable in the lifecycle and Decision Gate appraisal process as set out in Department of Public Expenditure and Reform Public Spending.

Programme delivery is aligned to project funding allocation from the European Union Recovery and Resilience Facility (EURRF), with a commitment to achieve project completion by 2026 for all three elements of the programme – these include:

- Through-running platform at Kent Station
- Double tracking of the line between Glounthaune and Midleton
- Cork area re-signalling

Project Response

The SAR sets out the framework for optioneering and appraisal of train service timetabling and other system or infrastructure interventions to deliver a 10-minute peak frequency service which is an objective of the CACR. The proposed development represents the partial implementation of this programme delivery.

6.6 Local Policy

6.6.1 Cork County Development Plan 2022-2028

The proposed development is located within the administrative planning boundary of Cork County Council. The Cork County Development Plan 2022-2028 (hereafter referred to as the CDP), is the key local policy document in the context of the proposed development. The Cork County Development Plan was adopted on 25th April 2022 and came into effect on 6th June 2022.

The CDP Vision is stated below and is supported by ten aims:

“The Vision is to provide for the development of County Cork as an attractive, competitive and sustainable place to love, visit and do business, where the quality of its economy, natural and built environment, culture and the strength and viability of its rural and urban communities are the to the highest standards”.

The CDP Core Strategy considers all aspects needed to deliver sustainable communities and support the vision for the CDP. Emerging spatial trends arising from the Cork Metropolitan Area Transport Strategy are integral to the development of the CDP and the identification of zoning objectives.

The proposed development is directly supported in the Core Strategy under the following paragraphs of Objective CS 2-3:

CS 2-3 County Metropolitan Cork Strategic Planning Area⁶

- (a) *Recognise the importance of the role to be played by the Cork Metropolitan Area in the development of the Cork ‘MASP’ as identified in the RSES for the Southern Region, in tandem with the development of Cork City, to promote its development as an integrated planning unit to function as a single market area for homes and jobs where there is equality of access for all, through an integrated transport system, to the educational and cultural facilities worthy of a modern and vibrant European City...*
- (f) *Provide an enhanced public transport network linking the City, its environs, the Metropolitan Towns and the major centres of employment in line with the Cork Metropolitan Area Transport Strategy (2020)...*
- (i) *Support the existing Strategic Employment Locations as important economic assets, particularly in terms of public transport provision and linkages to local residential populations.*

6.6.1.1 Transport and Mobility

The aim of the transport chapter (Chapter 12 of the CDP) is to support the delivery of an efficient transport system in order to deliver economic, social, health wellbeing, environmental and climate action benefits. Specific transport and mobility objectives provided in the CDP, and considered to be directly relevant to the proposed development (only relevant sections of objectives have been reproduced below), include the following:

TM 12.1 Integration of Land Use and Transport

Support and facilitate the integration of land use with transportation infrastructure, through the development of diverse, sustainable, compact settlements, to achieve sustainable transport outcomes, with the pattern, location and design of new development in the County to support existing and planned well-functioning, integrated public transport, walking and cycling transport modes.

⁶ Note: Only those objective paragraphs specifically relevant to the proposed development, are noted here

- (a) The Council will support delivery of transport programmes and policies that have been committed to in Project 2040 and the Cork Metropolitan Area Strategic Plan as they apply to County Cork.

TM12.2.1 Active Travel

Deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten-minute walk of one's home. Prioritise development in our settlements that is well located and designed to facilitate walking, cycling and public transport trips.

TM12.3 Rail Transport

Support and prioritise the following key Rail Transport initiatives:

- (a) Encourage the enhancement of service provision in tandem with planned population and employment growth
- (b) Secure the delivery of new stations to support planned population growth in: Carrigtwohill (Carrigtwohill West), Midleton (Water Rock), Cobh (Ballynoe), and Monard
- (c) Secure the delivery of a Park & Ride facilities where and as appropriate including at Carrigtwohill and Dunkettle/North Esk.
- (d) Support other agencies in delivering an appropriate integrated land-use and transportation framework to maximise rail use and facilitate connectivity with other transport modes
- (e) Provision of enhanced rail station access and multi modal facilities to include secure, sheltered bicycle parking, public bicycle sharing facilities, bicycle maintenance stations, EV charging, park and pool facilities, car sharing facilities, where appropriate.

TM12:6 Local Link

Support investment in sustainable transport infrastructure that strengthens the connections between rural and urban areas.

TM12.7 CMATS

Support the implementation of the Cork Metropolitan Area Transport Strategy.

6.6.2 Climate Change

The importance of addressing climate change has been transposed into Irish planning legislation under the Planning and Development Act 2001 (as amended by the Planning and Development (Amendment) Act 2010 S.I. No. 447 of 2010). A main objective for Iarnród Éireann under their Strategy 2017 is to continue to electrify the rail network, electrification will be undertaken as part of the proposed development. A core strategy objective of direct relevance to the proposed development is CS 2-8 Climate Change which reads as follows:

CS 2-8 Climate Change

Promote sustainable settlement and transportation strategies in urban and rural areas, including the promotion of measures to:

- (a) Reduce energy demand in response to the likelihood of increases in energy and other costs due to long term decline in non-renewable resources,
- (b) Reduce anthropogenic greenhouse gas emissions, and address the necessity for adaptation to climate change, in particular, having regard to location, layout and design of new development.
- (c) Address climate change with particular emphasis on transport provision, by implementing the policies and objectives of this CDP.

Chapter 17 Climate Action of the CDP contains the mandatory objectives addressing measures to reduce energy demand, reduce GHG emissions and address Climate Adaption. Those objectives which are applicable to the proposed development are set out below.

CA 17-1: Support national and local climate change objectives set out in the following:

- National Planning Framework
- Southern Region Spatial and Economic Strategy
- Climate Action Plan
- National Climate Change Adaptation Framework (2018 or any successor framework)
- National Mitigation Plan (2017 or any successor plan)
- Cork County Council Climate Change Adaptation Strategy

CA 17-2: In order to achieve a reduction in greenhouse gas emissions, an increase in renewable energy production, an increase in energy efficiency and enhanced biodiversity, support the transition to a low carbon, competitive, climate resilient and environmentally sustainable economy by 2050 through implementation of the polices of this plan that seek to deliver the following:

- compact growth
- integrated land use and transport
- sustainable transport choices
- liveable settlements
- renewable energy production and reduced energy consumption
- enhanced ecological biodiversity; and
- climate adaptation measures such as through flood risk management, sustainable urban drainage systems and high quality placemaking and design.

Project Response

The proposed development utilises an existing rail infrastructure asset and seeks to enhance and improve its operability. The proposed development will enable the future ability of the rail line to accommodate increased passenger numbers, reduce travel times and increase frequency of service to 10-minute intervals. It therefore provides opportunity for a more integrated public transport system and offering and will provides an attractive alternative to car transport for commuters.

The provision of increased services and their frequency, as may be facilitated by the proposed development, will encourage sustainable development focused on settlements serviced by rail stations and public transport infrastructure and thus assist in the reduction of urban sprawl, through the provision of accessible and appropriately located public transport infrastructure for passengers travelling between Cork city and Midleton, and also for those connecting to other services beyond these stations, as well as with regards to assisting citizens to access leisure, amenity and/ or heritage sites, civic spaces or areas.

The proposed development is thus a key rail infrastructure development to help achieve the objectives of the Core Strategy and CDP Vision and is compliant with the provisions and objectives of same. As has been identified in Section 6.6.1.1, support and provision for the proposed development is expressed in Chapter 12 of the CDP. Objective TM12.1(a), TM12.3 and TM12.7 directly support the proposed development and these objectives align with the aims of the Glounthaune to Midleton Twin Track project.

6.7 Policy Summary

The policy review confirms that the proposed Glounthaune to Midleton Twin Track project is consistent with EU, National, Regional and local policy provisions and will support existing and projected population centres and their sustainable economic growth. It will also facilitate future improved sustainable mobility options, supporting reductions in emissions from the transport sector and making rail travel a more viable alternative to private car use.

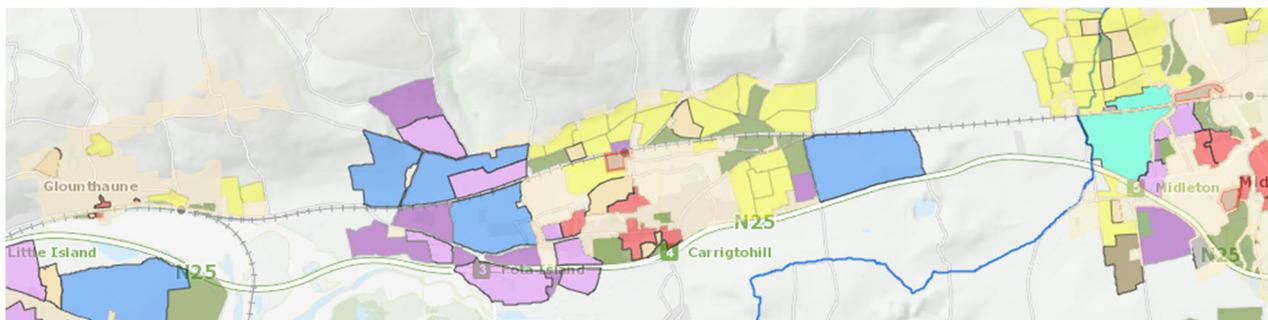
6.8 Land Use Zoning

The current land use zoning context, as detailed within Volume 6 of the Cork County Development Plan for land directly adjoining or adjacent the existing rail line, is illustrated in Figure 6.1 below. As can be noted on the Council’s online interactive zoning map⁷, the existing railway line itself (the subject of this development proposal), is unzoned for the full extent of the line until Midleton (from chainage 8,860m up to Midleton Train Station), where it has an ‘Existing Residential/ Mixed Residential and Other Uses’ zoning, similar to most of the existing urban area (including roads) of Midleton. In this regard, the provisions of ZU 18-4 (Land Use Zoning of Other Lands), of the CDP, is noted, which states that “*Where lands have not been explicitly zoned, in the Plan the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.*”

Zoning objectives relevant to the existing rail stations along the line, are:

- Glounthaune Train Station: unzoned
- Carrigtohill Train Station: unzoned & Special Policy Area
- Midleton Train Station: Existing Residential/Mixed Residential and Other Uses

Figure 6.2: Land Use Zoning



Source: Cork County Development Plan 2022-2028

As part of the proposed development, several areas/ small parcels of land are required to be permanently or temporary acquired (in order to ensure implementation of component aspects of the development proposal), which have differing zoning objectives. The spatial extent of these is minimal, with the majority of these land use zonings noted as extending into Irish Rail existing operational lands.

With regards to the relevant specific zoning objectives on such lands, it is therefore considered appropriate that these be considered in the context of ‘Non Conforming’ or ‘Ancillary’ uses, as provided for by CDP Objective ZU 18-6 and ZU18-7, respectively. These provide for uses (ZU 18-6: Non Conforming Uses) “*which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid permission, or which are*

⁷ <https://corkcoco.maps.arcgis.com/apps/webappviewer/index.html?id=0998608db8dd4fa2b7dfcb2e5ec808ce>

unauthorized but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria,” and (ZU 18-7: Ancillary Uses) “developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale and should be considered on their merits irrespective of what category the ancillary development is listed in the ‘Overall Approach to Land Use Zoning’, Section 18.2 of the CDP.

Areas of land which are required to be permanently or temporarily acquired, with the respective applicable zoning objectives, are described in Table 6.2 below.

Table 6.2: Land Use Zoning applicable to the Proposed Development

Land Use Zoning	Zoning Objective	Chainage (mm) [from – to]
Residential	Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity	3560-3650 (embankment in fill)
Existing Residential/Mixed Residential and Other Uses	The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.	9900-10620 (modified track)
Industry	Promote the development of industrial areas as the primary location for uses that include heavy industry, manufacturing, repairs, medium to large scale warehousing and distribution, biomedical, pharmaceutical, bioenergy plants, open storage, waste materials treatment, port related facilities and port related activities and recovery and transport operating centres. The development of inappropriate uses, such as office-based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses	1985-1995 (gabion wall) 2910-3050 (embankment in cut)
Existing Mixed/General Business/Industrial Uses	Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted	9700-9730 (sheet pile wall)
Green Infrastructure (Green Recreational/Green Active)	Green Recreational (GR)-Open Spaces/Park where the purpose is to retain and provide for open space and recreational amenities Green Active (GA) - Active Open Space where the purpose is to retain and provide for active recreational facilities.	5680-5950 (sheet pile wall) 9730-9805 (sheet pile wall)
High Technology Campus Development	Promote and facilitate opportunities for the development of High Technology Campus Development Areas in appropriate locations, as the primary locations for the development of employment uses for major office, research and development and high technology/high technology manufacturing type employment in highly accessible campus style settings	8600-8720 (embankment in cut) 8990-9490 (embankment in fill)
Business and General Employment	Promote the development of New Business and General Employment Areas as the primary locations for the development of employment uses such as light	1975-1990 (gabion wall) 2060-2150 (embankment in cut) 2670-2880 (embankment in cut)

Land Use Zoning	Zoning Objective	Chainage (mm) [from – to]
	industry, wholesale and non-retail trading uses, car showrooms and small/medium scale manufacturing/repairs/warehousing/distribution/logistics	
Special Policy Area	Recognise that there are a small number of sites within the urban areas of the County where the normal land use zoning requirements do not apply.	9550-9620 (embankment in fill) 9620-9800 (embankment in cut) 9880-9900 (embankment in fill)

The nature of the proposed development will be consistent with the existing use and appearance of the existing railway line, and in that regard is considered compatible with the existing surrounding land uses and zoning objectives.

The proposed development has already been considered in the preparation of the County Development Plan (CDP) and is supported by the CDP as identified in Section 6.6. As discussed, the proposed development will require lands parallel to the railway line which comprises zoning objectives listed in Table 6.2. The proposed development is an extension to the existing operational railway lands which will be mainly required (as detailed in Table 6.2) for the reconfiguring of embankments to allow the laying of the additional rail track. As such, the proposed development can be categorised as a non conforming or ancillary use under Objective ZU 18-6 and ZU18-7 through its support for the continued improvement of an existing and authorised land use. The proposed development will not hinder the fulfilment of any zoning objective in Table 6.2 above, based on the negligible land take within such zoned lands.

6.9 Planning History

Between 1854 and 1862, the Cork and Youghal Railway (C&YR) company built and operated a 27mile (43 km) rail line linking Cork with Youghal. This rail line ceased passenger services and goods traffic by the late 1970s.

The existing Glounthaune to Midleton rail line was redeveloped and recommenced rail services in 2009, under the existing Railway Order, S.I. No. 145/2007 – Railway (Glounthaune to Midleton) Order 2007 and funded under the Government’s Transport 21 investment programme. The existing Railway Order only authorised a single-track from Glounthaune to Midleton with a passing loop at Carrigtwohill. Notwithstanding, approximately 2.0km of the track is already ‘twin’ (double) tracked. The 2007 Order also facilitated the reopening of the train stations at Carrigtwohill and Midleton.

A review of planning applications (standard applications, local authority own development, strategic housing, strategic infrastructure) lodged with Cork County Council or An Bord Pleanála within a five-year period and within a radius of 500m of the proposed development has been undertaken to determine the likelihood of the proposed development either negatively impact on any planning applications or proposed developments within the area, or in fact whether any of these might in turn negatively impact the proposed Glounthaune to Midleton Twin Track project themselves, or preclude the granting of the proposed RO application.

There are a number of residential development applications lodged with Cork County Council. These predominately comprise of proposed single dwellings, replacement dwellings, minor alterations or extensions to existing dwellings and extension of duration of planning permission. There are two recently granted residential applications where the planning application boundaries are directly adjacent to the existing rail line.

There are no Section 175 or 177AE applications by Cork County Council that have been identified within a 500m radius; however, several Part 8 applications being progressed by Cork County Council do occur within this area and these are detailed in Table 6.3 below. A number of

strategic infrastructure development (SID) projects are also listed as occurring within close proximity to the proposed development, including the EirGrid Celtic Interconnector development proposal within the IDA Ballyadam site.

Table 6.3: Granted Planning Applications within 500m of the proposed development

Application Ref.	Description of Development	Planning Status
Commercial and Educational Applications (Section 34 applications)		
225378	Permission for the construction of an access road, a temporary unsurfaced carpark, temporary security hut, temporary bus shelter building, temporary portaloo toilets, temporary lighting, temporary fencing and ancillary works.	Awaiting Decision – Lodged 14 th June 2022
225032	The Midleton North wastewater pumping station and network, which will consist of: 1) a new wastewater pumping station with below ground wet well and chambers, 2 no. above ground kiosks, vent stack (c.6.2m in height), telemetry pole (c. 6m in height), boundary fencing, retaining wall, and modifications to an existing entrance from Mill Road, including new gates, to facilitate vehicular and pedestrian access; (2) the construction of a below ground pipeline (c. 650m long) connecting the proposed wastewater pumping station to the previously approved Water-Rock pumping station (consented as per section 179 of the planning and development act, 2000, as amended)(Water-Rock UEA Infrastructure Works)	Awaiting RFI Response (requested 30/06/2022) (Irish Water Compulsory Purchase (Midleton LIHAF Wastewater Project) Order, 2021 was made in advance of the proposed development, objections were withdrawn - CH04.311549)
217374	New site access, local road improvement works and site development works comprising; new vehicular site entrance from L-7642 (Hedgy Boreen) including approx. 34m of internal stub road; road improvement works to approx. 140m of the northern end of the L-7642 to widen approx. 80m of carriageway and provide a grass verge and new set back boundary to the north and south of proposed entrance; improvement of sightlines along L-3617 (Carrigane road) from the L-7642 by lowering of vegetation at the junction and set back boundary on the northern side of the site; provision of IDA-branded signage; associated site development and landscaping works; all on a site of approximately 1.5Ha.	Granted 24/3/2022
204810	The provision of an additional temporary post-primary school accommodation by way of construction of 8 no. prefabricated buildings on a defined site area (c 0.831 Ha) with associated site works, including provision of hard surface play area, entrance, set down area, car parking, boundary treatments, bicycle parking etc. Temporary permission for a period no longer than 5 years is being sought.	Granted 06/08/2020
Strategic Infrastructure Development		
Dunkettle Interchange Improvement Motorway Scheme ABP - MA0011 and HA0039	Proposed development of that portion of an electricity transmission interconnector (Celtic Interconnector) to be constructed onshore in Ireland to the mean high water mark, including a connection to the Irish National Grid, an electricity converter station and all associated and ancillary works.	Construction completed
Celtic Interconnector ABP Case Ref: VA04.310798	Proposed development of that portion of an electricity transmission interconnector (Celtic Interconnector) to be constructed onshore in Ireland to the mean high water mark, including a connection to the Irish National Grid, an electricity converter station and all associated and ancillary works.	Approve with conditions 19/05/2022
ABP Case ref: VC04.309585	Proposed new 110kV substation at Ballyadam, Carrigtwohill, Co. Cork	Consultation still open

Application Ref.	Description of Development	Planning Status
Strategic Housing Developments		
ABP-301197	174 No residential units (201 No houses and 88No. apartments); 35 place creche & doctor's surgery.	Granted with conditions - 29/05/2018
ABP-312658	Demolition of an existing buildings, construction of 112 no. residential units (72 no. houses, 40 no. apartments)	Grant with conditions – 03/06/2022
ABP-313827	716 no. residential units (224 no. houses, 492 no. apartments), creche and associated site work (Townlands of Terry's-land and Carrigtohill)	Case is due to be decided by 06/10/2022
Compulsory Purchase Order		
CH04.311549	Irish Water Compulsory Purchase (Midleton LIHAF Wastewater Project) Order, 2021	Objections withdrawn 04/03/2022
Part 8 Applications		
	Youghal to Midleton Greenway	Approved (January 2019)
	Water Rock Urban Expansion Area Infrastructure Works	Approved (March 2019)
	Burys Bridge, Kilcoolishal to Carrigtwohill via Glounthaune Pedestrian and Cycle scheme.	Approved (2020)
	Ballinacurra to Midleton pedestrian and cycle route	Approved (2020)
	Carrigtwohill to Midleton Inter-Urban Cycleway -	Approved (March 2022)
	Carrigtwohill Public Realm Improvements	Approved (June 2022)
Residential (Section 34 Applications)		
194216	Construction of 40 no. dwelling houses consisting of 2 no. 2 bedroom townhouses, 28 no. 3 bedroom townhouses, 8 no. 3 bedroom semi-detached dwelling houses and 2 no. 4 bedroom semi-detached dwelling houses and all ancillary site works. The proposed development is a change of plan and change of house type from that permitted under Cork County Council Planning reference 16/5415 and will result in the construction of 2 no. additional residential units.	Granted 23/9/2019
194124	The construction of 94 no. dwelling houses and all ancillary site works. The proposed residential development represents a change of house type from that permitted under Cork County Council planning reference 06/10171 [as amended under planning reference 09/4276 and subsequently extended under planning reference 14/4654].	Granted 13/2/2020
204962	To erect a dwelling house, together with alterations to existing vehicular entrance and all ancillary site works.	Granted 21/10/2020
217130 / PL04.313907	The construction of a residential development of 63 no. residential units consisting of 47 no. dwelling houses and 16 no. duplex apartment units and all ancillary site development works. The proposed development consists of the construction of 8 no. 4 bedroom semi-detached dwelling houses, 25 no. 3 bedroom semi-detached/townhouse dwelling houses, 14 no. 2 bedroom townhouses and 2 no. three storey duplex/apartment buildings containing 8 no.2 bedroom units and 8 no.1 bedroom units. Ancillary site works include the provision of bin/bicycle stores, an inter-urban greenway along the sites northern boundary which will provide pedestrian/cyclist access onto the Carrigane Road. Vehicular access to the proposed development will be provided via an upgraded site entrance from the Bog Road.	Decision to Grant – 01/06/2022 3 rd party appeal – decision due 27/10/2022
217130/ PL04.313907	The construction of a residential development of 63 no. residential units consisting of 47 no. dwelling houses and 16 no. duplex apartment units and all ancillary site development works. The proposed development consists of the construction of 8 no. 4	Grated 01/06/2022 3 rd party appeal – decision due 27/10/2022

Application Ref.	Description of Development	Planning Status
216874	bedroom semi-detached dwelling houses, 25 no. 3 bedroom semi-detached/townhouse dwelling houses, 14 no. 2 bedroom townhouses and 2 no. three storey duplex/apartment buildings containing 8 no.2 bedroom units and 8 no.1 bedroom units. Ancillary site works include the provision of bin/bicycle stores, an inter-urban greenway along the sites northern boundary which will provide pedestrian/cyclist access onto the Carrigane Road. Vehicular access to the proposed development will be provided via an upgraded site entrance from the Bog Road.	Granted 14/06/2022
216240 / PL04.312738	Construction of 38 houses and a café; Station Road, Carrigtwohill, Carrigtwohill (townland), Co. Cork	3 rd party appeal. Decision due date: 20/06/2022, decision still outstanding (13/09/2022)

6.10 Planning History Conclusion

It can be seen from the preceding section, including the developments noted in Table 6.3 above, that neither the planning history of the Glounthaune to Midleton railway line itself, nor that of the surrounding area, includes development or planning applications which would either negatively impact the proposed RO development, nor which would in turn be negatively impacted on by it. There is thus not considered to be any impediment to preclude the granting of the proposed RO development proposal from a historical and development planning/ land use context.

7 Planning Assessment and Overall Conclusion

The proposed development is being undertaken as a direct response and in accordance with the EU Sustainability and Smart Mobility Strategy and has been awarded significant EU grant funding under the EU Recovery and Resilience programme.

In addition to the Environmental Impact Assessment carried out, a Stage 1 Screening for Appropriate Assessment and Stage 2 Appropriate Assessment (Natura Impact Statement) have also been prepared, along with the EIAR accompanying this RO SID planning application. In addition, a number of other reports accompany the application, including a Traffic and Transport Assessment, Stakeholder Consultation Report, Flood Risk Assessment and a Construction and Environment Management Plan.

The proposed RO development proposal provides for the proposed upgrading and enhancement of an existing railway line which will provide future benefits in relation to increased frequency and capacity, better connectivity and enhanced reliability, and shorter wait times associated with the existing services and railway line. Such improvements will improve the offer and attractiveness of using the train for journeys to and from Cork City and the other stations and settlements along this route and therefore assist in an increase in modal share of train journeys compared to individual car journeys.

The proposed Glounthaune to Midleton Twin Track project will assist in ensuring that the Cork Metropolitan Area has sufficient capacity to service the needs of the projected passenger demand arising from the continued growth of the second largest city in Ireland. This would concurrently ensure that the intensification of residential development and employment centres within the wider Cork Metropolitan Area, are supported and a more attractive and reliable public rail transport system is provided for all. The proposed development is therefore identified as a key strategic rail development.

Assessment of the development proposal illustrates that the proposed development is in accordance with strategic planning and policy considerations, and the principles of sustainable development in that:

- It will contribute substantially to the fulfilment of objectives of a number of National and Regional Strategies and Plans, including the National Planning Framework, National Development Plan, Climate Action Plan and Regional Economic Spatial and Economic Strategy.
- It complies and aligns with the provisions and fulfilment of the objectives of these, in that the proposed works maximises the use of existing infrastructure and investment in same, through the utilisation of an existing key railway asset, where the upgrade and enhancement works will facilitate future increased capacity, services and frequency. It will encourage sustainable development focused on settlements serviced by rail stations and public transport infrastructure as well as other integrated travel modes (e.g. the proposed Cork County Council Part 8 pedestrian and cycle infrastructure) and thus assist in the reduction of urban sprawl, for communities and passengers travelling between Cork City and Midleton, and also for those connecting to other services beyond these stations. It will also assist citizens to access leisure, amenity and/or heritage sites, civic spaces or areas.
- The proposed development is also in accordance with local and sectoral policy and the Cork Metropolitan Area Transportation Strategy. It will assist in delivering an integrated transport network that supports and enables the sustainable regional critical massing and growth of the

Cork Metropolitan Area as a dynamic, connected and internationally competitive European city region. In this regard it has an important role in facilitating better and more efficient integration of public transportation provision and land use development, improved and increased accessibility to sustainable transport provision, promoting integrated active travel modes and facilitating reduced car use and dependency.

- It has a strong foundation of similar historical and existing use, associated research work and assessments upon which it has been able to review the current development proposal, and supplement these with updated information and studies.
- As has been outlined in this Planning Report, it is considered that the relevant planning framework applicable to the site and area, sets a clear and unambiguous context for the positive consideration of development, such as that proposed within the subject RO SID planning application, to occur – in a co-ordinated, sustainable and planned manner.

On the basis of the foregoing and the information submitted supporting the development application, it is respectfully request that An Bord Pleanála grant permission for the subject RO SID application, as it is in full compliance with the proper planning and sustainable development of the area, including that of the wider Cork Metropolitan Area.

Appendices

- | | | |
|----|--|----|
| A. | Railway (Glounthaune to Midleton) Order 2007, Schedule 1 (S.I. No. 145/2007) – Parts 1 and 2 | 42 |
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A. Railway (Glounthaune to Midleton) Order 2007, Schedule 1 (S.I. No. 145/2007) – Parts 1 and 2

STATUTORY INSTRUMENTS

S.I. No. 145 of 2007

RAILWAY (GLOUNTHAUNE TO MIDLETON) ORDER 2007

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Railway (Glounthaune to Midleton) Order 2007

Railway (Glounthaune to Midleton) Order 2007

ARRANGEMENT OF ARTICLES

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2. Definitions
3. Incorporation of enactments

PART 2 WORKS AND RELATED PROVISIONS

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6. Deviation
7. Closure of roads - permanent and temporary
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SCHEDULE 2

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- Part 1. Public rights to be extinguished
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SCHEDULE 10

Land of which temporary possession is to be taken

SCHEDULE 11

Understandings reached at the Public Inquiry

- Part 1. Agreements between the railway undertaking and affected Parties
- Part 2. Proposals by the railway undertaking for modification to application in relation to works at Myrtlehill

I, Martin Cullen, Minister for Transport, in exercise of the powers conferred on me by section 43 of the Transport (Railway Infrastructure) Act 2001 (No. 55 of 2001), having considered an application by Córas Iompair Éireann for a railway order to authorise railway works affecting the railway line between Glounthaune and Midleton in the County of Cork, the draft order, the plans of the proposed railway works and the book of reference to those plans and the schedules to the draft order, the Environmental Impact Statement that accompanied the application, the Report of the Public Inquiry duly held and the recommendations contained therein, any submissions duly made to me under section 40 or section 41 of that Act and not withdrawn, and being of opinion that the application should be granted and being also of the opinion that the rights in, over or under public roads specified in this Order with the consent of the Minister for the Environment, Heritage and Local Government are necessary for giving effect to this Order, hereby order as follows:

PART 1 PRELIMINARY

Citation.

1. This Order may be cited as the Railway (Glounthaune to Midleton) Order 2007.

Definitions.

2. In this Order –

“construct” includes build, make, put together, erect, create, form and assemble;

“deposited plan” means the copy of the plan deposited together with this Order pursuant to section 46 of the Principal Act, being the plan of the proposed railway works submitted to the Minister pursuant to section 37 (2) of the Principal Act, together with—

(a) all other plans so submitted, and

(b) all other plans referred to in the report of the public inquiry held under section 42 of the Principal Act,

and a reference to a plan by a particular designation is a reference to the plan so designated that is so deposited;

“execute” includes construct, maintain and improve;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct, renew and replace;

“Minister” means the Minister for Transport;

“Principal Act” means the Transport (Railway Infrastructure) Act 2001;

“public road” has the meaning assigned to it by the Roads Act 1993 but also includes any road which becomes such a public road during the currency of this Order;

“railway” means a railway or part of a railway for which railway works are authorised by this Order;

“railway undertaking” means Córas Iompair Éireann or, where the context so requires or admits, a person with whom Córas Iompair Éireann has made an arrangement pursuant to section 43 (6) of the Principal Act;

“reconstruct” means wholly or partly rebuild, repair, restore, replace or alter;

“road” has the meaning assigned to it by the Roads Act 1993 and includes a bridge;

“relevant road authority”, in relation to an existing public road or a proposed public road, means the road authority, within the meaning of the Roads Act 1993, within whose functional area the existing road is situated or the proposed road is to be constructed;

“stratum of land” means any subsoil or anything beneath the surface of the land required for any purpose connected with the works authorised by this Order;

“works” includes railway works as defined in the Principal Act but also includes, where the context so requires or admits, other works authorised by this Order including such acts or operations as are included in the meaning assigned to “works” in the definition of “railway works” in the Principal Act.

Incorporation of enactments.

3.—(1) The Regulation of Railways Acts 1840 to 1889 and any other Act relating to railways apply to the railway works authorised by this Order so far as they are applicable for the purposes of, and are not inconsistent with or varied by, this Order, and the Principal Act together with this Order constitute the Special Act for the purposes of those enactments.

PART 2 WORKS AND RELATED PROVISIONS

Construction of railway and railway works.

4.—(1) Subject to the Principal Act and this Order (including, in particular, the condition in paragraph (3)), the railway undertaking may on the lines, in the places and according to the levels shown on the deposited plan, construct, operate, improve and maintain the railway and railway works specified in Schedule 1 and all other works and things necessary or ancillary thereto.

(2) Construction of the works authorised by this Order shall be completed within the period of 7 years from the date this Order comes into force or within such further period as the Minister allows on the application of Córas Iompair Éireann.

(3) The railway works authorised by this Order shall be executed, and the railway shall be operated, in accordance with the understandings reached at the public inquiry, as set out in Schedule 11.

(4) Paragraph (2) does not apply to any works required for the operation or maintenance of the railway works authorised by this Order.

(5) The railway may be operated by electrical or any other form of mechanical power.

Discharge of water.

5.—(1) Subject to paragraphs (2) and (3), the railway undertaking may —

- (a) alter the level or the course of, or use for the drainage of water, any surface watercourse, sewer or drain, and
- (b) construct, provide and use any underground or overground tanks or pipes to assist in such drainage,

in connection with the construction, maintenance or operation of the railway works and, for that purpose, may make any convenient connections with any such surface watercourse, sewer or drain.

(2) The railway undertaking —

- (a) shall not discharge any water into, or interfere with, any surface watercourse, sewer or drain except —
 - (i) with the consent of the sanitary or other authority responsible for that surface watercourse, sewer or drain, which consent shall not be unreasonably withheld or delayed, and
 - (ii) in accordance with such terms and conditions as that authority reasonably imposes, and
- (b) shall take such steps as are reasonably practicable to ensure that any water discharged into any such surface watercourse, sewer or drain under the powers conferred on the railway undertaking by this Article is free from soil or polluting or deleterious material.

(3) Any dispute that arises in relation to any of the provisions of this Article between the railway undertaking and a sanitary or other authority shall be referred to arbitration in accordance with Article 17.

Deviation.

6. In constructing and maintaining any of the railway works authorised by this Order, the railway undertaking may —

- (a) deviate horizontally from the line delineated on the deposited plans to any extent not exceeding the limits of deviation delineated on those plans, and
- (b) deviate vertically from the levels shown on the deposited plans to any extent not exceeding one metre upwards or downwards.

Closure of roads — permanent and temporary.

7.—(1) The railway undertaking may, for the purpose of executing the railway works authorised by this Order or for any purpose incidental thereto, from time to time request the relevant road authority by order—

- (a) to permanently close to traffic the roads specified in Schedule 3, and
- (b) to temporarily close to traffic any one or more of the public roads specified in Schedule 4.

(2) The following provisions apply in relation to each request under paragraph (1):

- (a) the railway undertaking shall give to the road authority not less than 21 days' prior notice in writing, specifying the road which is required to be closed, of its requirement to close the road;

- (b) if the request is to temporarily close a road, the notice shall —
 - (i) state the period for which, in the reasonable opinion of the railway undertaking, it is necessary to temporarily close the road,
 - (ii) give particulars of any alternative route or routes (if any) which the railway undertaking believes will be available while the road is temporarily closed,
 - (iii) contain a brief description of the works which the railway undertaking proposes to carry out while the road is temporarily closed, and
 - (iv) state whether the order closing the road is required to be subject to conditions as to whether any, and if so, what traffic or persons may be allowed use the road and at what times and on what conditions (if any).

(3) A request made to a road authority under this Article shall not be unreasonably refused or delayed.

Power to alter public roads.

8.—(1) Subject to paragraph (2), the railway undertaking may, in connection with or for the purpose of railway works in or adjacent to any public road and in accordance with the deposited plans —

- (a) alter the width of the carriageway of the road by altering the width of any footway, cycle track, verge or other land within the boundary of the road,
- (b) alter or interfere with the level of any kerb, footway, cycleway, verge or other land within the boundary of the road, or
- (c) realign the road where necessary.

(2) Before exercising any power under paragraph (1), the railway undertaking shall obtain the consent of the relevant road authority, which consent shall not be unreasonably withheld or delayed.

(3) The works authorised by this Article may be constructed and maintained in, upon and under the public roads specified in Schedule 5.

Construction of new roads and bridges.

9.—(1) The railway undertaking may, with the consent of the relevant road authority, construct the new roads specified in Schedule 6 with all necessary works connected therewith either by way of diversion from, or in substitution for, an existing public road or as an additional road.

(2) Unless otherwise agreed between the railway undertaking and the road authority, each new road constructed under this Article shall when completed, be maintained —

- (a) for the period of 12 months from the date of its completion, by and at the expense of the railway undertaking, and
- (b) from the expiration of that period, by and at the expense of the road authority.

(3) Any dispute that arises between the railway undertaking and the road authority in relation to anything done under this Article shall be referred to arbitration in accordance with Article 17.

(4) Wherever the railway undertaking is authorised by this Order to construct a bridge to carry a railway over any road, motor way or water way or to carry any road over a railway, the following provisions apply in relation to the construction and maintenance of that bridge:

- (a) subject to subparagraph (b), the bridge shall be maintained by the railway undertaking at its own expense;
- (b) where the bridge carries a road, the railway undertaking and the relevant road authority may enter into agreements on such terms as are agreed between them for the maintenance, improvement or relaying of the road surface, whether by the railway undertaking, by a contractor employed by the railway undertaking for that purpose, by the road authority or by any contractor employed by the road authority.

Tree lopping.

10.—(1) The railway undertaking may lop, remove or cut any tree, shrub or hedge that obstructs or interferes with any railway works authorised by this Order.

(2) With regard to paragraph (1), where a tree, shrub or hedge lies on land not owned by the railway undertaking and for the purpose of works authorised by this Order, needs to be lopped or cut, the railway undertaking shall serve on the owner or occupier of the land or, in the case of a public road, on the road authority charged with the maintenance of the road, on which the tree, shrub or hedge is standing, notice in writing of its intention so to lop or cut, and, after the expiration of 28 days from the date of service of the notice, the railway undertaking may lop or cut any tree, shrub or hedge if the owner or occupier has not already done so.

(3) Where an occupier or owner of land cuts or lops any tree, shrub or hedge specified in a notice given under paragraph (2), the reasonable expenses (if any) incurred by him or her in so doing shall be paid to him or her on demand by the railway undertaking, and the amount of those expenses is recoverable from the railway undertaking, in default of agreement, as a simple contract debt in any court of competent jurisdiction.

PART 3 ACQUISITION AND POSSESSION OF LAND AND RIGHTS

Power to acquire land.

11.—(1) Subject to the Principal Act, the railway undertaking may acquire compulsorily all or such part of the land and any substratum of land shown on the deposited plan and described in Schedule 2 and such rights in, under or over land described in Schedule 7 as the railway undertaking may require for the construction, operation, improvement and maintenance of the railway works authorised by this Order and works incidental or ancillary thereto.

(2) Sections 4 and 8 of the Railways Act 1851 do not apply in relation to the acquisition of any land under this Article.

Power to temporarily acquire and occupy land.

12.—(1) Subject to the Principal Act, the railway undertaking may enter upon and take up and retain temporary possession and occupation of the land, or any part of the land, shown on the deposited plan and specified in Schedule 10.

(2) In particular, but without limiting the generality of paragraph (1), the railway undertaking may—

- (a) enter upon, and take up and retain temporary possession and occupation of, the land or any part of the land —
 - (i) for the provision of working sites and access for construction purposes, or
 - (ii) for other purposes for or in connection with the railway works authorised by this Order, and
- (b) for those purposes —
 - (i) construct structures on, or remove structures from, the land,
 - (ii) cut or remove anything growing on the land or part thereof, and
 - (iii) generally do all things to, on, beneath and with the land that are required to adapt the land and anything on it for, or to facilitate the execution of, those works.

(3) Before giving up possession of the land, the railway undertaking shall —

- (a) remove all temporary works and structures constructed by it on the land, and
- (b) subject to any contrary provision of this Order or any agreement to the contrary with the owners and occupiers of the land, restore the land as far as possible to its former state.

(4) The railway undertaking shall not be required to acquire any land of which temporary possession and occupation have been taken up under this Article.

(5) The railway undertaking shall pay to the owners and occupiers of land of which it takes up temporary possession and occupation under this Article compensation for any loss thereby suffered as if that loss were loss suffered in consequence of the exercise by the railway undertaking of a power conferred upon it by section 48 of the Principal Act, and the amount of the compensation shall be determined in accordance with that section.

Acquisition of easements and other rights over land.

13. Subject to the Principal Act, the railway undertaking may acquire compulsorily such rights over all or part of the land described in Schedule 7 as are required for the purposes of the railway or the railway works authorised by this Order.

Extinguishment of rights, including rights of way, and temporary interference with rights.

14.—(1) The railway undertaking may extinguish the public rights, including the rights of way, specified in Part 1 of Schedule 8.

(2) The railway undertaking may extinguish the private rights, including the rights of way, specified in Part 2 of Schedule 8.

(3) The railway undertaking may temporarily interfere with or stop up the rights of way specified in Schedule 9.

Period within which the railway undertaking may compulsorily acquire land and interests in land.

15.—(1) The powers conferred by this Order to compulsorily acquire land or rights in relation to land and to enter upon and take up temporary possession of land

cease at the end of the period of 7 years beginning on the commencement of this Order.

(2) The power to compulsorily acquire land or rights in relation to land shall, for the purpose of this Article, be deemed to have been exercised where a notice to treat has been served in respect of the land or rights before the end of the period mentioned in paragraph (1).

(3) Notwithstanding paragraph (1), the railway undertaking is entitled to remain in temporary possession and occupation of land pursuant to Article 12 after the end of the period mentioned in paragraph (1) where possession of that land was taken before the end of that period.

PART 4 MISCELLANEOUS AND GENERAL

Interference with apparatus.

16.—(1) Wherever the railway undertaking is authorised to execute works by virtue of this Order, and any apparatus will or may be affected in consequence thereof, the undertaker may and, upon reasonable request by the railway undertaking, shall, without unreasonable delay, do one or more of the following:

- (a) remove the apparatus and place it or other apparatus in substitution for it in such other position or location as is agreed with the railway undertaking,
- (b) take such further or other steps or make such further or other provision with the agreement of the railway undertaking secures the apparatus and the works of the railway undertaking and the proper functioning of each of them respectively from mutual interference or damage.

(2) Subject to paragraph (3), the railway undertaking shall pay to the undertaker an amount equal to the cost reasonably incurred by that undertaker in the discharge of its obligations under paragraph (1).

(3) Where an undertaker, in the course of the discharge of its obligations under paragraph (1), provides, in substitution for existing apparatus, apparatus that, whether because of its type, construction, design, layout, placement or any other feature, is an improved or superior version of the existing apparatus, the sum payable by the railway undertaking under paragraph (2) shall not exceed the cost that would have been reasonably incurred by the undertaker if the substituted apparatus had not been an improved or superior version of the existing apparatus.

(4) An undertaker may permit the railway undertaking to carry out or cause to be carried out such portion of the undertaker's obligations under this Article as the undertaker agrees, in accordance with such conditions as are agreed between the railway undertaking and the undertaker, but the undertaker is not obliged to enter into any such agreement.

(5) In this Article —

“apparatus” means any item of infrastructure (including, in particular, any sub-station, inspection chamber, junction box, booster station, pipe, sewer, drain, duct, tunnel, conduit, wire, cable, fibre or insulator) used for or in connection with the provision or acceptance of a service to the public;

“undertaker, in relation to apparatus, means a person or body with power and authority independently of the operation of this Order, to locate or relocate the apparatus, or cause it to be located or relocated, as provided for in this Article.

Arbitration.

17.—(1) If a dispute arises between the railway undertaking and any other party in relation to the execution of railway works authorised by, or the powers or provisions granted by or contained in, this Order, the following provisions apply:

- (a) the railway undertaking and the other party shall use their best endeavours to resolve the dispute on terms acceptable to both parties;
- (b) if, after such period as the railway undertaking or the other party considers reasonable, the dispute has not been resolved to the satisfaction of both parties, the following provisions apply:
 - (i) either party may, by 14 days’ notice in writing to the other party, require the subject-matter of the dispute to be submitted to a single arbitrator and shall, in the notice, nominate a person to arbitrate upon the subject-matter of the dispute;
 - (ii) the party receiving the notice may, within that period of 14 days, by a counter-notice, either
 - (I) accept the arbitrator nominated by the party serving the original notice, or
 - (II) nominate at least 2 alternative persons to act as arbitrator;
 - (iii) if any one of the persons nominated by the parties is acceptable to both parties to the dispute, the subject-matter of the arbitration shall be referred to that person as soon as may be after that person has indicated his or her willingness to act as arbitrator;
 - (iv) if, after service of the notice and the counter-notice—
 - (I) the parties fail to agree upon an arbitrator, or
 - (II) an arbitrator agreed upon has failed to indicate, within 14 days of being so requested, his or her willingness to act,either party may apply to the Chairman for the time being of the Irish Branch of the Chartered Institute of Arbitrators for the appointment of an arbitrator;
 - (v) an arbitrator so appointed by the Chairman of the Irish Branch of the Chartered Institute of Arbitrators shall notify the parties in writing of his or her appointment as soon as may be thereafter and shall conduct the arbitration in accordance with the rules of the Irish Branch of that Institute;
 - (vi) the Arbitration Acts 1954 to 1980 apply to the arbitration and the decision of the arbitrator in relation to the dispute and all matters connected therewith is binding on the parties.

B. An Bord Pleanála SID Confirmation

Our Case Number: ABP-312676-22

Your Ref: Iarnrod Eireann



**An
Bord
Pleanála**

John Mc Inerney
Mott MacDonald
South Block
Rockfield
Dundrum
Dublin 16
D16 R6V0

Date: 7th October 2022

Re: Proposed Glounthaune to Midleton Twin Track Project comprising of circa 11 kilometres of twin tracking of the existing single track railway sections.
Glounthaune to Midleton, Co. Cork

Dear Sir,

I have been asked by An Bord Pleanála to refer to the above mentioned pre-application consultation. The Board considers that the pre-application consultation in respect of this case is concluded and it is open to you to now lodge an application for a railway order.

The Board wish to reiterate that the holding of the consultations shall not prejudice the Board in the performance of its function to determine the application for a railway order and cannot be relied upon in the formal planning process or in any legal proceedings.

Attached is a list of prescribed bodies to be notified of the application of the proposed development.

Please also find enclosed a full copy of the Board's pre-application consultation file which must be associated with the application documentation and made available for public inspection at the offices of the Cork County Council when the application is lodged.

Two copies of any valid submissions/observations received by the Board in respect of the application will also be forwarded to you by the Board and you are requested to make a copy available for public inspection with the application documentation.

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

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

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,



Doina Chiforescu
Executive Officer
Direct Line: 01-8737133

NC11

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
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Ríomhphost	Email	bord@pleanala.ie

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

6.0 Serving of a Copy of the Draft Railway Order

- 6.1. At the second (final) pre-application consultation meeting, the prospective applicant requested that the Board indicate what persons should be served with a copy of the draft order and accompanying documents.
- 6.2. The provisions of section 40(1)(c) of the Transport (Railway Infrastructure) Act 2001, as amended by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006, indicate that the Board may direct the prospective applicant as to what persons, in addition to the planning authority and the Minister for Transport, should be so served with a copy of the Draft Railway Order, accompanying documents and public notice.
- 6.3. Having due regard to this, I recommend that the Board considers that the persons and bodies listed below be served:
 - Cork County Council
 - Minister for Transport
 - Department of Housing, Local Government and Heritage
 - Southern Regional Assembly
 - Transport Infrastructure Ireland
 - National Transport Authority
 - Commission for Railway Regulation
 - Irish Water
 - Inland Fisheries Ireland
 - Office of Public Works
 - An Chomhairle Ealaíon
 - Fáilte Ireland
 - An Taisce
 - Health Service Executive

