

IN THE MATTER OF AN APPLICATION TO
AN BORD PLEANÁLA

FOR APPROVAL OF THE FOYNES TO LIMERICK ROAD (INCLUDING
ADARE BYPASS) COMPRISING:

- (I) FOYNES TO RATHKEALE PROTECTED ROAD SCHEME,
2019;
- (II) RATHKEALE TO ATTYFLIN MOTORWAY SCHEME, 2019;
- (III) FOYNES SERVICE AREA SCHEME, 2019.

ABP Ref. ABP-306146-19 and ABP-306199-19

ORAL HEARING

Brief of Evidence

Engineering - Part B

Responses to Submissions on Engineering Issues

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1. OVERVIEW OF SUBMISSIONS

1.1. The matters raised in the submissions for which I will provide responses include the following:

- Justification / Need for the proposed road development,
- Alternatives considered and the route selection process,
- Compulsory acquisition of lands,
- Safety and other issues,
- Consultation,
- Properties suggested to be acquired,
- Rights of way,
- Continuation of services,
- Impact on buildings,
- Level of proposed road in relation to surrounding lands,
- Impacts on future development / property valuation issues
- Requests for further details of Access Tracks / Underpasses / Local Roads,
- Sequencing of schemes,
- Operation of existing business,
- Road design,
- Population; and
- Cumulative impact assessment.

1.2. It should be noted that 9 no. submissions are supportive of the proposed road development and highlight the necessity of the project for the economic growth of the Mid-West Region and for the development of Shannon-Foynes Port. These submissions restate that the project will support the growth potential of the Limerick Metropolitan Area and the Mid-West Region by providing development in line with the National Strategic Objectives set out in the National Planning Framework and the objectives of the Regional Spatial and Economic Strategy. Improved accessibility will provide increased commercial and business links, more cost-effective movement of people and goods with safer, shorter journey times, while helping to future-proof the region from potential impacts of Brexit.

1.3. Submission ENV-30 by **Shannon Foynes Port Company** expressed its full support for the proposed road development in helping to support the status and growth of the Port of Foynes and its hinterland, through the provision of the EU TEN-T Regulation Core Network Road Corridor standard of road access which is required to be in place by 2030 at the latest. It emphasises that the proposed road development will

significantly reduce travel times to and from the Port of Foynes, thereby attracting new business and making the overall transport network of the State more efficient and competitive. It will also increase road safety and will act as a catalyst for the wider economic development of the Shannon Estuary, the mid-west region, and the wider area.

1.4. Submission ENV-14 by **IBEC** states:

“The project will lead to many direct and indirect benefits including increased commercial and business links (e.g. supply chains and cluster development), increased talent pool for businesses, effects on productivity, spatial pattern of economic development, more efficient and cost-effective movement of people and goods with safer and shorter journey times. It will also support the growth potential of the Limerick Shannon Metropolitan Area and the economic growth of the Shannon Estuary. Improved accessibility will also help future-proof the region from potential impacts of Brexit. This is a key national infrastructure project and a key growth enabler for the [Mid-West] region. It will facilitate the sustainable growth of tourism, employment and population in the region.”

1.5. Submission ENV-11 by **Fáilte Ireland** says:

“Improvements are needed in the existing road network in Adare to remove the current bottlenecks and increase and improve connectedness to and between key tourism destinations in the south and mid-west. Therefore, it is considered that this project is strategically important for the sustainable development of tourism in the south and mid-west region. Furthermore, Adare is one of Ireland’s most attractive villages which, importantly, is also a Heritage Town. Adare is a key tourism attraction in Limerick and...a key economic driver in the area and the road scheme will alleviate traffic congestion in the village, enhance the visitor experience and promote increased dwell time. Therefore, from a tourism perspective, Fáilte Ireland supports the proposed development in line with all proper planning and environmental requirements being met”.

1.6. Submission ENV-20 by **Kerry County Council** Chief Executive says:

“The Foynes Limerick scheme proposals will strengthen the regional connectivity between the Kerry Hub Knowledge Triangle and the Limerick-Shannon Metropolitan Areas and Atlantic Economic Corridor.

Kerry County Council is very supportive of these proposals which are consistent with the National Regional and Local Plans and policies. The introduction of this scheme will provide the opportunity for Kerry to further develop and grow its economy sustainably and we would hope that these applications reach a successful outcome”.

- 1.7. Submission ENV-21 by **Kerry County Council Planning Department** says:
“The provision of this key piece of infrastructure will make County Kerry a more attractive location for industry and as a location in which to live, work and provide employment. In addition, reduced journey times will greatly enhance Kerry’s established tourism sector while enabling secondary benefits to disseminate to the wide region through increased visitor numbers and increased overnight stays. ... The development of the Adare by-pass is identified as one of the Key Actions (Action 1.11.1.3) [of the Kerry Local Economic and Community Plan 2016-2021] necessary to maximise the connectivity of the Country. Kerry County Council, therefore, fully supports the construction of the Foynes to Limerick Road (including Adare Bypass).”
- 1.8. Submission ENV-22 by **Kerry Group PLC** says:
“Improved road access to the County [Kerry] has been highlighted as key to attracting new investment into Kerry both from foreign direct investment and indigenous sources and also securing an efficient operation environment for all existing businesses in Kerry.” The submission wishes *“to highlight the importance of this proposed infrastructure improvement on both the economic and social life of County Kerry and the South West Region. It is vitally important for the competitiveness and attractiveness of the region for future economic development and for retention of existing employment.”*
- 1.9. Submission ENV-23 by **Limerick Chamber** says:
“Limerick Chamber fully supports the development of this scheme as the current road infrastructure is inadequate and is hampering efficient business activity located along the route. ... Delivery of the N69 Foynes to Limerick road is vital to the future development of SFPC as a cargo hub on Ireland’s Western seaboard. A failure to support the development of the port would mean substantial costs to the port and surrounding region, as well as to the national economy. Furthermore, Adare Manor will host the Ryder Cup in 2026. This is a huge opportunity for both Limerick and Mid-West region, and it is vital the key infrastructure such as the Adare Bypass is delivered in a timely fashion”.
- 1.10. Submission ENV-28 by the **National Transport Authority** says:
“The NTA supports the proposed road scheme as a means of promoting the development of the Limerick-Shannon Metropolitan Area and the wider Mid-West and South-West areas”.
- 1.11. Submission ENV-2 by **An Garda Síochána** says:
“the proposed roads which will bring considerable traffic relief to the area”
- 1.12. Submissions ENV-9 (Eamonn & Lorraine Kirby), 18 (John G. Horan) and SCH-108 (Stephen & Bridget Keary) have also welcomed the development in principle, notwithstanding that the persons making those submissions have expressed concerns

regarding certain impacts on their property. These issues are dealt with under the relevant headings in this brief.

2. JUSTIFICATION / NEED FOR THE PROPOSED ROAD DEVELOPMENT

The following submissions/ objections raise issues in relation to the Justification and / or the Need for the proposed road development, and responses are provided on behalf of the Applicant.

Submission FI-7 (Mary Brosnan)

- 2.1. Submission FI-7 asserts, in relation to better connections to Kerry, that the section serving Kerry is only 17km and will run alongside the improved N21 already in place which bypasses Croagh, Rathkeale and Reens Pike. The submission also claims that Croagh is already bypassed and will become an island between two major roads.

Response

- 2.2. The evidence provided in the application documentation (and summarised in Part A, Section 5.4 of the Engineering Brief) has described how the existing N21 road does not meet the standard required in terms of safety and level of service required to comply with the EU Regulation TEN-T Comprehensive Network and is currently operating well in excess of the capacity of the existing single carriageway road. The existing local bypasses of settlements are no longer adequate for the current levels of traffic which gives rise to safety issues and results in collisions.

Submission FI-8 (Simon White and others)

- 2.3. Submission / objection FI-8 contends that the proposed road will not replace the N21 and N69 roads as stated in the RFI, as they will still remain in operation; and that a motorway is the most expensive option in terms of cost and environmental impact, and it is totally unjustified.

Response

- 2.4. The material in the application documentation (and summarised in Part A, Section 5.5 of the Engineering Brief) has described the manner in which the proposed new roads will assume the national route functions in this region, and that the existing national roads will serve as Regional Routes to provide local connectivity. In this way the requirements for improved national road connections in central County Limerick will be satisfied by a single 35km long new road scheme, instead of two separate routes with a combined schemes length of 52km. This will provide a saving of one third in terms of new road length.

- 2.5. In the following two sections I have highlighted the key issues of traffic demands, road safety and the need for the proposed new roads in response to the submission from Mr. White.
- 2.6. The existing N21 single carriageway between Rathkeale and Adare was already carrying a traffic flow of 13,900 vehicles per day at Croagh in 2017, which is 20% higher than the capacity for a Type 1 Single Carriageway road (with hard shoulders) of 11,600 vehicles per day. Traffic volumes are more than 20% higher than that from Adare eastwards. The traffic projections indicate growth of 35% from 2017 to the Design Year of 2039, which is just 15 years from the expected Opening Year in 2024. It is abundantly clear that a dual carriageway road is needed for traffic capacity reasons to replace the existing N21 single carriageway road over the full 15km length between Attyflin and Rathkeale.
- 2.7. The existing N69 National Secondary Road is a Type 3 Single Carriageway with a safe traffic capacity of just 5,000 vehicles per day (AADT). Already the traffic volumes along this road in 2017 ranged from 6,350 near Foynes (27% above 5,000) to 11,750 near Limerick. This severe traffic pressure contributes to the very poor road safety record along the route, with collision rates that are more than twice the national average. In this context the N69 does not fulfil the function of a national road to serve either the current access requirements of Foynes Port, nor the major growth of the port that is anticipated in the future at this key economic facility for the mid-west region.

Issue raised in Submissions

- 2.8. Submission / objection FI-8 claims that the level of realism in the Vision 2041 growth projections needs to be investigated. It is asserted that there is very little evidence supplied to support significant investment in the Lower Shannon Estuary, and that many industries do not want to locate in Foynes or are subject to objections from local residents. The submission also claims that the Tier 1 status is a false representation of the importance of Foynes Port – based on tonnages attributed to the Port Company, the majority of this goes to Aughinish (Rusal) and Moneypoint. It is also contended that it is possible to maintain the Tier 1 status of the Port by upgrading the N69. If Moneypoint closes, Tier 1 status of port would be lost.

Response

- 2.9. The evidence to be provided in respect of planning policy will comprehensively describe the need for improved access to Foynes Port as a major element of the economic development strategy for the Midwest Region. The Shannon-Foynes Port Company has also made a submission in respect of the role of the port, and expectations for a major increase in freight movements through the port. The experience of Brexit in early 2021 has highlighted the critical need for the ports in the south and southwest of Ireland to provide enhanced cargo services direct to Europe that by-pass Britain. This major adjustment is reflected in the recent revision of the EU

TEN-T network shipping corridors that will place even greater reliance on Foynes Port, alongside Cork, for new direct shipping routes to continental Europe as shown below.

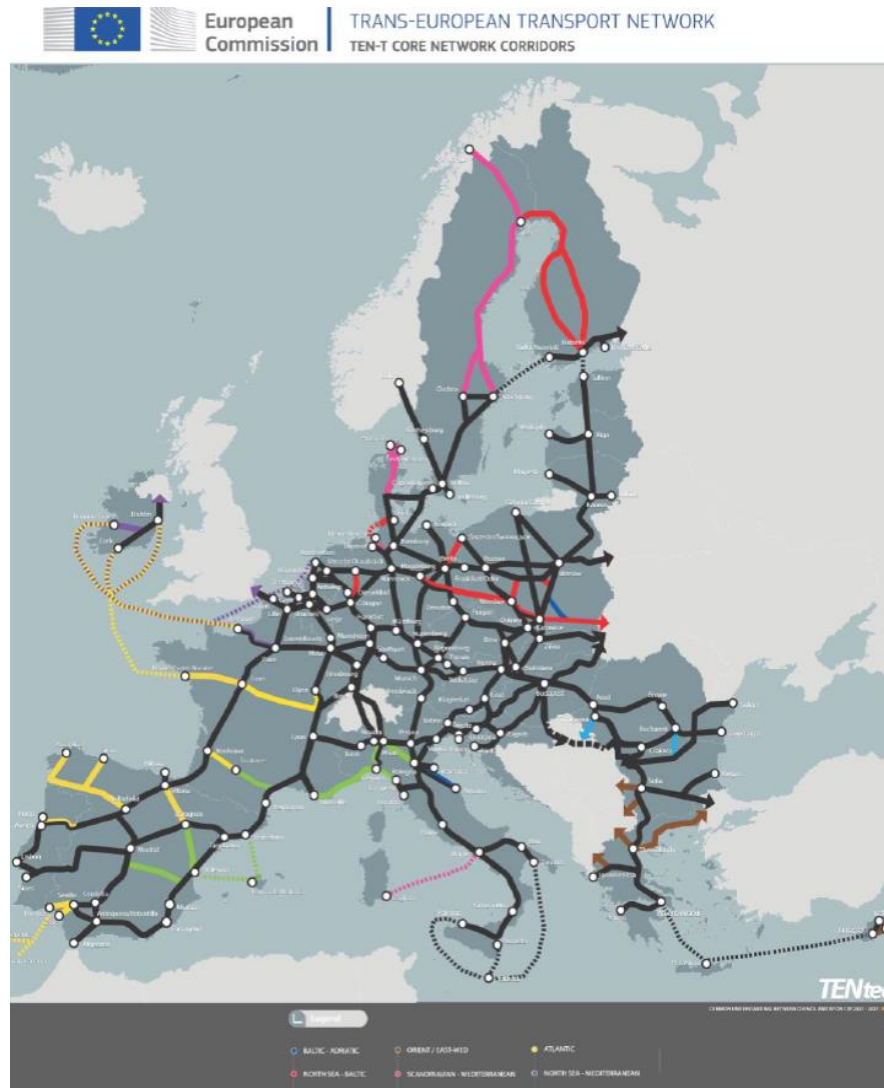


Figure 2.1 Revised EU TENT Network Corridors (Atlantic and North Sea – Mediterranean) following Brexit

3. ALTERNATIVES CONSIDERED & THE ROUTE SELECTION PROCESS

3.1. A number of submissions / objections raised issues relating to the alternatives considered. These issues have been grouped into the following categories (with the reference numbers of the relevant submissions included in brackets):

3(a) Flawed route selection process (Submissions SCH-8, 21, 30, 34, 63, ENV-9, 13, 17, 31 and FI- 2, 4, 7 and 8)

- 3(b) The size and scale of the project is excessive and a bypass of Adare and upgrades to the N69 would be sufficient. (SCH-14, 18, 28, 44, 47, 88, 102, 111, ENV-3 & 31, FI-2)
 - 3(c) The Foynes to Limerick Railway as a Future Mode (Submissions: SCH-30 and FI-2)
 - 3(d) Some options were rejected prematurely (Submissions: SCH-9 and 37)
 - 3(e) Route Selection in the Blossomhill area (Submissions: SCH-89)
 - 3(f) Future Proofing / Climate Impact (Submissions: SCH-30)
- 3.2. The Alternatives considered for the proposed road development are outlined in Chapter 3 of the EIAR and reference will be made to the contents of that chapter to the extent necessary to respond to the issues raised in that regard.

Issue 3(a): Flawed Route Selection Process

Submission SCH-8: Preference for Route Option 4

- 3.3. Submission SCH-8 (Brendan Hayes) claims that Route Option 1 or 4 should have been the preferred option. It is contended that Route Options 1 and 4, are more beneficial to Heavy goods traffic, as they provide the most direct access to Limerick City, with a separate Adare Bypass being preferable.

Response to Submission SCH-8

- 3.4. Route Corridor Option 1 was not chosen as preferred as it ranked 'Least Preferred' across all of the 5 assessment headings in the Assessment Matrix. Route Corridor Option 4 was ranked lower than Options 2 and 3 primarily because of its potential impact on Ecology, in particular, due to its close proximity to Curraghchase Woods cSAC and to the flightpaths of the Lesser Horseshoe Bat as will be explained in the later evidence by Dr Tina Aughney, Bat Specialist. The overall summary of the route options assessment is shown below to illustrate this conclusion (Ref.: EIAR Table 3.1).

Overall Summary				
	Route Corridor Option 1	Route Corridor Option 2	Route Corridor Option 3	Route Corridor Option 4
Environment	Least Preferred	Intermediate	Preferred	Intermediate
Economy	Least Preferred	Preferred	Preferred	Intermediate
Safety	Least Preferred	Preferred	Preferred	Intermediate
Accessibility and Social Inclusion	Least Preferred	Preferred	Preferred	Least Preferred
Integration	Least Preferred	Preferred	Preferred	Preferred
Ranking	4	2	1	3

Submissions SCH-30 and ENV-31: Bypass South of Adare

- 3.5. Submission SCH-30 (Eileen Madden) states that the previous alternative of a bypass south of Adare outside the Lower River Shannon cSAC has not been assessed adequately as part of the NIS and it is therefore deficient.
- 3.6. Submission ENV-31 (Simon White and others) argues that the building of the proposed bridge over an cSAC was a feasible alternative. The submission claims that there is an obligation to avoid development in cSACs and an alternative route should have been adopted.

Response to Submissions SCH-30 and ENV-31

- 3.7. Broad Route Corridor K, which followed the previously proposed route of the Adare Bypass south of the village (2010), was initially examined as part of the Route Selection assessment. This option was discounted from further consideration based on the additional length of over 2.5 kilometres compared to the northern bypass option around Adare. A southern bypass of Adare would have avoided crossing the River Maigue where it falls within the Lower River Shannon cSAC. However, the additional length of the southern bypass, increased construction costs, longer journey times and higher carbon emissions were considered on balance to be less preferable. Potential impacts on the cSAC at the River Maigue are mitigated by suitable design of a clear-spanning bridge over the river as has been discussed with the National Parks & Wildlife Service in consultations.

Submission SCH - 34: House at Ardshanbally

- 3.8. Submission SCH - 34 from Francis and Anne O'Kelly, whose house will be acquired at Ardshanbally (northeast of Adare and just east of the proposed River Maigue bridge crossing), questions what alternative options were considered during the design stage to avoid impacts on residential properties including their property. As there is significant agricultural land either side of the Property, the landowner believes that the route could have been developed outside of their property. The submission requests information to identify what alternative options were considered at the Property and to provide the assessment that formed the basis for discounting all of these other options.

Response to Submission SCH-34

- 3.9. At Ardshanbally there are two major constraints on the proposed road alignment that restricted the possibility of avoiding the O'Kelly house, which is circled in yellow on the image below, with the centreline of the proposed road shown in red. All other things being equal, it would have been desirable to avoid the house if this had been possible. As may be seen on the Google Earth image below in Figure 3.1, the two major physical features at this location are the River Maigue about 100m to the west of the house (on the left), and the Limerick to Foynes Railway line immediately to the east (on the right). A further consideration is the proximity of the proposed connection of the new road to the existing N21 at Clonunion/Monearla 2.3km to the east of the house.

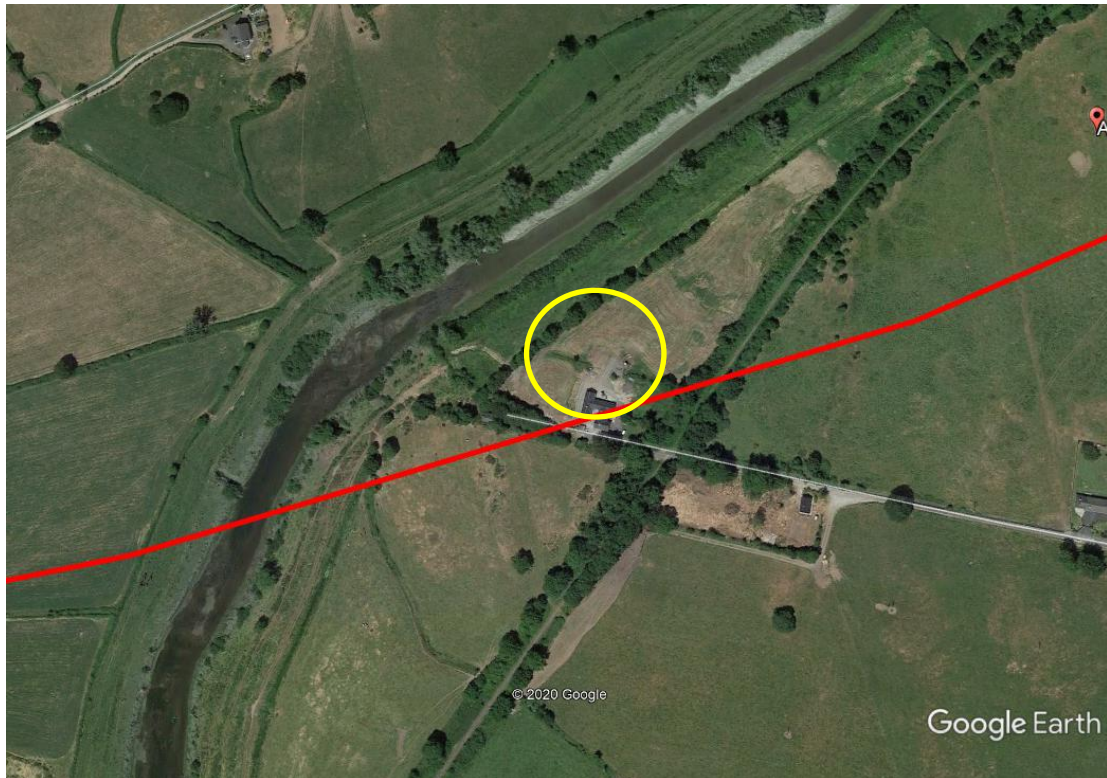


Figure 3.1 House at Ardshanbally

- 3.10. The River Maigue at Adare follows a very bendy course, as may be seen in the next Google Earth image in Figure 3.2, with a series of long meanders. For the proposed new road on an east-west alignment, it is necessary to cross the river in one of the few places where the angle of skew is lowest, and the river is orientated closest to a south to north direction. Otherwise the proposed road would intrude into the river corridor at a shallow angle over an extended length, which is highly undesirable as it would require a very long viaduct bridge with numerous piers in the river channel zone. A less skewed crossing enables a clear-span bridge over the river channel and avoids encroachment into the protected habitats within the Special Area for Conservation.
- 3.11. There are just 2 places north of Adare where the River Maigue briefly follows a generally north-south course: immediately north of the village, at Ardshanbally on the east bank, near where the railway crosses the river (shown as a blue dashed line), or at Islandea 0.7km further north at the next potential crossing point (shown as a yellow dashed line).

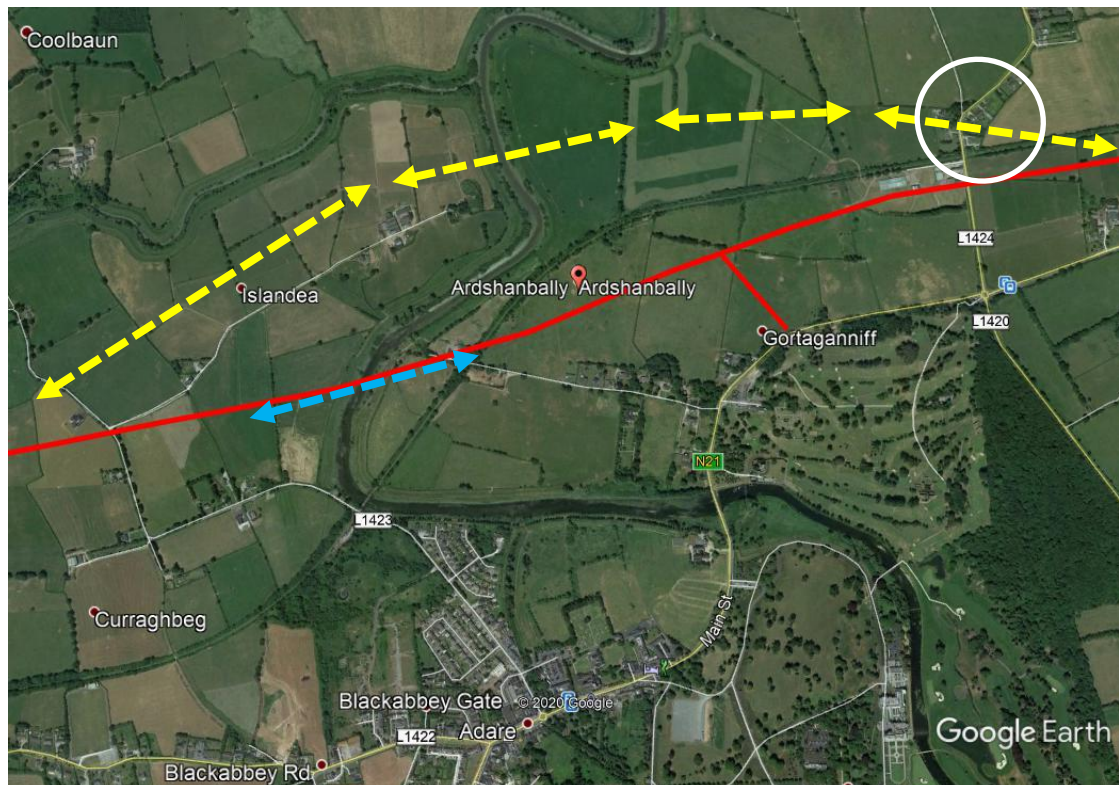


Figure 3.2 Route Options to Cross the River Maigue at Adare / Ardshanbally

- 3.12. If the northern river crossing point had been selected, this would require the proposed road alignment to be developed to converge towards the existing N21 to the east as shown by the continuation of the yellow dashed lines, so as to cross over the railway line before joining with the western end of the existing N21 dual carriageway at Monearla. The geometric requirements for major roads have limited flexibility for horizontal curvature which restricts the scope to avoid obstacles. In this case, the potential alternative alignment across the River Maigue would pass through a cluster of 10 houses at Mondellihy on the northern side of the railway as circled in white on Figure 3.2. Accordingly, it was assessed that an alternative route for the proposed road to cross the River Maigue further north was much less feasible and, therefore, such an option was not developed for further consideration thereafter during the Route Selection stage.
- 3.13. Regrettably, therefore, it was not feasible to avoid impact on the O’Kelly house at Ardshanbally, and their house is proposed to be acquired under the concurrent application to confirm the acquisition of lands before the Board.

Submission SCH-63: Road Status at Askeaton Roundabout

- 3.14. Submission SCH-63 (for Liam Fitzsimons & Alma O’Malley who live on the western side of Askeaton near the proposed roundabout for the new link road) states that there are no details or alternatives provided to the closure of the public road outside of their dwelling house (Plot 219 as shown on Figure 3.3) and no alternatives for public access have been put forward by the County Council.

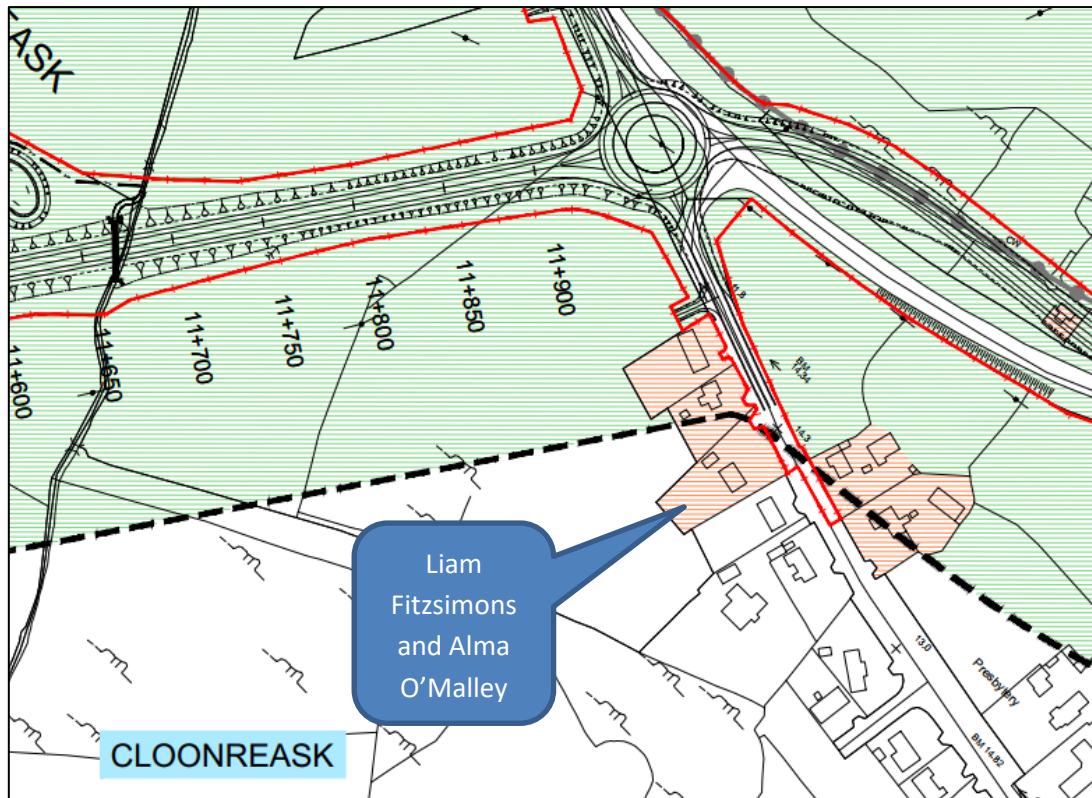


Figure 3.3 Askeaton Roundabout

Response to Submission SCH-63

- 3.15. The R518 public road in front of the property in question will not be closed and access will be maintained during both construction and operation phases. A new roundabout junction will be provided at the existing junction between the R518 and the N69, due west of the property, which will maintain access onto the R518 towards Askeaton as currently exists, while also providing access onto the proposed link road to Ballyclogh and onward towards Foynes and Rathkeale.

Submission ENV-9: Alternatives at Kilnockan (KM 59), 2 km west of Adare

- 3.16. Eamonn & Lorraine Kirby, residents of a house located 300m south of the proposed road (as shown in Figure 3.4), argue that the current design does not provide the optimal design in the Kilnockan area. It is contended that the elevated road embankment will have a *'very real visual intrusion on the landscape'* and a *'significant visual impact on our property and that of our neighbours'*. It is also noted that previous submissions were made by the local residents at the route selection stage of the project and in subsequent liaison with the Limerick County Council's Regional Road Design Office, wherein it was requested that the L-4422 Blackabbey Road be built over the new road to reduce the height of the mainline embankment. An issue was also raised that the clearance over the Greanagh River *"appears to be excessive"* and suggested that it could be significantly reduced.

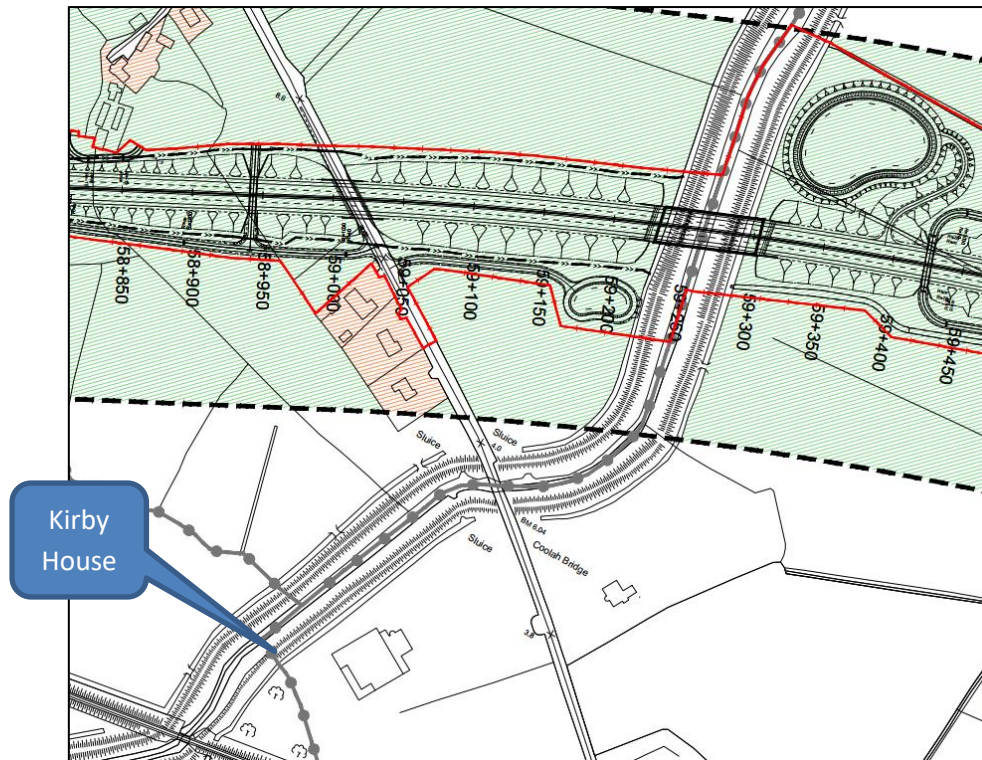
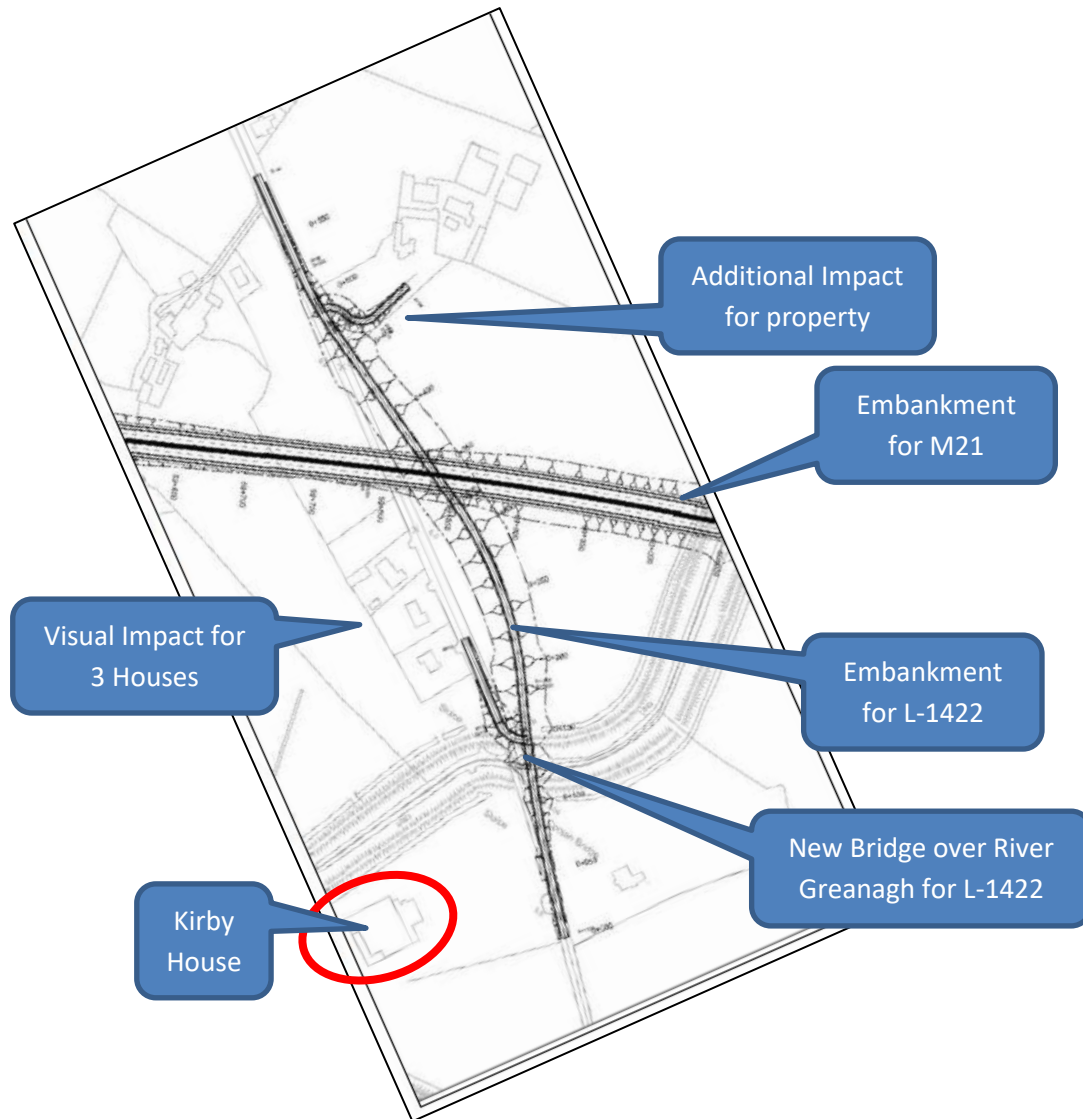


Figure 3.4 Proposed Road at Kilknockan

- 3.17. In Submission ENV-9, it is also argued that the suggested reduction in mainline embankment height “*will also assist from a sustainability point of view in significantly reducing the importation of earthwork fill material required in this area and assist in reducing the substantial deficit of 1.3 million cubic metres of material*”.

Response to Submission ENV-9

- 3.18. The suggested alternative arrangement at Kilknockan was addressed on Page 86 in Chapter 3 of the EIAR as shown in Plate 3.62 which is shown overleaf.



EIAR Plate 3.62 Alternative Crossing Option at Blackabbey Road L-1422

(image rotated for comparison with Figure 4.2.6 preceding)

The key factor at this location is the need to cross the River Greanagh a short distance to the east with sufficient flood clearance over this tidal watercourse bounded by flood bunds. As can be seen in the above image, the alternative arrangement would entail lifting the L-1422 Blackabbey Road onto an even higher embankment than that proposed for the mainline which would be a few metres above ground level after crossing the nearby river. The local road realignment would extend southward past the Kirby house, and the approach road embankment to the bridge would have a considerably greater visual impact for all houses in this location. For the Kirby house the local road embankment would be at a distance of 140m (north of the River Greanagh) compared to 280m to the mainline M21 embankment.

Submission / Objection ENV-13 & FI-4: New Houses at Gortnagrour (KM 58)

- 3.19. These two submissions from Ian Gilvarry assert that the mapping used during the Route Selection stage was out of date, as it did not include Mr. Gilvarry's house which was granted planning permission in 2008 and which commenced construction in 2010. It is claimed that mapping used during the design phase does not include a house built by his neighbour either. These houses are located about 100m to 200m to the north of the proposed road on the northern side of the railway line.

Response to Submission ENV-13 & FI-4

- 3.20. An examination of the Limerick City and County Council planning lists was undertaken in 2015 as part of the Route Selection process to identify any pending or awarded planning permissions within the study area. These were mapped on Drawing Nos. CS-055 to CS-059 in Volume 2 of the Route Selection Report. As a matter of fact, the property in question is shown as a planning permission in the image below (an extract from the map in the RSR report) and it was, therefore, considered as part of the assessment, despite it not being indicated on the available OS mapping at the time of writing of the Route Selection Report. Accordingly, although the Gilvarry house was not shown on the base OS mapping available at that time, the mapping used in the route selection stage had been modified to indicate the Gilvarry house and all other planning permissions in the vicinity of the corridors, as is shown in Figure 3.5.

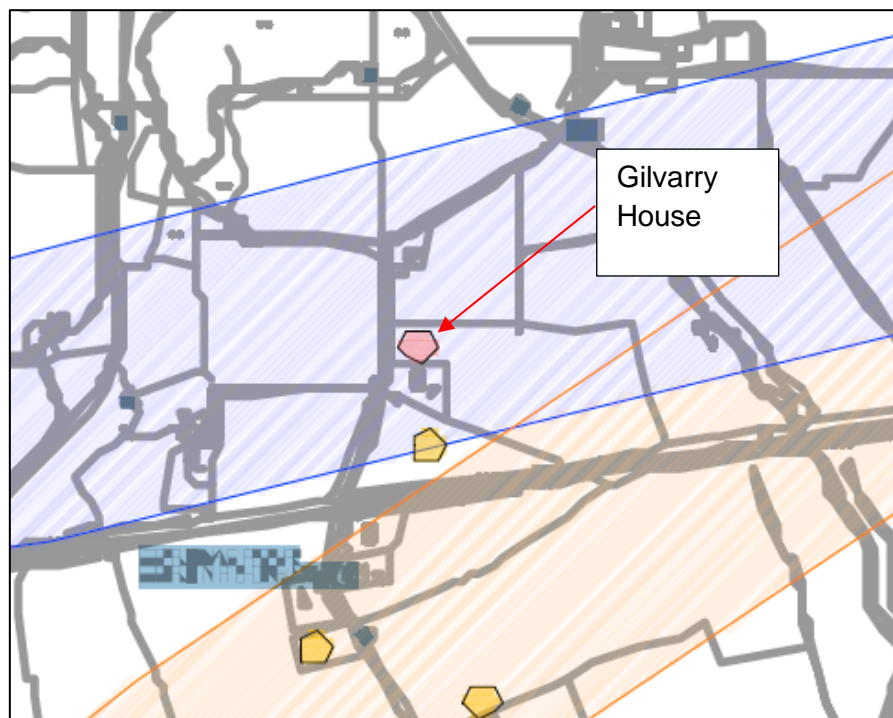


Figure 3.5 Planning Search Map at Gortnagrour

(Ref.: RSR Volume 2 Drawing CS-059)

Submission / objection ENV-17: Clonshire More (KM 56.5)

- 3.21. This submission was made on behalf of John Dillon, who lives about 300m to the southeast of the proposed road at Clonshire More as shown in Figure 3.6. The submission suggests that the alternatives are not adequately assessed under a number of headings, particularly, potential visual and noise impacts on this residential property.

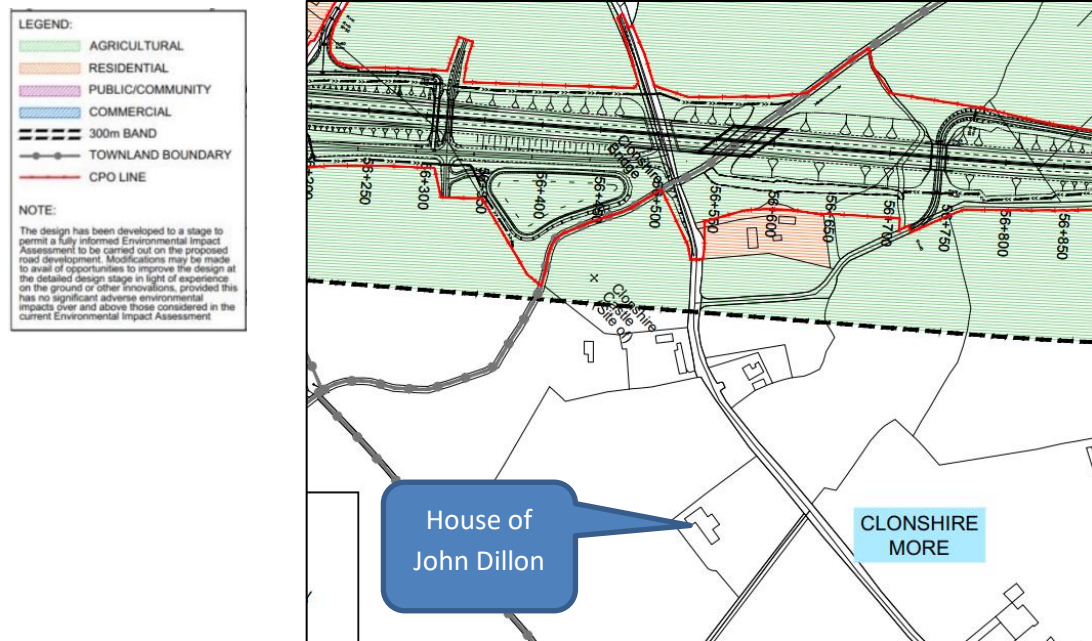


Figure 3.6 Proposed Road at Clonshire More

In the legend the dashed lines represent a 300m wide band: 150m on either side of the centre line. The above map is an extract from the maps in Chapters 15 and 16 of the EIAR.

Response to Submission ENV-17

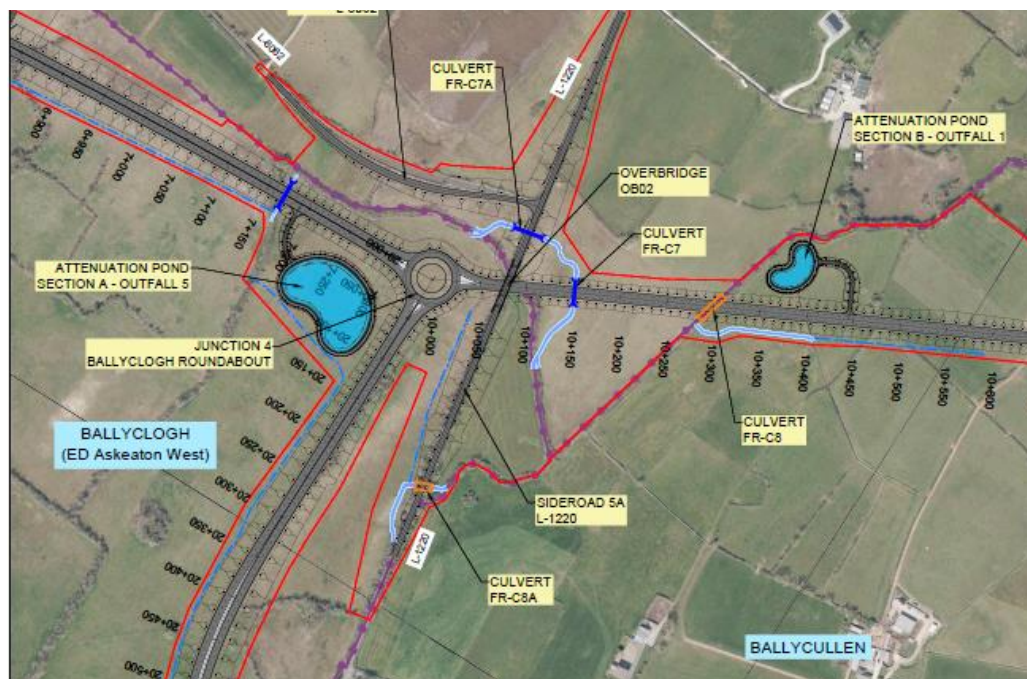
- 3.22. Alternative options were assessed in accordance with the applicable guidelines and regulations for proposed road schemes at all stages of the planning process during the period 2014 to 2019 when the EIAR was published. This process has been outlined in Part A of my Brief of Evidence. The considerable distance of the proposed road from the house in question will greatly limit the potential for noise and visual impact, for which this house lay outside the zones of influence for such impacts to require detailed assessments.

Submission SCH-21 (Denis Lane, Ballyclogh)

- 3.23. Submission SCH-21 asserts that *“changes have been made to the proposed schemes which have exacerbated the impact on our client's lands - most noticeably by the addition of a very large kidney shaped drainage pond”*.

Response to Submission SCH-21

- 3.24. Numerous adjustments were made to the design of the proposed road development at this large agricultural property to reduce the impact on the lands as much as possible as follows:
- the roundabout was moved northwards,
 - the L-1220 side road realignment was moved eastwards,
 - the current entrance is retained with an underpass under the proposed road,
 - an additional access is provided road off the local road L-1220 to south of the existing entrance.
- 3.25. Drainage attenuation ponds are necessary at all outfalls to watercourses. In this case the proposed pond as shown in an extract from Figure 4.6 of the EIAR (Volume 3, Chapter 4) needs to be located to the southwest of the proposed road where enough space can be provided. This pond will store the drainage from a 1.8km length of route Section A from the west, and a 0.9km length of Section C from the south, for which the necessary size has been determined. As may be seen from the map the proposed roads are bounded closely to the east and north by watercourses and local roads which constrain the space available for a large enough attenuation pond.



Extract from Figure 4.6 of the EIAR Volume 3, Chapter 4

- 3.26. In circumstances where the Board decides to confirm the compulsory acquisition of lands, including the acquisition of lands to facilitate the construction and operation of the attenuation pond, the landowner is entitled to make a claim for compensation. In addition, measures have been designed to ensure ongoing access arrangements to the property at all times.

Submission FI-7 (Mary Brosnan)

- 3.27. Submission FI-7 asserts that the Blue route would have resulted in lower carbon footprint due to straight, level properties alongside the railway line.

Response to Submission FI-7

- 3.28. The Blue Route and the Orange Route are the exact same length at 8.7km between Gortnagrour, where they diverge, to the tie-in with the existing N21 at Rathkeale. However, the Foynes Link Road would be 0.5km shorter (3%) from the Blue Route than from the Orange Route. This very small reduction in overall length of new road would not have outweighed the various other advantages of the Orange Route in terms of environmental impacts.

Submission FI-8

Submission FI-8 claims that the do-nothing scenario should have incorporated planned upgrades to N69 and R518.

Response to submission FI-8

- 3.29. At the Route Selection Stage there were no defined planned improvements on the N69 beyond minor traffic calming measures at individual villages for reasons of safety. Such local improvements would not address the objectives of improved level of service and strategic access as provided by this development. These minor improvements would be of no significance in terms of the performance of the N69 route for freight traffic access to Foynes Port.

Issue 3(b): The size and scale of the project is excessive and a bypass of Adare and upgrades/improvements to the N69 to Foynes would be sufficient

- 3.30. The issue as to the size and scale of the project is referenced in ten submissions, (SCH-14, 18, 28, 44, 47, 88, 102, 111, ENV-3 ENV-31).
- 3.31. Submission FI-2 claims that the N21 and N69 should be two stand-alone projects – and that provision of a motorway to Rathkeale needs serious consideration alongside the impact on Newcastle West. The submission also claims that opportunities for additional overtaking on the existing N69 road were ignored in the analysis carried out.

Response

- 3.32. The overall scheme length is 35km as compared to 51km for two separate schemes, which provides a far more efficient arrangement and a much better return on public investment and a lower carbon footprint. Provision of a motorway from Attyflin to Rathkeale is consistent with the provision of both the EU TEN-T Core and Comprehensive Network routes in a combined scheme which will carry significant volumes of traffic as to warrant a motorway road type, as explained earlier in this evidence.
- 3.33. At Rathkeale there will be a significant safety improvement through the replacement of the existing compact grade-separated junction on the N21 Bypass at Holy Cross on the R518. A new large diameter roundabout will be provided 0.6km to the east of Holy Cross, at the terminus of the proposed M21 Motorway, which will provide a safe transition to the single carriageway road that will continue westwards.
- 3.34. Further west along the N21, it is expected that further road improvements will take place at some stage with bypasses proposed at Newcastlewest and Abbeyfeale.
- 3.35. Provision of additional overtaking capacity on the N69 would be of little value in relation to the many other deficiencies of this route that falls very far short of the requirements of the TEN-T Core route network. As described in the EIAR (Chapter 3 Alternatives, Do-Minimum option on page 3/3) it would be necessary to construct a new road off-line from the existing N69 which would generate severe impacts on properties adjacent to the road as well as for the adjoining environment including numerous Special Areas of Conservation (Ref.: Chapter 3 Alternatives, Table 3.1 on page 3/35).
- 3.36. If a local bypass were provided at Adare, this would not address the problem that the traffic volumes on the N21 west of Adare are already too high for a single carriageway to operate safely, and the road from Adare through Croagh to Rathkeale would also remain sub-standard. In addition, it would not comply with the requirement to have a TEN T Core Network Express Road access to Shannon Foynes Port in place by 2030

Issue 3(c): The Foynes to Limerick Railway as a Future Mode

- 3.37. Submissions SCH-30 and FI-2 claim that the proposed development focuses on current distribution trends and not on the need to alter them in the future through a modal shift. The submission also states that the re-development of the rail link was not given serious consideration.

Response

- 3.38. In the case of the proposed development, the TEN-T regulations require both a railway and a high-quality road to be provided to Shannon-Foynes Port. There will be a separate process to reopen the Limerick to Foynes Railway. It is not a case of either a road or the railway – both are required and planned for.
- 3.39. Iarnród Éireann and the Shannon-Foynes Port Company are assessing the potential reinstatement of the Foynes to Limerick Railway line. However, the proposed road development will neither conflict with, nor frustrate the ultimate development of a modern rail link to Shannon-Foynes Port.
- 3.40. Even with the future potential for some share of freight traffic to be carried by rail, there will remain a large volume of freight traffic to be carried by road to and from Shannon-Foynes port. In addition, on the Limerick to Kerry route there will continue to be a significant volume of HGV traffic passing through Adare, for which there will need to be a bypass. All of the route options proposed as part of the Foynes to Limerick Road have been developed so as to also accommodate the future reopening of the Foynes to Limerick railway line.

Issue3(d): Some options were rejected prematurely

- 3.41. Submissions SCH-9 (Bryan Murphy) and 37 (Gerard & Donal Hayes), claim that some route options were rejected prematurely during the Route Selection process as access was required for the EIAR to carry out site investigation works, which was not made available. Therefore, it is argued that the current route was favoured over alternatives as it is the only route that had site investigation carried out to inform an EIAR.

Response

- 3.42. It is desirable to obtain access to undertake some site investigation works to obtain information about soils and geology along the length of a proposed new road. In the landholdings referred to in these submissions such access was not obtained, however, more than sufficient information was available along the potential route corridors for an adequate appreciation of the soils and geology conditions in so far as necessary for the route selection process.

Issue 3(e): Route Selection in Blossomhill Area

- 3.43. Submission 89 (Paul Madden) raises a number of issues with the Route Selection at Blossom Hill and Ballycannon. Ecological issues are noted at marshy areas in the vicinity of Doohyle Lough and Kyletaun.

Response to Submission SCH-89

- 3.44. The ecology issues at Blossomhill were fully known to the Design Team and are addressed the Ecological Briefs of Evidence.
- 3.45. In the route selection process, a localised evaluation was undertaken in the area of Blossomhill, Clogh West and Amoganbeg between Rathkeale and Croagh as outlined in sections 3.9.2 and 3.9.3 of Chapter 3 of the EIAR. There are numerous constraints in this area to be addressed in the development of an appropriate route for the proposed new road as follows:
- a) Large farm holdings including a number of dairy farms.
 - b) Extensive local housing, particularly at Amogan Beg with associated sensitivity to exposure to traffic noise, visual impact, and community severance.
 - c) Ecology associated with lakes and fen areas towards the northern part of this area.
 - d) Some minor cultural heritage features.
 - e) Local road network connectivity and access requirements.
 - f) Soft-ground conditions in places.
- 3.46. Three localised route options were identified as described in Section 3.9.2 of the EIAR Chapter 3. These routes are shown as pink, green, and blue options on a map reproduced below in Figure 4.2.9 from north to south correspondingly. All of the above factors were evaluated in selecting the most appropriate route in this area. The route selection assessment concluded that the green option is preferable.



3.48. Submission SCH-30 argues that the project is not future proofed as it focuses on current distribution trends from the port and not on the need to alter them in the future. It argues that the consideration of alternatives is deficient as the appraisal did not follow the current S.28 Guidance for EIA which takes into account 'Climate change mitigation'.

Response

- 3.49. The S.28 *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, August 2018)* state the following with regard to Alternatives:

“The Directive requires that information provided by the developer in an EIAR shall include a description of the reasonable alternatives studied by the developer. These are reasonable alternatives which are relevant to the project and its specific characteristics. The developer must also indicate the main reasons for the option chosen, taking into account the effects of the project on the environment.

Reasonable alternatives may relate to matters such as project design, technology, location, size and scale. The type of alternatives will depend on the nature of the project proposed and the characteristics of the receiving environment. For example, some projects may be site specific so the consideration of alternative sites may not be relevant. It is generally sufficient for the developer to provide a broad description of each main alternative studied and the key environmental issues associated with each. A ‘mini- EIA’ is not required for each alternative studied.”

- 3.50. The assessment of alternatives provided in Chapter 3 of the EIAR has been carried out in full compliance with this guidance. Climate change mitigation measures as referred to in the submission have been accounted for in Chapter 13 of the EIAR on Air Quality and Climate.

4. COMPULSORY ACQUISITION OF LANDS

Issues Raised in Submissions

- 4.1. The following 33 no. submissions have contended that the compulsory acquisition of lands is inappropriate or excessive: SCH- 2, 6, 7, 8, 23, 24, 28, 29, 35, 41, 44, 45, 48, 50, 55, 58, 61, 71, 77, 78, 81, 87, 90, 93, 97, 100, 106, 107, 112, 114, 115, 116, 119 and ENV-31.
- 4.2. In addition, the following 7 no. submissions objected to specific plots being included in the compulsory acquisition schedules: SCH- 23, 61, 71, 78, 97, 100 and 116.
- 4.3. Submission SCH- 44 states that the compulsory acquisition Schedule is incorrect in identifying the curtilage of the dwelling house as road acquisition.

Responses - General

- 4.4. Only lands that are necessary for the construction and operation of the proposed road development, or which are required to enable maintenance access, are proposed to be compulsorily acquired. All of the lands contained in the Schedules to the Schemes are necessary, sufficient and/or suitable for the Proposed Road Development to which the Protected Road, Motorway and Service Area Schemes relate.
- 4.5. It should be noted that plots demarcated in white with a red outline in the deposit maps, which are included within Schedule 4 only, are not proposed to be acquired as part of the three schemes. Rather, these lands are listed in Schedule 4 because it is proposed to prohibit access to or from these lands to the proposed road.
- 4.6. Individual responses to the objections made to the compulsory acquisitions PO, in respect of which confirmation is now sought by An Bord Pleanála, are provided in Table 4.1 below:

Table 4.1 Responses to Submissions Regarding CPO Extents

No.	Name / Location	Plot No.	Response
SCH-2	Aiden & Elaine Becton Smithfield, Croagh	436	First house east of roundabout on existing N21. The lands being acquired consist of part of the public road up to the boundary wall of the property. These lands are required to realign the existing N21 for the proposed roundabout as part of the proposed junction at Croagh.
SCH-6	Reps of Bernadette Clancy, C/O Michael Clancy, The Square, Ballingarry	428	These lands are located on the western side of the L-1421 Croagh to Cappagh Road. Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway. Lands to the north of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the Clonshire River further east.
SCH-7	Brendan & Emer Hayes Croagh	430	These lands are located on the eastern side of the L-1421 Croagh to Cappagh Road. Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway. Other lands are also required to facilitate the diversion of an existing gas pipeline. The extent of land required for this diversion has been agreed with Gas Networks Ireland. On completion of all necessary works, any surplus lands will be considered for return to the original owners, subject to the approval of Gas Networks Ireland and exercise of statutory powers by Limerick City and County Council.
SCH-8	Brendan Hayes Croagh	430	Responses as for Submission No.7.
SCH-23	Derek and Susan Long Tuogh, Adare	485	Lands on the eastern side of the L-1422 Blackabbey Road. Plot 485a.103 consists of part of public road and has been included in the compulsory acquisition schedules to facilitate the construction of a bridge carrying the motorway mainline over the local road. The main area of land is for the motorway as it passes through this landholding. Lands are included for an attenuation pond located to the south of the motorway and an access track.
SCH-24	Donal Deely Clogh, Croagh	418	A very small area of land is to be acquired for the construction of the proposed motorway embankment with a drainage ditch and a maintenance strip along the boundary fence.

No.	Name / Location	Plot No.	Response
SCH-28	Edward Guiney Corgrig, Foynes	103	<p>The lands to be acquired are in several plots alongside the existing N69 and Foynes Port access road (L-6188). A small strip of land consists of public road on the link into Foynes village to facilitate the provision of a footpath.</p> <p>The main area of land is for the construction of the proposed new Rathkeale to Foynes road and the roundabout junction at the terminal of this road with the Foynes Port access road.</p> <p>Other areas of land are for an attenuation pond and various access tracks.</p>
SCH-29	Edward Guiney Corgrig, Foynes	103	<p>Responses as for Submission No.28.</p> <p>Regarding plots 103b.401, 103b.402 and 103a.401, these lands are Schedule 4 lands – access from the lands to the Service Area will be prohibited – it is not proposed to be acquired as part of the scheme.</p>
SCH-35	Francis O'Kelly Ardshanbally, Adare	476	<p>Lands between the River Maigue and the existing railway line.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.</p> <p>Lands to the north of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the River Maigue.</p>
SCH-41	Gordon Shine, Tuogh, Adare	455	<p>Lands to the north of existing railway line.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.</p> <p>Lands to the south of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the Greanagh River A.</p> <p>An overbridge RVB02 is proposed to provide connectivity between the two plots either side of the proposed motorway.</p>
SCH-44	James Clarke, Kilgobbin, Adare	480	<p>Lands between existing railway line and existing N21 road.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.</p> <p>Lands to the north of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the River Maigue.</p> <p>An additional piece of land is included in the compulsory acquisition schedules to realign the existing N21 to connect with the old road towards Limerick (L1427). On completion of all necessary works, any surplus lands will be considered for return to the original owners subject to the relevant approvals.</p>

No.	Name / Location	Plot No.	Response
SCH-45	James Sheridan, Rathkeale	406	<p>Lands to the north of existing N21.</p> <p>These lands are included in the compulsory acquisition schedules for the construction of the proposed motorway and proposed protected road. This also includes lands required for the construction of Junction 10 at Rathkeale, consisting of two roundabouts connecting the proposed motorway and proposed protected road with the existing N21.</p>
SCH-48	John & Maria O'Shaughnessy, Askeaton	303	<p>Lands to the east of Lismakeery stream.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road.</p> <p>Lands to the north of the protected road are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the Lismakeery stream.</p> <p>The area of Fenland to the south of the protected road has also been included to provide an area of habitat protection.</p>
SCH-50	John Brennan, Ballyellinan	201	<p>Lands to the east of local road L-1220 at Ballyellinan.</p> <p>These lands are required for the embankment of the realigned local road, which is proposed to bridge over the mainline of the protected road.</p>
SCH-55	John Ward, Graigie, Croagh	431	<p>Lands to the north of the existing N21.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway. Additional lands are required for the construction of Junction 14, a proposed grade separated dumbbell junction, connecting the proposed motorway with the existing N21 at Croagh via a proposed link road. Lands are also required for Construction Compound No. 5.</p> <p>Lands to the south of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water, as well as pond access track.</p>
SCH-58	Kevin Lawlor, Ardshanbally, Adare	474	<p>Lands to the east and west of the existing railway line.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.</p> <p>Lands to the south of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water before discharge towards the River Maigue. Lands are also included to provide access roads to the pond.</p>

No.	Name / Location	Plot No.	Response
SCH-61	Leo and Kathleen O'Shaughnessy, Mulderricksfield	110	<p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road, the road is in a significant cutting at this location.</p> <p>Lands to the south of the protected road are also included for the mains diversion of the group water scheme at Barrigone to include for possible installation of water supply pipe to the Craggs Barrigone Group Water Scheme reservoir.</p>
SCH-71	Melissa and Sean Cahill, Graigue, Croagh	432	<p>Lands to the north of the existing N21.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway. Additional lands are required for the construction of Junction 14 at Croagh.</p> <p>A small section of public road is also proposed to be acquired along the L8026 to facilitate the realignment of this local road.</p> <p>Regarding plots 432a.401 and 432b.401, these lands are Schedule 4 lands and access from these lands to the proposed motorway will be prohibited. These lands are not proposed to be acquired as part of the proposed road development.</p>
SCH-77	Miriam O'Mahony, Ballingarrane, Askeaton	330	<p>Lands at R518 road. The lands to be acquired consist of part of public road only.</p>
SCH-78	Nano and Patrick Reidy, Croagh	434	<p>Lands to the north of the existing N21.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of a link road which connects Junction 14 of the proposed motorway with the existing N21 at Croagh. Lands are also required for a proposed roundabout where the link road connects with the existing N21.</p> <p>Lands to the west of this link road are included for the provision of a drainage attenuation pond to control the volume and quality of surface water.</p> <p>Regarding plot 434c.401, these lands are Schedule 4 lands prohibiting access to the Motorway and are not proposed to be acquired as part of the proposed road development.</p>
SCH-81	Norman and Shirley Birdthistle, Lismakeery	306	<p>Lands to the west of local road L-1236 at Lismakeery.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road, as well as a stream diversion to the south of this.</p> <p>Lands are also required for the embankment of the realigned local road, which is proposed to bridge over the mainline of the protected road, as well as a stream diversion to the west of this.</p>

No.	Name / Location	Plot No.	Response
SCH-87	Patrick Shanahan, Ballycannon, Croagh	423	Lands to the north of the existing N21. These lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.
SCH-90	Peter & Erica Leonard	309	Lands to the west of Deel River. The main area of land included in the compulsory acquisition schedules is for the construction of the proposed protected road. Other areas of land are required for realigned access roads.
SCH-93	Raymond Fitzell and Derek Long, Rathkeale Commons	415	Lands to the north of the existing N21. These lands are required to facilitate the realignment of a local road.
SCH-97	Ruari Brennan, Ballycullen, Askeaton	204	Lands to the west of railway line. Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road and a farm access road. Lands to the south of the protected road are included for the provision of a drainage attenuation pond to control the volume and quality of surface water. Regarding plots 200a.401 and 200a.402, these are not under ownership of this landowner. If they are instead referring to plots 204a.401 and 204a.402, these lands are Schedule 4 lands. Access from these lands to the proposed road will be prohibited. It is not proposed to acquire these lands as part of the scheme.
SCH-100	Sam and Nicola Brennan, Ballyellinan, Askeaton	200	Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road. Lands are required for the embankment of the realigned local road L-1220, which is proposed to bridge over the mainline of the protected road. Lands are also required for stream diversions to the north and south of the protected road Regarding plots 200a.401 and 200a.402, these lands are Schedule 4 lands. Access from these lands to the proposed road will be prohibited. It is not proposed to be acquired as part of the proposed road development.
SCH-106	Sean & Fidelma Liston, Croagh	429	Lands to the west of local road L-1421 at Croagh. These lands are required for the construction of a drainage attenuation pond access road, as well as a new residential access from the L-1421.

No.	Name / Location	Plot No.	Response
SCH-107 ENV- 31	Simon White, Nantinan	320	<p>Lands to the west of railway line.</p> <p>These lands are included in the compulsory acquisition schedules for the construction of the proposed protected road.</p> <p>Additional land is required for a stream diversion to the east of the protected road and an access for ESB to access their tower to the west of the protected road.</p> <p>Only lands required for the construction of the proposed road development are included within the compulsory acquisition schedules.</p>
SCH-112	Thomas Hanley, Creeves	300	<p>These lands are required for the construction of the protected road over the L-1220, an access track to drainage attenuation ponds. This entire property is being acquired.</p>
SCH-114	Thomas McNamara, Tuogh, Adare	452	<p>Lands to the south of the railway line.</p> <p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed motorway.</p> <p>Lands to the north of the motorway are included for the provision of a drainage attenuation pond to control the volume and quality of surface water, as well as a pond access road. Lands to the south of the motorway are included to provide an access road to a residual landholding.</p> <p>It should be noted that plots 452a.401 and 452a.402 are Schedule 4 lands only. Access from these lands to the proposed motorway will be prohibited. Schedule 4 lands are not proposed to be acquired as part of the proposed road development.</p>
SCH-115	Thomas Mulcair Rincullia, Foynes	102	<p>The main area of land is for the protected road as it passes through this landholding.</p> <p>Lands are included for an attenuation pond located to the north of the motorway before the outfall to the Ahacronane River.</p> <p>Other lands are also required to facilitate the diversion of an existing gas pipeline. The extent of land required for this diversion has been agreed with Gas Networks Ireland. On completion of all necessary works, any surplus lands will be considered for return to the original owners subject to the approval of Gas Networks Ireland and Limerick City and County Council.</p>
SCH-116	Tom and Maeve Kelly, Ballycullen	203	<p>Part of these lands are included in the compulsory acquisition schedules for the construction of the proposed protected road.</p> <p>Lands to the north of the protected road are included for the provision of a drainage attenuation pond to control the volume and quality of surface water.</p> <p>Regarding plot 203a.401, these lands are Schedule 4 lands only. Access from these lands to the proposed road will be prohibited. It is not proposed to acquire Schedule 4 lands as part of the scheme.</p>

No.	Name / Location	Plot No.	Response
SCH-119	William and Pauline Dillane, Mulderricksfield and Craggs	109	<p>These lands are included in the compulsory acquisition schedules for the construction of the proposed protected road, the road is in a significant cutting for most of its length through these lands.</p> <p>Lands are required for a proposed access road which will act as the new "Coopers Lane" from the L-6062. This includes the embankments of this access road, which is proposed to bridge over the mainline of the protected road. Lands are also required to the south of the protected road for this access road to connect back to the existing "Coopers Lane" and provide access to adjacent landholdings.</p> <p>It should be noted that plots 109a.401, 109a.402 and 109a.403 are Schedule 4 lands only. Access from these lands to the proposed road will be prohibited. It is not proposed to acquire Schedule 4 lands as part of the proposed road development.</p>

Issue Raised in Submissions: Easements for Power Line Diversions

- 4.7. Submissions SCH-9 (Bryan Murphy) and SCH-37 (Gerard & Donal Hayes) state that easements have not been acquired in the compulsory acquisition schedules which will be required for the works to the 110kV and 220kV lines.

Response

- 4.8. Submission No.9 is made on behalf of Bryan Murphy of Clonshire Beg (Plot No.445). There are no high voltage power lines in this location that require diversion. There is a medium voltage 38kV line that crosses the lands to the south of the local road at this location and this will be adjusted within the lands to be acquired for the proposed road development.
- 4.9. Submission No.37 is on behalf of Gerard & Donal Hayes of Ballynacaheragh south of Askeaton (Plot No.301). There are no high voltage power lines in this location that require diversion. A medium voltage 38kV line crosses these lands and will be adjusted within the lands to be acquired for the proposed road development.

Issue Raised in Submission SCH-59: Error in Landowner Information

- 4.10. Submission SCH-59 on behalf of Killian & Margaret O'Leary of Ballymartin, Pallaskenry, suggests that a portion of ground owned by the landowners at Ballyellinan is to be acquired and is identified in the ownership of a neighbouring landowner on the compulsory acquisition schedule. (Ref. Plot No.117).

Response

- 4.11. This land is located at Ballyellinan just to the northwest of the proposed roundabout at Ballyclogh as shown on the following map in Figure 4.1. The extent of Folio LK27184 is shown in Figure 4.2, and it is confirmed that all these lands have been assigned to Plot No.117.

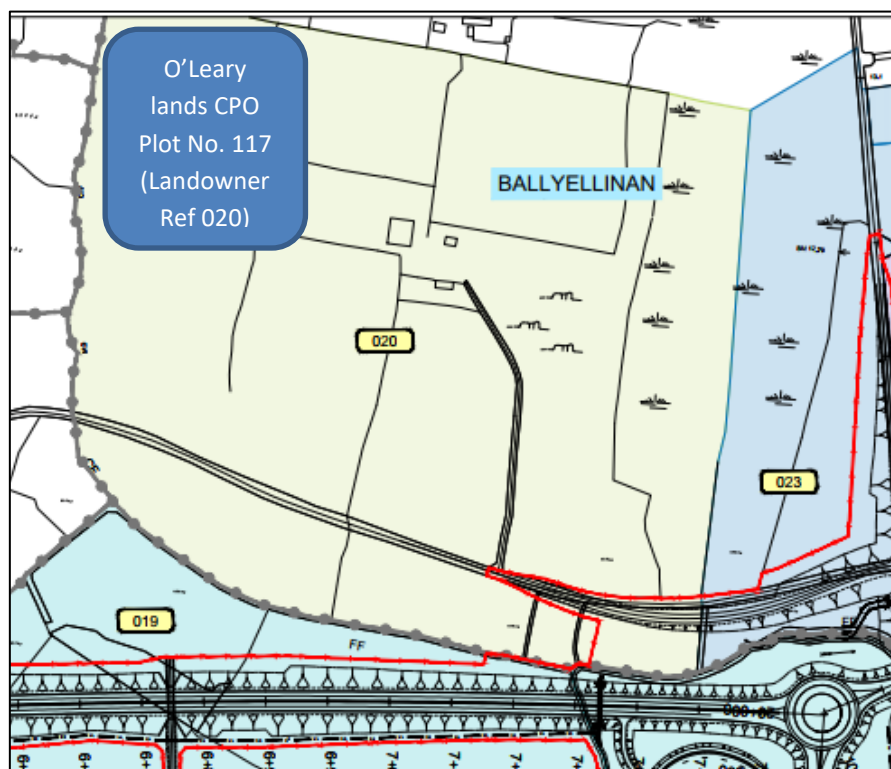


Figure 4.1 CPO Map at Ballyellinan / Ballyclogh



Figure 4.2 Folio LK27184 belonging to Killian & Margaret O'Leary

Issue Raised in Submission SCH-29: Error in Landowner Information

- 4.12. Submission SCH-29 for Edward Guiney of Corrig, Foynes, refers to the lands in Plot 103 that extend along both the existing N69 south of Foynes and along the Foynes Port access road as shown shaded in pink on the map in Figure 4.3. Of these lands Plot 103a.103 is the only area of land to be acquired that has been identified as part of public road.

The folio LK22472 under ownership of Edward Guiney extends to the midpoint of the existing N69. Plot 103a.103 represents the acquisition of this area of public road including the verge strip, as shown in Figure 4.4. There are no areas of curtilage to be acquired within Plot 103a.103. The land-take is clearly marked in the drawings in Volume 3 of the EIAR.

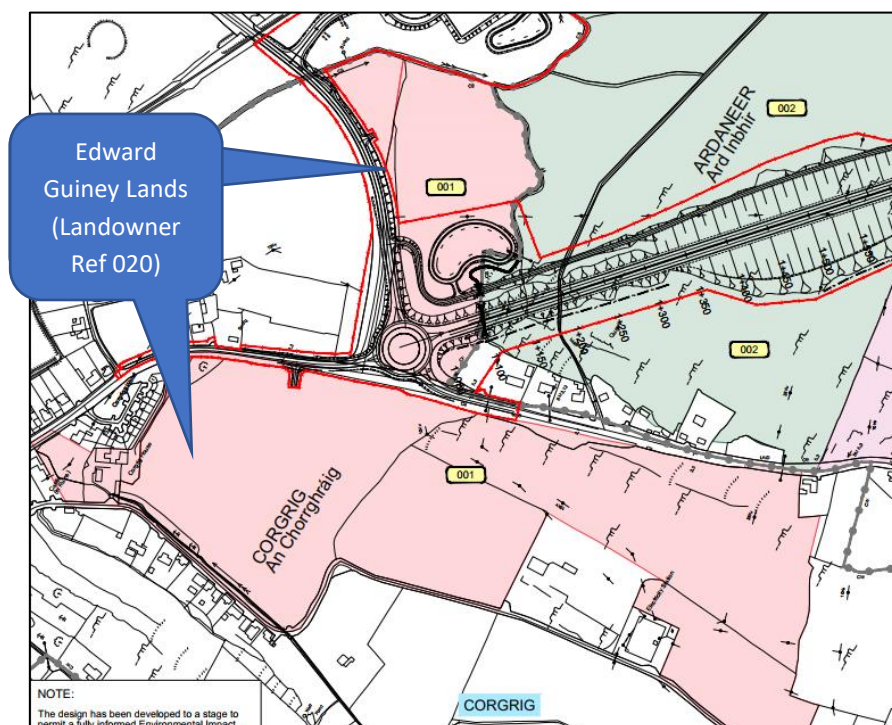


Figure 4.3 CPO Map at Corrig, Foynes

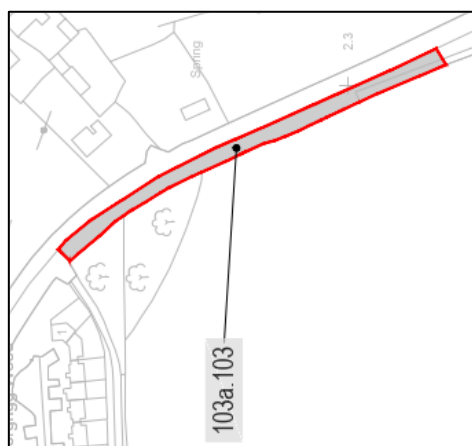


Figure 4.4 Extent of Plot 103a.103

4.13. Submission No.44 on behalf of James Clarke, of Kilgobbin, Adare (Plot No.480) says that the compulsory acquisition schedule is incorrect in identifying the curtilage of the dwelling house as road acquisition.

4.14. The lands in Plot 480 extend along both sides of the existing N21 road and along the southern side of the Limerick to Foynes railway line as shown on the following map in Figure 4.5. There are no areas of curtilage to be acquired within any Landowner 480 Plots.

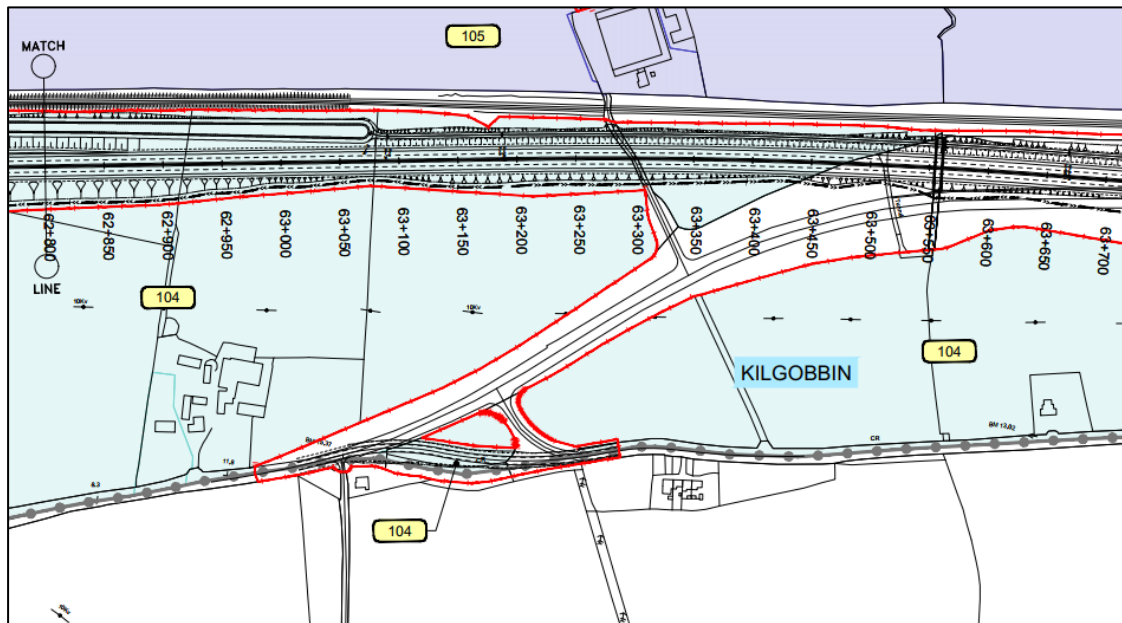


Figure 4.5 CPO Map at Kilgobbin, Adare -James Clarke lands shaded blue

Issue Raised in Submissions SCH-95

- 4.15. Submission SCH-95 on behalf of James Reidy, of Smithfield, Croagh (Plot No.435) says that the land ownership description for this plot is incorrect.

Response

- 4.16. The land in Plot 435 is a small area on the northern side of the existing N21 to the west of the proposed roundabout for the Croagh junction as shown ringed in yellow in Figure 4.6 below. The registered owner of this land according to the PRAI is "James Reidy", therefore the land ownership description of this plot in the schedules is correct.

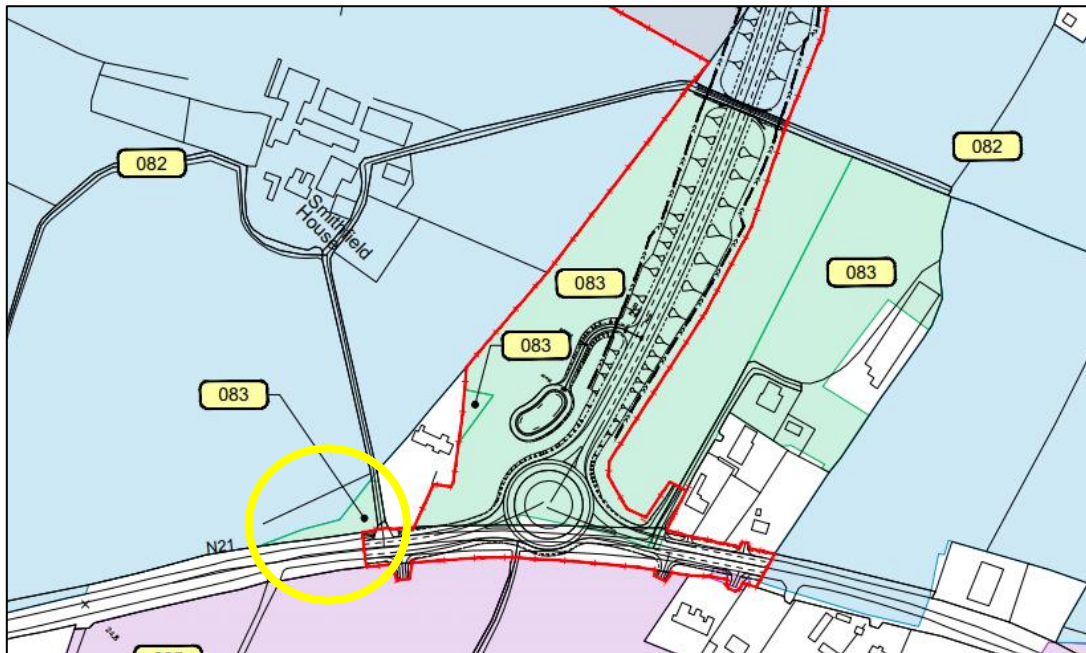


Figure 4.6 CPO Map at Smithfield, Croagh

Issue Raised in Submission SCH-121: Well at Craggs / Barrigone

- 4.17. Submission SCH-121 from the Craggs/Barrigone Group Water Scheme Ltd. states that a compulsory acquisition schedules have not been issued to land owners in the vicinity of the existing source well and that LCCC needs to identify an area for a new bore hole.
- 4.18. The Group Water Scheme has also requested to be named in the compulsory acquisition schedules for the lands to be acquired at Mulderricksfield for the provision of a new connection from the public water supply scheme to the existing group scheme reservoir as shown in Figure 4.7. on the basis of their ownership of the existing water scheme infrastructure in this location.

Response

- 4.19. The compulsory acquisition schedule has been updated for consideration by the Board to include the Craggs/Barrigone Group Water Scheme Ltd. as having an interest in lands traversed by the water supply scheme infrastructure.

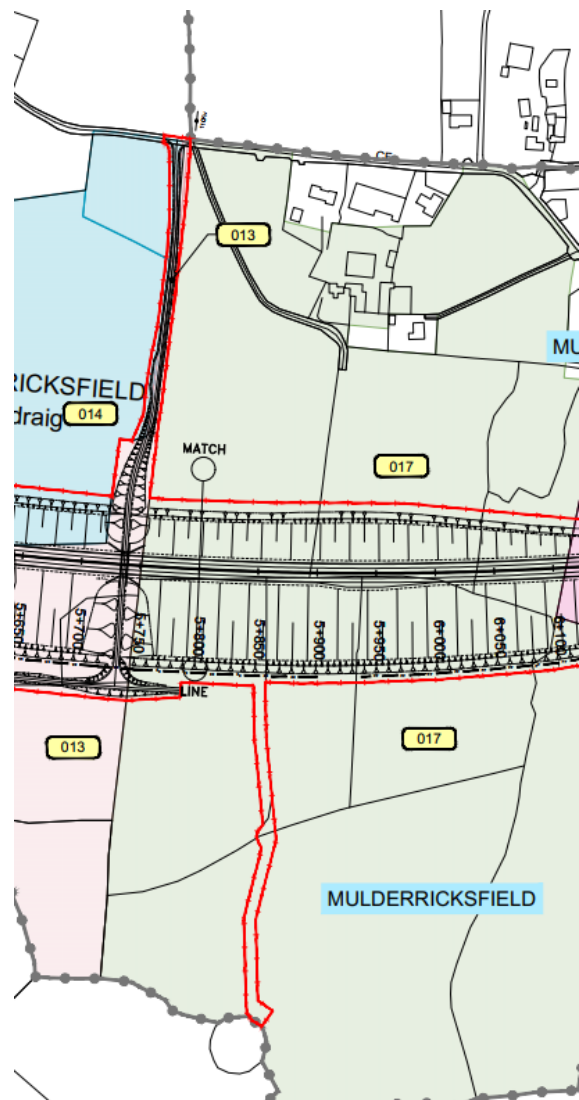


Figure 4.7 CPO Map at Mulderricksfield

- 4.20. Additional lands do not need to be acquired for the provision of a possible new borehole for this water supply scheme in the highly unlikely event that one might be required, as such works would be undertaken by agreement and would remain under the current ownership and control of the group water scheme.

Issue Raised in Submissions: Lands at Foynes Port

- 4.21. Submission SCH-42 from Irish Cement in respect to Plots 111 and 137 advises that, while they still hold title to these lands, they have been taken over by Shannon-Foynes Port Company through a separate compulsory acquisition procedure.

Response

- 4.22. This information is noted. Both Irish Cement and Shannon Foynes Port Company are listed in the schedule under Owner/Reputed Owner and was issued with a statutory notice in respect of these lands.

Issue Raised in Submissions: Lands at Rathkeale Commons

- 4.23. Submission SCH-17 on behalf of Cornelius Giltinane suggests it is unclear what is to happen to the triangular shape piece of land which is left on the southern side of underpass 11A.

Response

- 4.24. The lands in question are shown in Figure 4.8 below. The land ownership is quite complex at this location with 3 farm-holdings straddling the route of the proposed road. These lands currently also straddle local road L-8027 to Clogh West. The parcel of land referred to is circled in yellow on the map on the southern side of the proposed motorway and north of the proposed local roads realignment. Movement of stock between fields currently involves crossing the public road at a common point where several access tracks converge opposite the junction of the two local roads. There is some degree of existing shared use by these 3 farms of parts of access tracks and the public road at present.

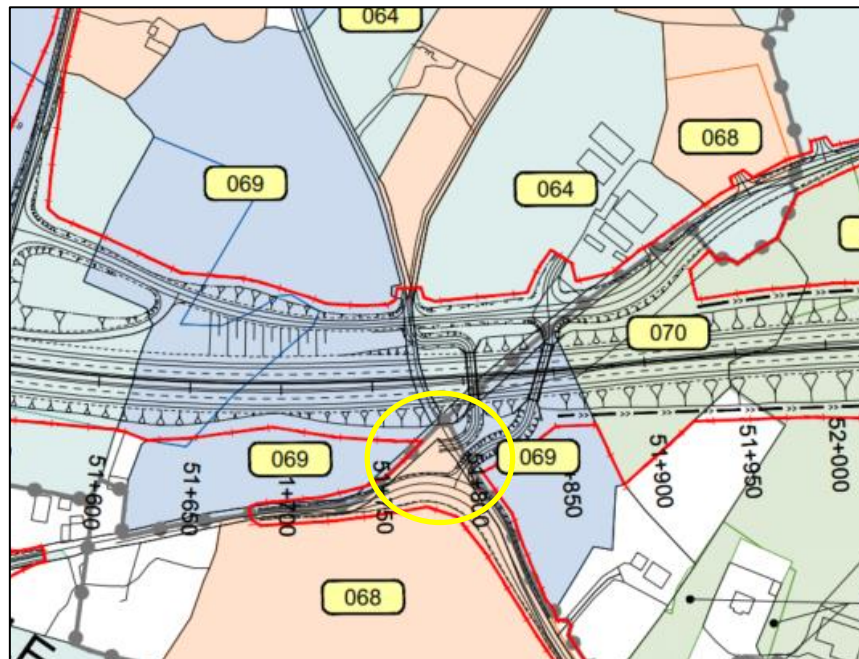


Figure 4.8 CPO Map at Rathkeale Commons / Blossomhill / Amogan Beg

- 4.25. As part of the proposed road development, a pair of underpasses will be provided to enable farm movements to remain as close as possible to the current arrangements. The small triangular area of his southern field referred to in the submission from Mr. Giltinane and is to be acquired as part of the proposed road development. This land will accommodate access tracks from the two proposed farm underpasses for access to the fields on the southern side of the proposed road. A system of gates and fences will be provided to control the use of this area for farm movements only, and public access will not be accommodated.

5. SAFETY AND OTHER ISSUES

- 5.1. The following submissions raised issues regarding safety.

Issue Raised in Submission

- 5.2. Submission SCH-43 by James A. Dore of Ballingarrane, Rathkeale expresses concerns for security and safety for the property and business due to the proposed walkway alongside the property.

Response

- 5.3. This property is located on the eastern side of the former railway line from Limerick to Rathkeale and onward to Tralee. The proposed road will be located on the western side of the former railway. From Rathkeale westward the former railway has been redeveloped as the *Great Southern Greenway*, and there are separate proposals by Limerick City & County Council to extend the greenway eastwards to Limerick City. The proposed road development has been designed to accommodate a future section of greenway where it crosses the former railway line at Ballingarrane. However, the development of the greenway will be separate from the proposed road and will be subject to a separate planning process.

Issue Raised in Submission

- 5.4. Submission SCH-103 on behalf of Seamus & Noreen Culhane of Clonshire More states that they are concerned about the safety of their family.

Response

- 5.5. It is not possible to provide a response without further information. Permanent fencing will be provided along the boundary of the compulsory acquisition line, along the western boundary of their lands in accordance with Section 4.12 of Chapter 4 of the EIAR. Traffic safety barriers will also be provided as required on the proposed motorway embankment to prevent errant vehicles from leaving the road corridor.

Issue Raised in Submission

- 5.6. Submission SCH-121 from the Craggs/Barrigone Group Water Scheme includes safety concerns for the use by their members to get to the reservoir along the new access road proposed to replace "Cooper's Lane" a short distance to the west.

Response

- 5.7. The proposed access road is designed for use by a number of landowners and will be suitable for general travel by others, with passing bays at intervals. Fencing will be provided in accordance with Section 4.12 of the EIAR and safety barriers will be provided where required.

Issue Raised in Submissions: Health & Safety Plan

- 5.8. A large number of submissions have stated that no Health & Safety plan has been provided for works within the landholding (No. SCH- 4, 5, 6, 10, 11, 16, 19, 20, 22, 25, 28, 31, 32, 33, 35, 36, 38, 39, 40, 41, 45, 46, 49, 52, 55, 58, 59, 60, 62, 63, 65, 68, 69, 73, 74, 75, 76, 79, 83, 82, 86, 87, 91, 96, 99, 101, 103, 104, 105, 109, 111, 112, 113, 115, 117 and 118).

Response

- 5.9. A Preliminary Health and Safety Plan for Works is appended to this evidence for consideration by the Board.

Issues Raised in Submissions: Sightlines at a Junction

- 5.10. Submission SCH-84 by Patrick O'Connell of Hazelfield, Askeaton, refers to safety concerns for sightlines at the L-6062-315 junction. The lands in question are in Plot 133 at Craggs just to the south of the proposed road with access from Cooper's Lane.

Response

- 5.11. This submission relates to the proposed replacement access road for Cooper's Lane where it will connect to local road L-6062 at the northern end. The L-6062 road is narrow with sharp bends at regular intervals, which constrains traffic speeds. The sightline requirements are therefore limited and will be sufficient for the safe operation of the junction in accordance with the design standards. A setback distance of 2m is appropriate with a visibility distance of 90m for a design speed of 60 km/h.

Issues Raised in Submissions: Temporary Access

- 5.12. Submission SCH-84 by Patrick O'Connell requests that temporary surfaces during construction not affect the health and safety of family or cause damage to landowners' vehicles.

Response

- 5.13. Suitable and durable temporary surfaces will be provided during the construction on all access roads.

Issues Raised in Submissions: Safety Barriers

- 5.14. The following submissions state that safety barriers are not adequately shown on drawings: SCH-12, 26, 51, 54, 61, 66, 72, 80, 85, 92 and 98

Response

- 5.15. Provision of road furnishing such as safety barriers is detailed in accordance with the relevant TII design standards and specifications. Safety barriers will be provided in the verges throughout the proposed road scheme where there are embankment slopes of more than 0.5m height, on the approaches to bridges, and in proximity to watercourses and railways.

6. CONSULTATION

- 6.1. Submission SCH-21, for Denis Lane of Ballyclogh criticises the landowner consultation process. Similarly, submission FI-4 by Ian Gilvarry states that "*at none of these meetings [individual landowner meetings] was I successful in altering any aspect of the project*".

Response

- 6.2. There have been extensive consultations with the public and landowners over the 6-year period of planning and design from March 2014 to December 2019. Indeed, public consultation has continued since the application for approval pursuant to the submissions, observations and objections made to the Board on those applications and continues through the oral hearing process. Section 3.10 of Chapter 3 Alternatives Considered in the EIAR outlines the range of measures undertaken at various stages in the design of the proposed development to consult with the general public, including meetings with those land and property owners affected by the proposed road development. The designs have been modified and refined to various extents where possible in response to additional information obtained during this period where appropriate.

Construction Compounds and Access Traffic

- 6.3. Some Submissions have said that that the EIAR is flawed and does not contain sufficient information in relation to Construction compounds and construction traffic movements, particularly outside of the lands to be compulsorily acquired: SCH- 28 and 44.

Response

- 6.4. This issue is fully described in the EIAR Chapter 4 Sections 4.16.9 and 4.16.10 (on pages 4/101 to 4/104) and on Figures 4.71 (Revision A) and 4.71a following.
- 6.5. The proposed location for the main construction compound was described in Chapter 4 of the EIAR at Section 4.16.10 on page 4/103 and was shown on Plate 4.82 which is reproduced below.

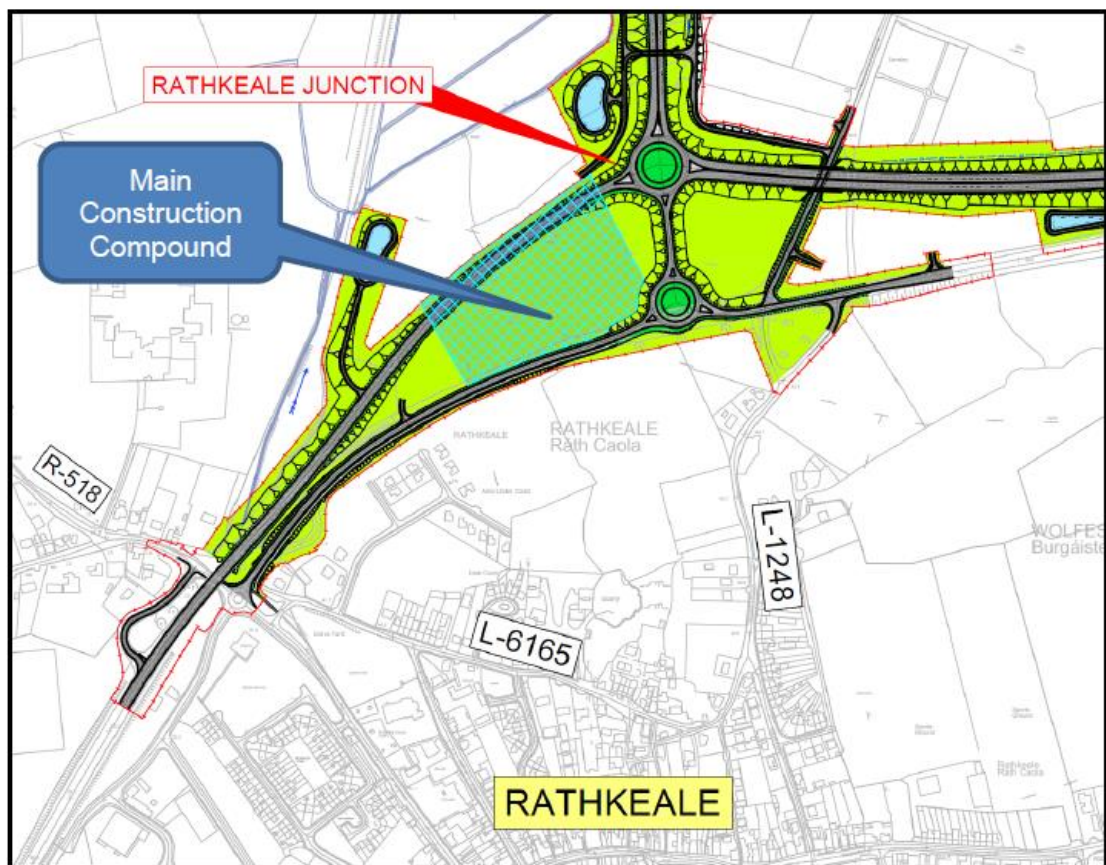


Plate 4.82 Main Construction Compound Location

- 6.6. Further details for the proposed construction compounds were provided on Page 4/104 of the EIAR as follows:

The main compound site will be up to 2.5 ha in size, and may include stores, offices, materials storage areas, plant storage and parking for site and staff vehicles. This site is likely to remain in place for the duration of the construction stage.

Smaller temporary sites, required for the construction of particular structures and bridges, excavation and processing of materials, specialised earthwork construction and at certain drainage areas may also be sited at various locations along the length of the proposed road development.

The following areas have been identified as potential locations of site compounds:

- Foynes HGV Rest Area (Ch 1+000);
- Robertstown (Ch 2+760 to Ch 2+990);
- Askeaton Tie in with N69 (Ch 11+400 to 11+650);
- Croagh Junction (Ch 55+150 to 55+620);
- Islandea (Ch 60+670 to Ch 60+870); and
- Ardshanbally (Ch 61+800 to 62+050).

- 6.7. The permitted access routes for light vehicle construction traffic are shown on Figure 4.71 Revision A. These access routes comprise the N21 and N69 National Roads, the R518 Regional Road and a small number of Local Roads where necessary to enable construction personnel to travel to the sites of proposed bridges that will be necessary to open up the proposed road corridor as a haul route for heavy traffic. The revised map is provided to the Board to replace the one that was published in the EIAR as it had an incorrect title. It is included in the Supplementary Information submitted at this oral hearing.
- 6.8. Figure 4.71a is a new map that shows the restricted number of permitted access routes for heavy construction traffic to deliver materials to the proposed road development from the available national and regional routes only with 7 access points identified. Such heavy construction traffic will not be permitted to use Local Roads for access. It is included in the Supplementary Information submitted at this oral hearing.
- 6.9. In this regard, Inspector I wish to clarify that Figure 4.71 in Volume 4 of the EIAR has an incorrect title which should be "Permitted Construction Access Routes for Light Vehicles". This has been amended in the Corrigendum, and an additional Figure 4.71a "Permitted Haulage Routes" is included for clarity.



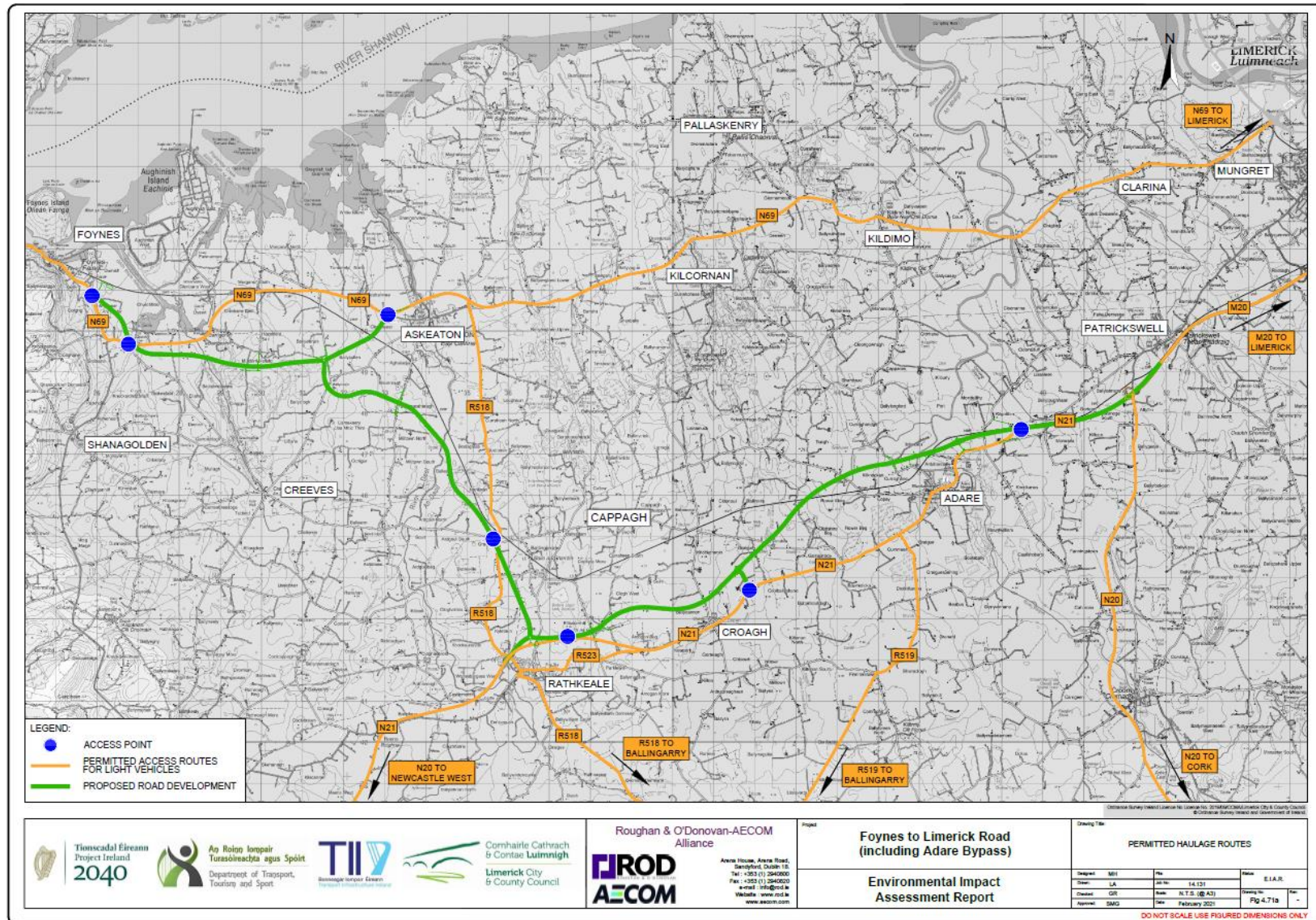


Figure 4.71a Permitted Haulage Routes

Issue Outlined in Submissions: Traffic Management at Adare

- 6.10. Submission ENV-7 requests a Traffic Management Plan for the construction stage to prevent a rat run from Lantern Lodge Roundabout to the Ballingarry Road around the southern side of Adare.

Response

- 6.11. The works for the proposed road development are unlikely to cause additional congestion in Adare as they can be constructed off-line to the north. Section 4.16.5 of Chapter 4 of the EIAR outlines plans for Traffic Management during construction. At *Adare the proposed* construction works will take place on lands to the north of the village and will not disturb or delay traffic on the N21 through Adare, as may have happened in the past when works took place in the village that led to additional traffic congestion and delays. The only element of works that will require traffic management on the N21 at Adare will be for the tie-in of the new road to the existing road at Monearla 1km east of the Lantern Lodge junction, and on-line improvement works along the existing N21 over a length of 2km eastwards to Attyflin. During those works the traffic management will ensure that a single traffic lane is retained in both directions so that traffic delay is minimised. These works will be of short duration of about 6 months.

Issue Outlined in Submissions: Construction Traffic

- 6.12. Submission ENV-9: Blackabbey Road L-4422 northwest of Adare could possibly be used as a haulage route for the construction of this Scheme and heavy construction vehicles could use a road currently used by children to cycle to and from school with safety impacts.

Response

- 6.13. In the EIAR, Chapter 4, Section 4.16.9 (on pages 4/101 to 4/103), it is described how access for heavy construction traffic will be restricted to the national and regional roads only. Accordingly, the L-4422 is not considered suitable for use as a haulage route during construction. For the avoidance of doubt, construction access along local roads will be prohibited through binding conditions in the construction contract. Access along some local roads as described earlier will be restricted to light construction traffic only to enable personnel to reach their active works areas.

Issue Outlined in Submissions: Blasting

- 6.14. Submission FI-2 raises concerns regarding the extraction of fill from local quarries and the associated increases in traffic and blasting issues.

Response

- 6.15. All local quarries will have to continue to operate under their current licensing and planning arrangements.

7. PROPERTIES SUGGESTED TO BE ACQUIRED

- 7.1. The following submissions request that the full property interest ought to be acquired due to the severity of the effects on the retained lands: SCH- 11 & 103.

Responses

- 7.2. Submission SCH-11 refers to the property of Catriona O'Connor (Ref.404) at the north-western side of the proposed Rathkeale junction. The property is a field as shown in Figure 7.1. All of the lands contained in the Schedules to the Schemes are necessary, sufficient and/or suitable for the Proposed Road Development to which the Protected Road, Motorway and Service Area Schemes relate.

Notwithstanding the foregoing, and as suggested in the objection, in the event the scheme is confirmed, Limerick City and County Council will at that stage, be willing to re-examine the proposal for the purchase of the entire property subject to negotiations and agreement.

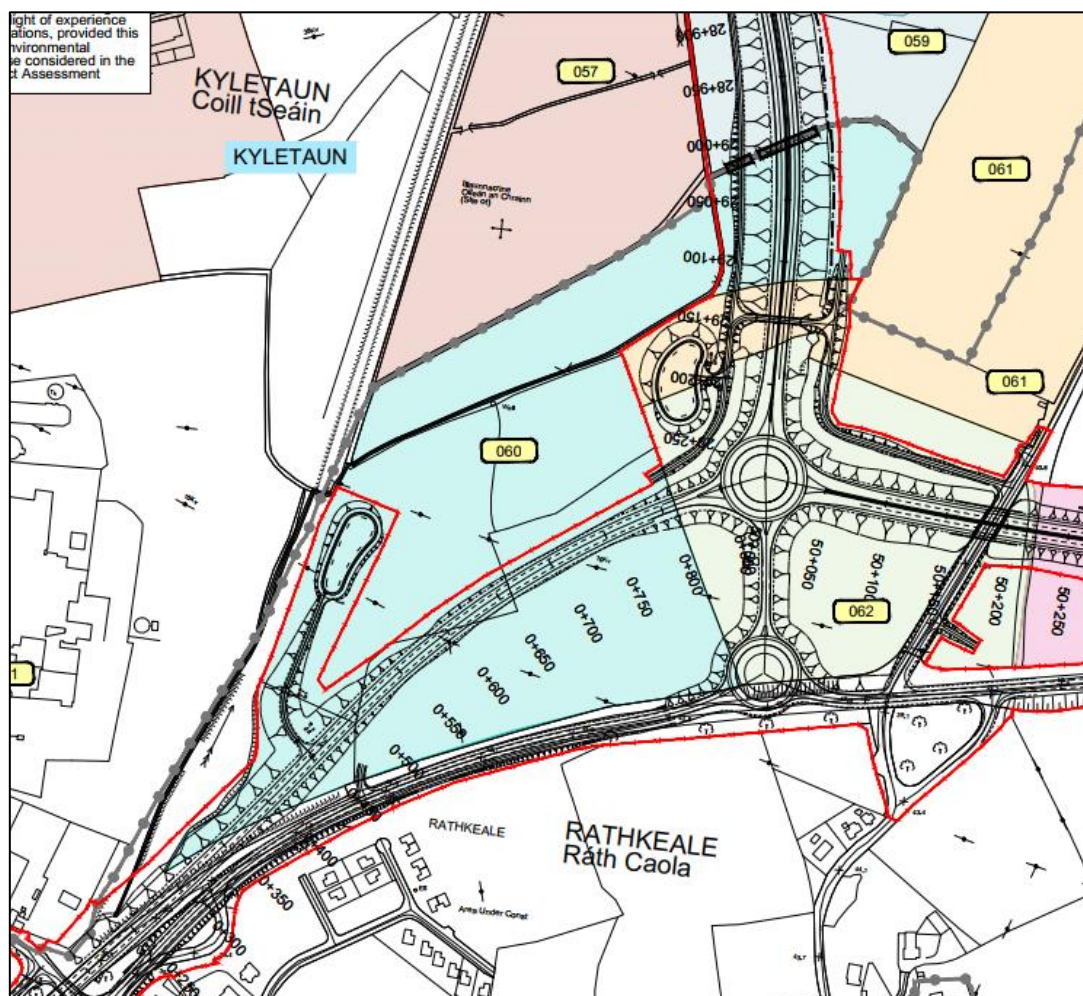


Figure 7.1 O'Connor Property at Rathkeale – O'Connor Property shaded blue

- 7.3. Submission SCH-103 refers to the property of Seamus & Noreen Culhane at Clonshire More (Ref.447). The house is located about 50m from the proposed motorway embankment as shown in Figure 7.2. In the event that the proposed road development is confirmed, Limerick City and County Council will at that stage, be willing to re-examine the proposal for the purchase of the entire property subject to negotiations and agreement.

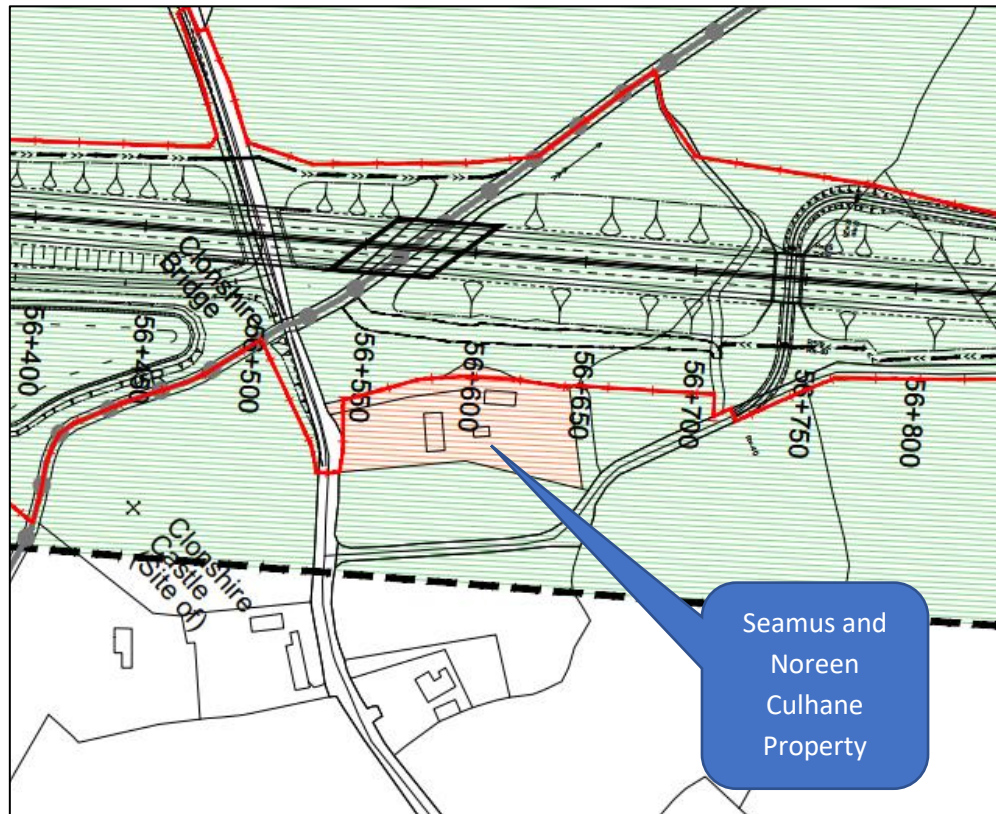


Figure 7.2 Culhane House at Clonshire More (Extract from Figure 16.17 of Volume 3)

8. RIGHTS OF WAY

Issue Raised in Submission

- 8.1 Submission SCH-3 from Aiden Hanley, of Cloonreask, Askeaton refers to closure of a right of way at his lands. He also seeks safe access at the River Deel for fishing / shooting.

Response

- 8.2 Mr. Hanley's property (Plot Ref. 213) is beside the proposed roundabout at Askeaton as shown in Figure 8.1. The compulsory acquisition of lands at this property is solely for roadbed, that is the area of land in the public road outside the private curtilage of the property behind the boundary. There will be restriction on access to the property from the public road.

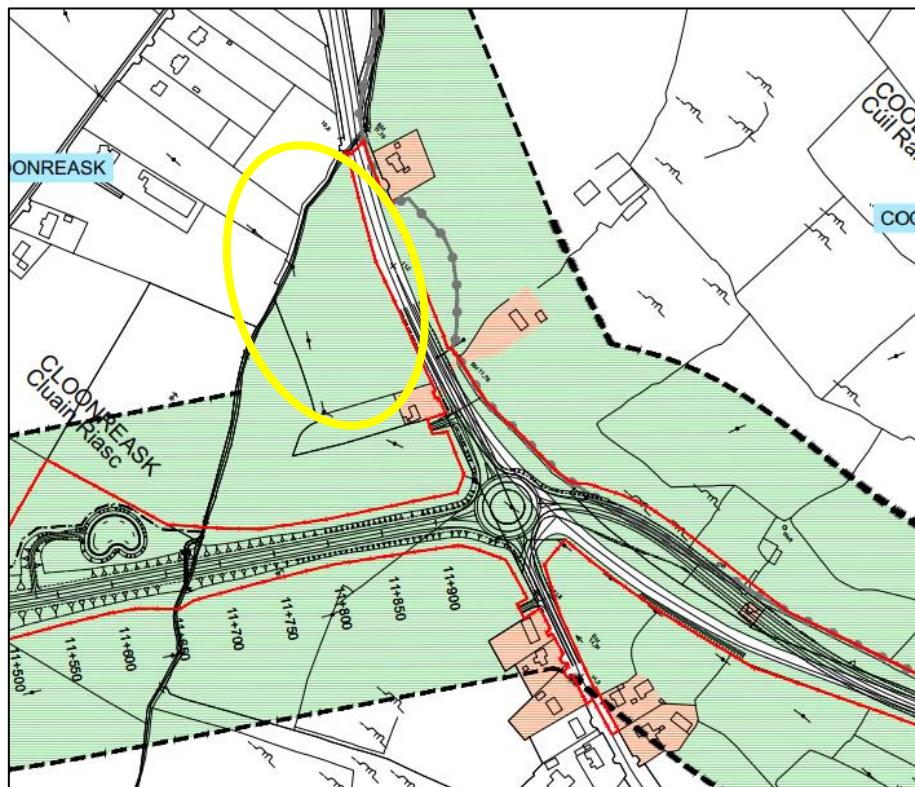


Figure 8.1 Hanley Property at Askeaton (Extract from Figure 16.8 of Volume 3)

- 8.3 Access along the River Deel is provided under the proposed bridge at Ballynacaheragh as shown in Figure 8.2.

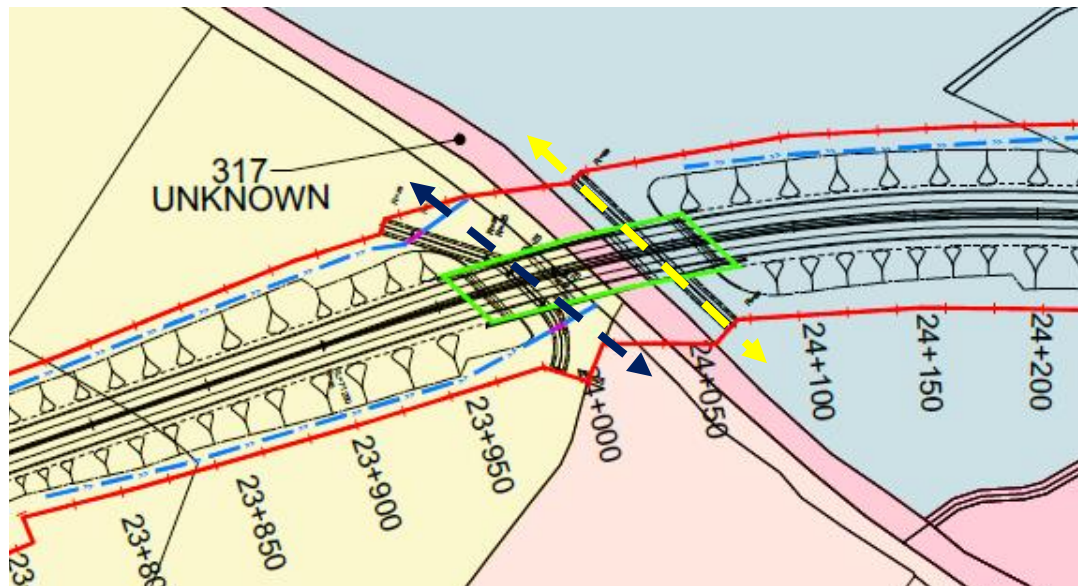


Figure 8.2 Access along River Deel at Ballynacaheragh

Issue Raised in Submission

- 8.4 Submissions SCH-34 & 35 from Francis & Anne O'Kelly of Ardshanbally, Adare request retention of the right of way for access to the River Maigue for amenity and fishing.

Response

- 8.5 The existing access to the River Maigue is shown in Figure 8.3. In the event the proposed road development and associated compulsory acquisition is approved by the Board, the landowner will no longer own any property at this location or have any right of access across the subject property.

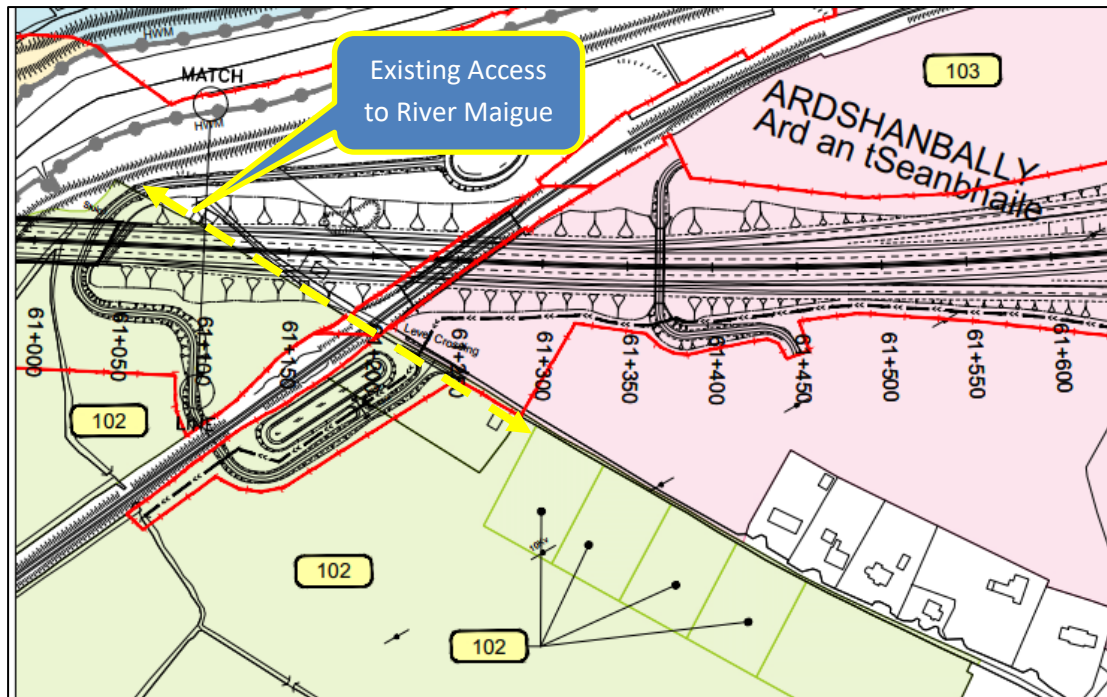


Figure 8.3 Access to River Maigue at Ardshanbally

(Extract from Figure 15.20 of Volume 3)

Issue Raised in Submission

- 8.6 Submissions SCH-49 from John & Sheila Hanrahan, at Askeaton describes an existing right of way which provides access to an old dwelling house and asks how access will be restored.

Response

- 8.7 This disused private access is being closed.

Issue Raised in Submission

- 8.8 Submissions SCH-14 from the Clonshire Equestrian Centre and Limerick Foxhounds describes how fox hounds are frequently taken to the old railway bridge to access lands and to bring them swimming in local rivers and their concern that the new road will impact on this activity.

Response

- 8.9 It is not clear how the proposed road will have the impact suggested. The proposed road will cross the River Greanagh to the north of the old railway bridge and away from the Clonshire lands along the river. The bridge spans will also accommodate access along the river banks. Access from the local road to the east to the river across the fields can be accommodated during the works by means of leaving a passage along the southern edge of the lands to be acquired until the permanent access track becomes available, as shown in Figure 8.4.

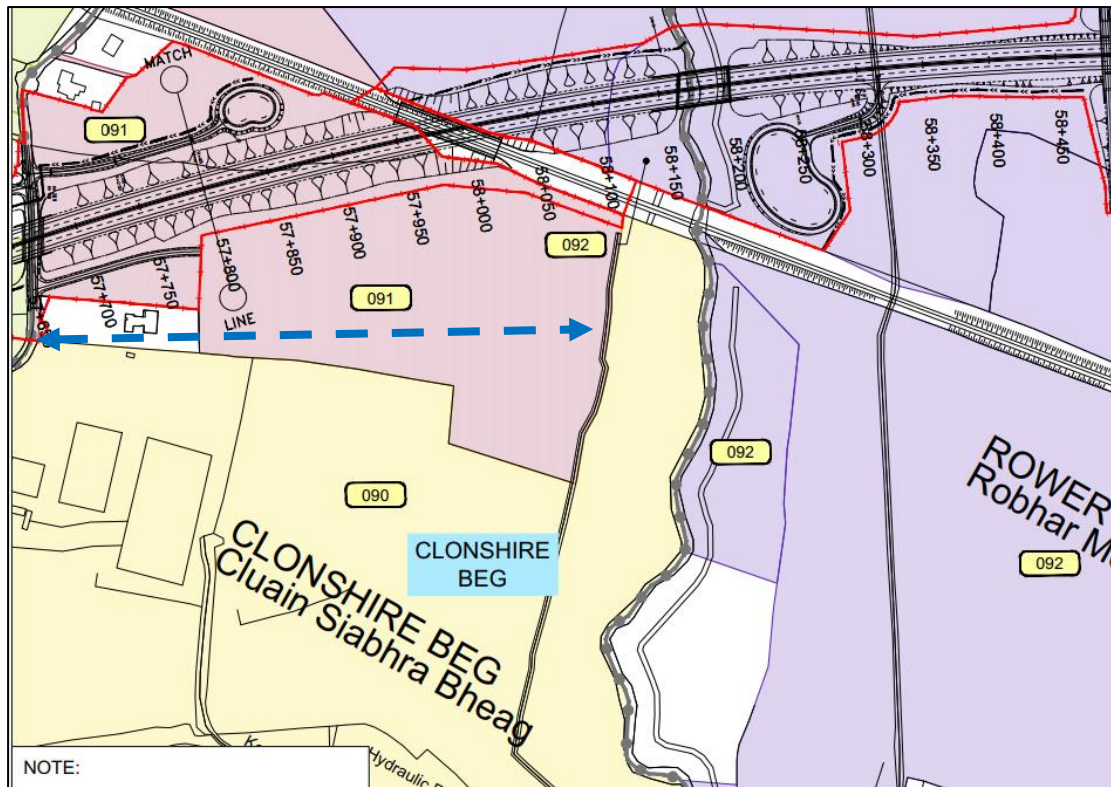


Figure 8.4 Access to River Greanagh at Clonshire Beg
(Extract from Figure 15.18 of Volume 3)

9. CONTINUATION OF SERVICES

Issues Raised in Submission / Objections

- 9.1 A large number of submissions have raised issues with regard to the impact on services within agricultural and non-agricultural lands and in particular the continuation of water and power supply during construction.

Response

- 9.2 The submissions in relation to the impact on services within agricultural and non-agricultural lands will be responded to in section 4.15 of John Bligh's Material Assets and Land Brief of Evidence.

10. IMPACT ON BUILDINGS

Issues Raised in Submission / Objections

- 10.1 Six submissions/ objections are concerned about the structural condition of buildings and the impact that construction may have on them: SCH- 28, 44, 55, 76 & 79, FI-2.
- 10.2 Submissions SCH- 76 and 84 also raise concern about the structural integrity of two underground slatted tanks and requested pre- and post-construction surveys.

Response

- 10.3 Structural surveys will be arranged for buildings/structures within 50 metres of the extents of the land-take boundary and within 150m of any proposed blasting works along the proposed road development as per my colleague Jennifer Harmon's Brief. Additional pre- and post- construction structural surveys will also be provided for the above two landowners slatted tanks and this has been added to the Schedule of Commitments.
- 10.4 A response to submission FI-2 regarding impact of blasting on Ballyclogh House is provided in my colleague Jennifer Harmon's Brief of Evidence. This building is located 1km to the southeast of the proposed cutting at Mulderricksfield and is well outside the zone of influence of blasting. It is not necessary nor appropriate to undertake a structural survey at this location.

Issues Raised in Submission / Objections

- 10.5 Submission ENV-13 (Ian Gilvarry): The house was designed to use the sunlight and daylight pattern changes during the day and the annual seasons. This detail will be affected due to the road being on elevated ground rendering the house design unfit for purpose.

Response

- 10.6 The house in question is located about 200m northwest of the proposed road as shown in Figure 10.1. The proposed road will be at an elevation of 16m OD at the railway bridge crossing, which is 7m above ground level, and the level at the house. The vertical angle from the house to the proposed road is therefore just 3 degrees above the horizontal towards the southeast, which cannot cause any loss of sunlight at this house. The existing view towards the southeast from this house shows a line of tall trees along the railway line which are higher than the proposed road.

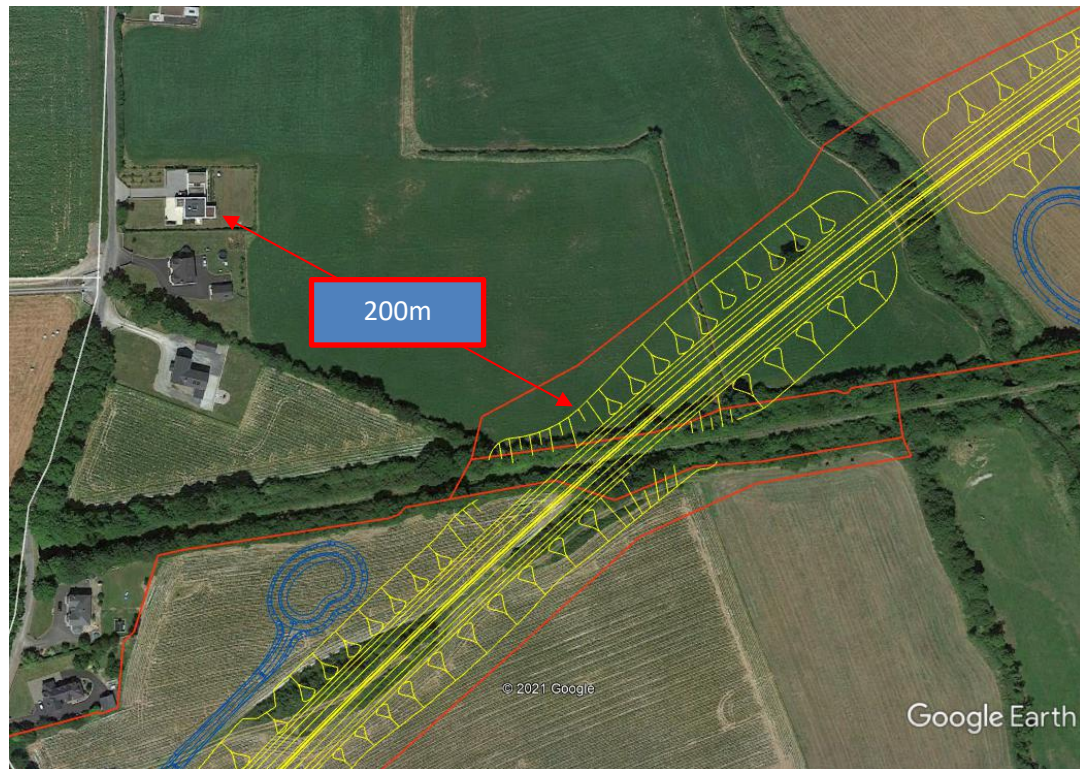


Figure 10.1 Relationship of Proposed Road to Gilvarry House at Clonshire Beg



View towards the southeast at the Gilvarry House (Google Street-View)

11. LEVEL OF PROPOSED ROAD IN RELATION TO SURROUNDING LANDS

Issues Raised in Submission / Objections

- 11.1. Submission SCH-43 by James A. Dore of Ballingarrane, Rathkeale: Privacy issues due to height of road compared to property.

Response

- 11.2. The proposed road will be at a distance of 70m from this house, as shown in Figure 11.1, and will be screened from this property by the mature hedge and tree line along the edge of the former railway line, as well as by the proposed noise barriers and planting on the proposed road embankment.

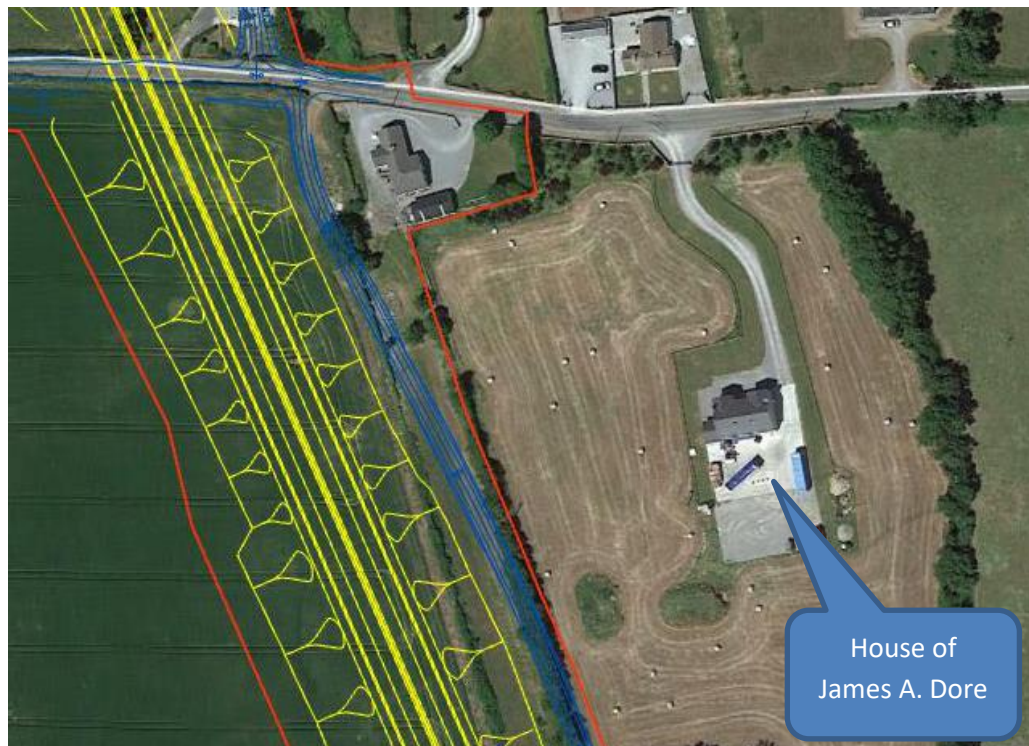


Figure 11.1 Proposed Road at Ballingarrane

Issues Raised in Submission / Objections

- 11.3. Submission SCH-60 on behalf of Hugh Boyd of Curraghbeg, Adare: No detail regarding the levels of the proposed motorway and realigned county road.

Response

- 11.4. As shown in Figure 4.11.1 below (an extract from Figure 4.46 in Volume 3 of the EIAR) the proposed mainline road will be largely at ground level near the house in question (circled in red). Local road L-1423 will be realigned away from this house and will be at a height of about 3m above ground level where it will be closest to the house. The

local road, L-1423, was previously approx. 25m from the front of the house and after construction will be approx. 50m from the front of the house.

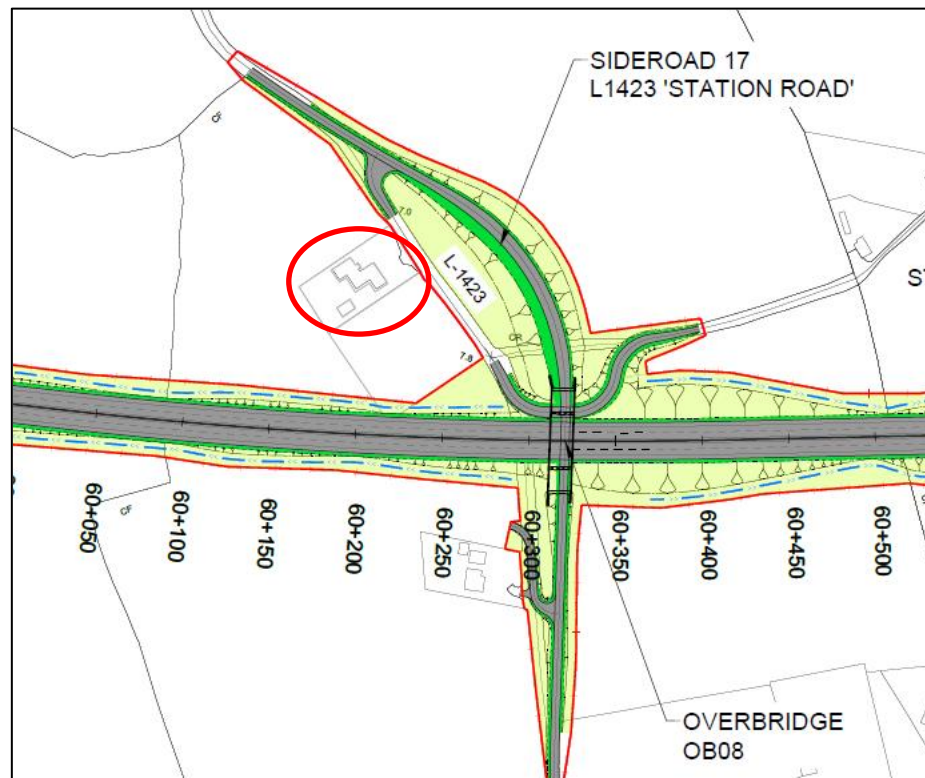


Figure 11.2 Proposed Road at Curraghbeg

12. IMPACT ON FUTURE DEVELOPMENT / PROPERTY VALUATION ISSUES

Issues Raised in Submission / Objections

- 12.1. The following Submissions raised issues regarding potential impacts on future development of lands and property valuation and compensation: ENV- 5, 19, 31 and SCH- 6, 10, 11, 31, 35, 43, 69, 70, 74, 103, 112, 113, 121 and 122.

Response

- 12.2. In the event the proposed road development is confirmed, and notice to treat has been served, Limerick City and County Council is willing to enter into meaningful discussions with landowners subject to compulsory acquisition in relation to compensation matters.

Issues Raised in Submission / Objections

- 12.3. Submission SCH-35 (Francis O'Kelly of Ardshanbally, Adare) states that the landowners have already experienced significant stress in the past due to this proposed road development and the County Council have not explained what provisions will be put in place to replace the residence. The landowner requests that if the C.P.O. is confirmed, the Acquiring Authority engage with them at the earliest juncture, so the necessary funds are made available to replace the property. The landowners will need sufficient time and appropriate funds to find and secure a suitable replacement property in the area before they are forced from their current home.

Response

- 12.4. In the event that the schemes and compulsory acquisition are approved, Limerick City and County Council will engage with the property owner to agree suitable arrangements for relocation of the family in an orderly way that provides sufficient time for an alternative home to be acquired prior to the need to vacate the house before construction commences.

13. FURTHER DETAILS OF ACCESS

- 13.1 A large number of submissions have raised queries regarding the mitigation measures / accommodation works provided for agricultural and non-agricultural property.

Issues Raised in Submission / Objections

- 13.2 The following Submissions have requested details of access provisions: SCH- 4, 7, 48, 67, 81, 90, 106, 110, 114:

Response

- 13.3 Unless otherwise agreed, accommodation roads will be 4 metres wide, and will comprise a double surface dressed road with a 1m verge on either side. Specific accommodation works and access provisions will be agreed with each landowner on a case-by-case basis.

Issues Raised in Submissions

- 13.4 Submission SCH- 8 (Brendan Hayes) states that the detail of construction and final proposals are limited.

Response

- 13.5 The Project design has been developed, based on both technical and environmental inputs, to a stage where sufficient levels of detail exist to establish all likely significant environmental impacts of the proposed development and the land-take requirements. Further details will be agreed with each landowner on a case-by-case basis.

Issues Raised in Submissions

- 13.6 Submission SCH-8 states that the overbridge is inadequate on the L-1421 at Croagh.

Response

- 13.7 The proposed overbridge at Croagh was widened to provide for an access track to link the lands of Mr. Hayes on both sides of the proposed motorway so that it will not be necessary for the land owner to make use of the public road adjoining for this purpose. This provision increased the width of the proposed bridge by over 50%.

Issues raised in Submissions

- 13.8 Submissions SCH- 28 and 44 state that the EIAR is flawed and does not contain sufficient design information in relation to accommodation works and access, including entrances.

Response

- 13.9 Unless otherwise agreed, accommodation accesses/entrances will be 4 metres wide, with a 1m verge on either side and 4m typical radius generally in accordance with the TII Road Construction Details (which are publicly available on their Standards website). Specific arrangements will be agreed with each landowner on a case-by-case basis.

14. SEQUENCING OF SCHEMES

Issues Raised in Submission / Objections

- 14.1 The following Submissions query the sequencing of the 3 schemes and if they will be dealt with simultaneously or in isolation of each other: SCH- 9 and 37.
- 14.2 Submission ENV-7: Consideration should be given to building the proposed road development in "phases" with the most time-critical being the Bypass of Adare.

Response

- 14.3 The proposed road development has been identified and assessed within the EIAR and NIS as one development which will be developed as one phase.

15. OPERATION OF EXISTING BUSINESSES

- 15.1 The following submissions have outlined issues with regard to the operation of existing businesses during / following construction of the proposed road development.

Issues Raised in the Submissions

- 15.2 Submissions SCH- 28 & 44: suggest that the EIAR is flawed and does not adequately contain sufficient design information in relation to the operation of existing business.

Response

- 15.3 Impacts on businesses within the community have been assessed in Chapter 6 and on farming enterprises within Chapter 15 of the EIAR. Appropriate mitigation has been identified as deemed necessary to avoid disruption to current activities. As described in Chapter 19 of the EIAR for Mitigation and Monitoring Measures (page 19/5), a Project Public Liaison Officer will be appointed by Limerick City & County Council for the duration of the construction works. This person will engage with the community to address their concerns in relation to construction impacts such as traffic management and access arrangements to minimise disruptions to homes, farms and businesses.

16. ROAD DESIGN

- 16.1. The following items were raised in Submissions in relation to the design of the proposed road development.

Issue Raised in Submission

- 16.2. Submission SCH - 29: Confirm that the port road north of the roundabout and the road west to Foynes will not be a national primary road.

Response

- 16.3. The existing N69, west of the proposed roundabout, towards Foynes will continue to be classified a National Secondary Road, and the L-6188 Port Access Road will remain as a Local Road.

Issue raised in Submission

- 16.4. Submission SCH-78: Design where the Croagh Link Road meets the existing N21 is inappropriate.

Response

- 16.5. The design of the link road and the roundabout at Croagh has been undertaken in accordance with the relevant TII Design Standards.

Issue Raised in Submission

- 16.6. Submission ENV-2: Suggestion to include some speed enforcement ramp on the dual-carriageways for safety purposes.

Response

- 16.7. The proposed road development includes appropriate provisions for enforcement of traffic regulations.

Issue Raised in Submission

- 16.8. The following submissions / objections claim the proposed road development is not fully thought out in terms of design and is premature: SCH- 14, 17, 18. The following submissions/ objections claim that the road design information is insufficient. They fail to elaborate any further: SCH- 12, 26, 51, 54, 61, 66, 72, 80, 85, 92 and 98.

Response

- 16.9. The project design has been developed, based on both technical and environmental inputs, to a stage where sufficient levels of detail are available to establish land-take requirements and to assess all likely significant environmental impacts.

Issue Raised in Submission

- 16.10. Submission ENV-7 queries if bridges are reasonable over railways with provision to span a double track electrified railway which isn't realistic.

Response

- 16.11. For safety reasons as a matter of general policy, new level crossings are not permitted on railway lines in Ireland. In recent decades Iarnród Éireann has removed a large number of level crossings from their railway network and will continue to do so in future. All aspects of the interface of the proposed road development with the railway have been agreed with Iarnród Éireann.

Issue Raised in Submission

- 16.12. Submission FI-4 states that provision of a Greenway alongside road would be more beneficial than 'directional signs'.

Response

- 16.13. In terms of provision for cyclists, the proposed road development makes full accommodation for the future development of the Great Southern Trail Greenway at Ballingarrane.
- 16.14. It is preferable, in terms of the amenity value of a cycle route, not to be located alongside a heavily trafficked main road with associated noise where there are more attractive alternatives available through the country side. In this regard, the additional measures proposed in the EIAR (Ref.: Chapter 4, Section 4.8), including appropriate signage for cyclists to follow existing suitable local roads will provide a network of pleasant routes linking the towns and villages in the vicinity of the proposed new roads as shown on Plate 4.50 and 4.51 of the EIAR, which are reproduced below.



Plate 4.50 Cyclist and Pedestrian Routes in Western Area of Proposed Road Development (Proposed road development in red and cycle routes shown in purple)

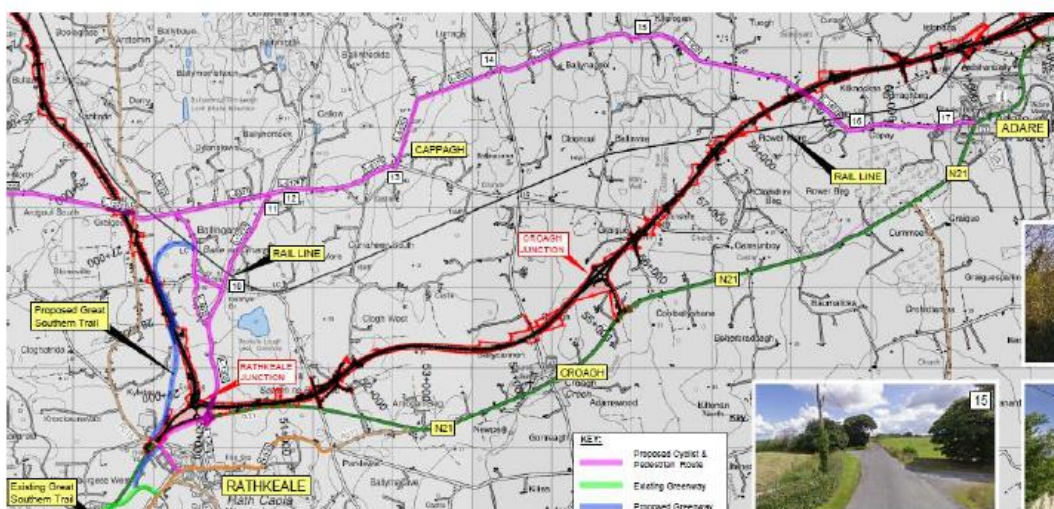


Plate 4.51 Cyclist and Pedestrian Routes in Eastern Area of Proposed Road Development (Proposed road development in red and cycle routes shown in purple)

Issue raised in Submission

16.15. Submission SCH-56 raises a concern regarding attenuation pond fencing.

Response

16.16. It is stated in Chapter 4, section 4.10.5 that protective fencing is not required around attenuation ponds due to their suitably flat side-slopes (1:5).

17. OTHER ISSUES

Issues Raised in Submission / Objections

- 17.1. Submission SCH-62 Liam Fitzsimons (Plot Ref.302): Clarification is sought by the landowner that the adjoining river and stream, to which the adjoining attenuation pond will outfall, will be maintained by the County Council into the future.

Response

- 17.2. The proposed road drainage system will outfall to the Lismakeery Stream downstream of this property which is bounded on the eastern side by the stream as shown in Figure 17.1. All outfalls from attenuation ponds will be maintained by the road authority post construction.

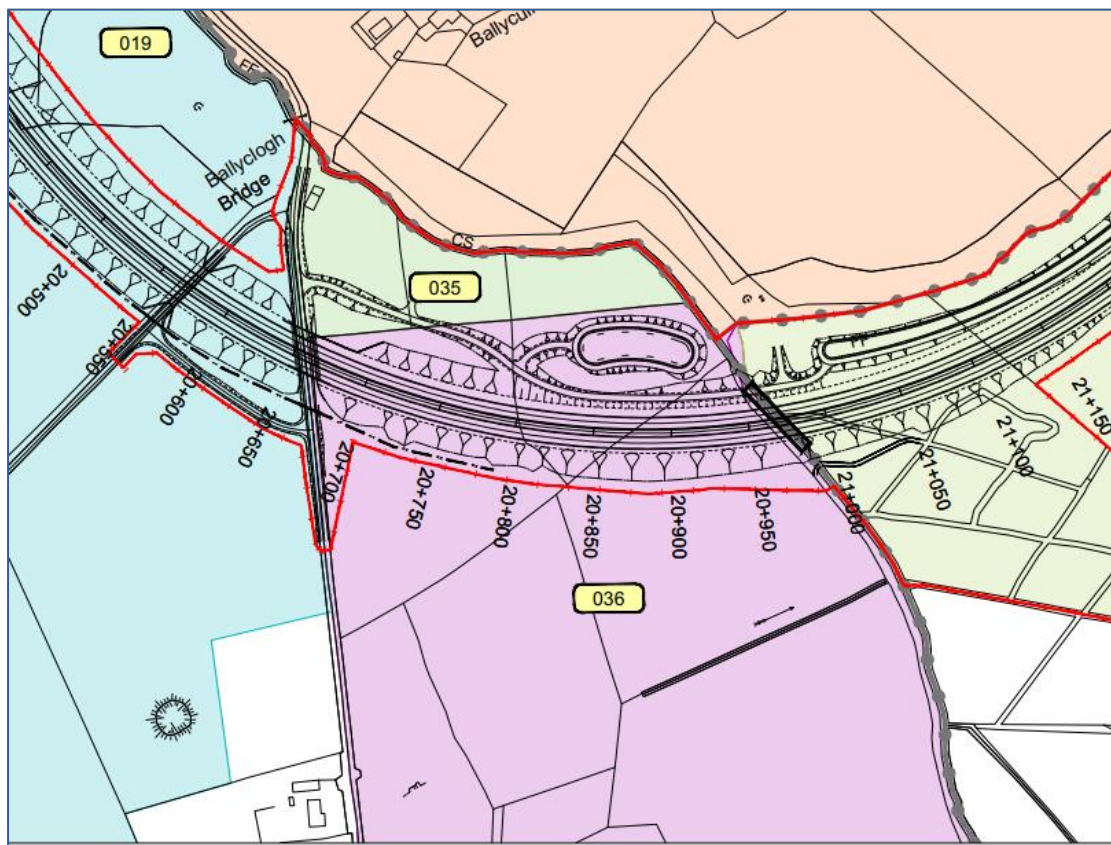


Figure 17.1 Proposed Road at Ballyclogh / Lismakeery
Liam Fitzsimons' property is Reference 036 shaded in purple
(Extract from Figure 15.7 of Volume 3)

Issues Raised in Submission / Objections

- 17.3. ENV-1 by the Adare-Rathkeale Municipal District, LCCC, included a motion in their submission, to include a pumped sewerage main to Bunlicky, Mungret as part of the development.

Response

- 17.4. This is not a matter for inclusion in this proposed road development. Such infrastructure is not normally provided within the route of a motorway and would be more appropriately located along other existing roads from which routine maintenance may be undertaken more safely.

Issues Raised in Submission / Objections

- 17.5. SCH-29 has requested that the extent of land-take is marked out on site.

Response

- 17.6. It is not common practice to mark out lands for CPO in advance of statutory approval.

Issues Raised in Submission / Objections

- 17.7. Submission SCH-108 (Stephen & Bridget Keary, Amogan Beg) suggests that the provision of an underpass on their lands could be avoided through consultation with the landowners and would result in less cost.

Response

- 17.8. The proposed underpass is intended to provide access to a parcel of land to the north of the proposed motorway for which the alternative access route by public roads to the west would be 1.4km long.

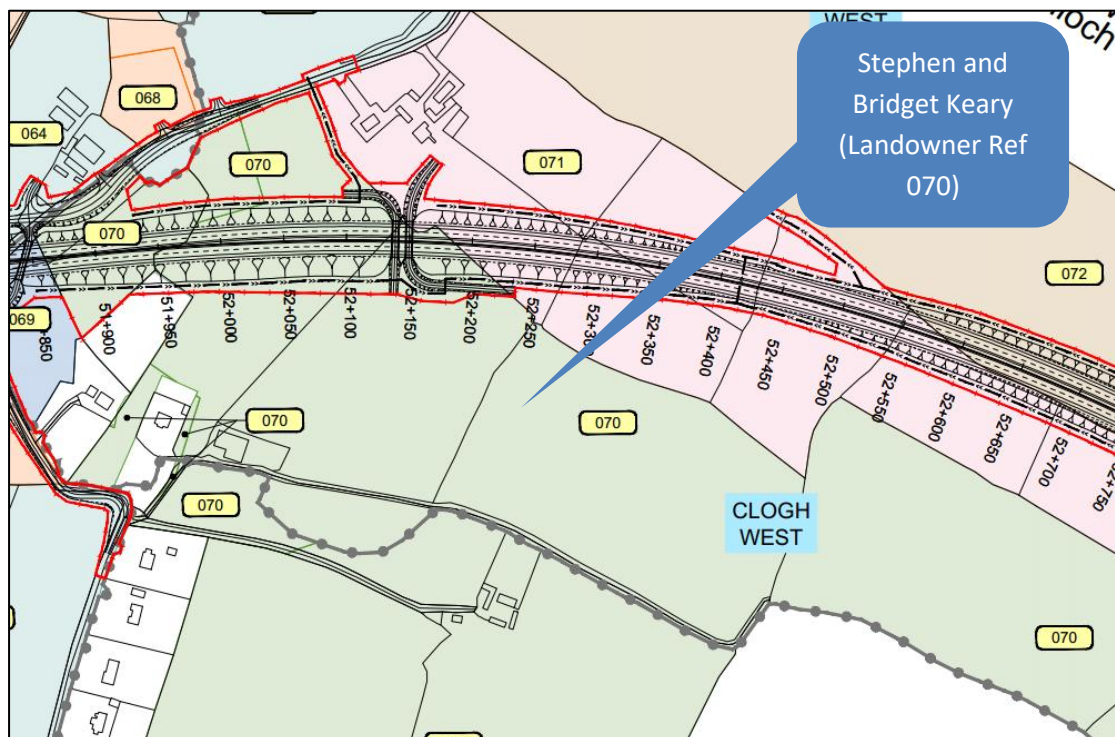


Figure 17.2 Proposed Underpass at Clogh West / Amogan Beg

(Extract from Figure 15.14 of Volume 3)

18. POPULATION

Issues Raised in Submission / Objections

- 18.1. Out of the 159 submissions received by An Bord Pleanála, 8 no. submissions were received in relation to the assessment of impacts on population.

One of these submissions, ENV-11 is from Fáilte Ireland and is in support of the proposed road development from a tourism perspective. The submission states that the development is strategically important for the sustainable development of tourism in the south and mid-west region as it will remove the current bottlenecks and improve connectedness to and between key tourism destinations in the south and mid-west. Furthermore, it stresses that Adare is a key economic driver in the area and the road scheme will alleviate traffic congestion in the village, enhance the visitor experience and promote increased dwell time.

Specific Issues Raised in Relation to Population

- 18.2. Submission SCH-28 (Edward Guiney at Corrig, Foynes) claims that the Environmental Impact Assessment Report is flawed and does not contain sufficient design information in relation to the operation of existing business at Corrig beside the proposed roundabout at Foynes.

Response:

- 18.3. We understand that this matter concerns increased separation of the lands to the east and west of the existing and proposed roads at this location. The design information is quite clear about the arrangement of the proposed roads in relation to these lands as shown Ref.001 in Figure 18.1.

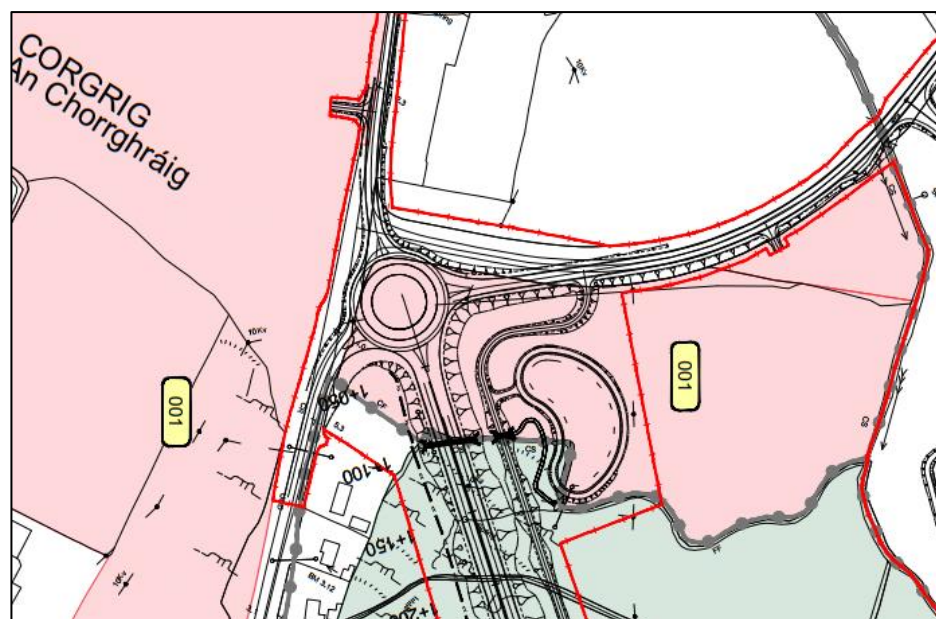


Figure 18.1 Proposed Road at Corrig

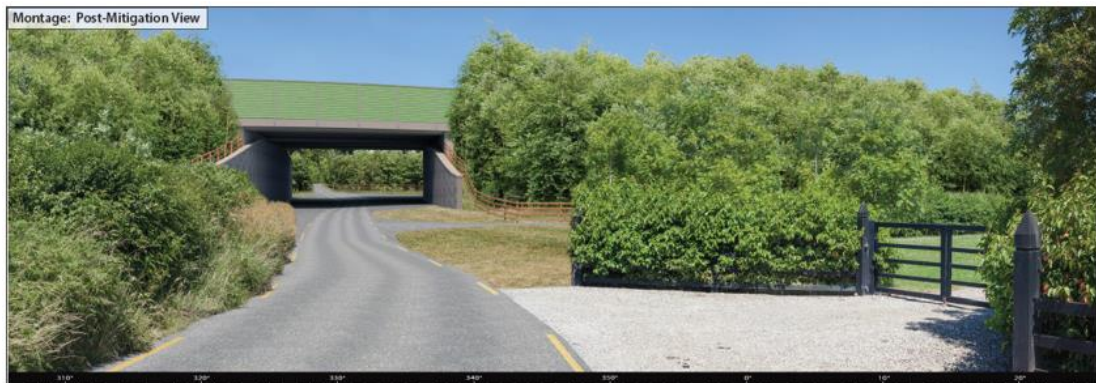
Impacts on agriculture and businesses have been assessed in Chapters 15 and 16 of the EIAR. Appropriate mitigation has been identified as deemed necessary to avoid disruption to current activities, including businesses.

Issues Raised in Submission / Objections

- 18.4. Submission SCH-18 for Daniel and Susan Foley at Clonshire Beg claims that there will be repercussions in terms of how the adjoining equestrian facility is managed in terms of security and proximity to facilities. It is also claimed that the peace and tranquillity will be lost and has not been taken into consideration.

Response

- 18.5. The proposed road development will be screened from the adjoining properties at Clonshire Beg / Gortnagrour by noise barriers and landscape planting to protect the residential amenity as is shown in Photomontage View Point 21 below (from EIAR Volume 5B), which shows the view from the front gate of the Foley house looking towards the proposed road.



Issues Raised in Submission / Objections

- 18.6. Submission SCH-31 at Curraghbeg, Adare, claims that the property owner will suffer loss of earnings from her Air-BnB business during the course of construction.

Response

- 18.7. Access to this house will be maintained at all times during construction but it has been predicted that there will be some temporary, minor noise impacts associated with the construction of the proposed over-bridge at a distance of 50m from the house and the roadworks in vicinity.

Issues Raised in Submission / Objections

- 18.8. Submissions SCH- 43 and Submission SCH-70 at Ballingarrane, Rathkeale are concerned re. privacy, security and safety due to the proposed walkway alongside the property.

Response

- 18.9. The proposed road development will not provide a new walkway alongside this property. However, Limerick City & County Council is considering the potential future development of the abandoned railway line at this location for an extension of the Great Southern Trail Greenway under a separate local planning consent process, in the future
- 18.10. Submission ENV-33 outlines concerns that the design has not taken into consideration the economic interests of the affected property owners and communities along the route and requests a future-proofing assessment from an economic standpoint to be commissioned in advance of the construction phase.

Response

- 18.11. Appropriate compensation will be agreed with the owners of all property acquired pursuant to the scheme, if approved by the Board. The planning and design of the proposed road development included an economic assessment of the impacts of the proposed road development at a local, regional and national level. It is predicted that the proposed new roads, when complete and operational, will have significant positive economic impacts for the local community.

Issues Raised in Submission / Objections

- 18.12. Submission SCH-53 by John O'Connor of Islandea, raises concerns regarding his children getting to and from their house to Adare.

Response

- 18.13. As shown in Figure 18.2 the local road will be realigned onto a bridge over the proposed motorway. A set of steps can be included to enable the O'Connor family to access the bridge on a shorter route than the access track that will curl around on the western side.

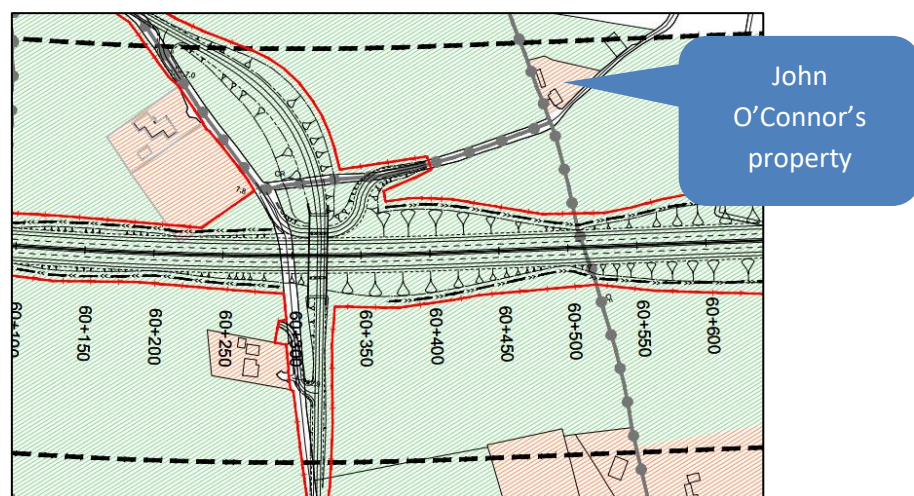


Figure 18.2 Proposed Road at Islandea (Extract from Figure 16.19 of Volume 3)

19. CUMULATIVE IMPACTS ASSESSMENT

- 19.1. The following submissions / objections were received on the topic of Cumulative Impact Assessment.

Issues Raised in Submission / Objections

- 19.2. Submissions / objections: SCH-7 Cumulative Impact is Understated.
Submission/Objection 30 suggests that the Environmental Operating Plan does not mention climate change and that Chapter 17 is also not adequate.

Submissions SCH- 48, 67, 81, 90, 106, 110, 114 suggest that "The EIS is too general" and outline concern regarding the Cumulative Impact Assessment.

Response

- 19.3. The cumulative impact assessment undertaken in Chapter 17 of the EIAR has been undertaken in line with the EIA Directive 2014/52/EU and guidance published subsequent to the 2014 EIA Directive coming into force. The requirement is to consider the cumulation of effects with other existing and/or approved projects, taking into account existing environmental problems relating to areas of particular environmental importance or the use of natural resources the EIAR.
- 19.4. Cumulative effects result from incremental changes caused by other past, present, or reasonably foreseeable developments together with the proposed road development. Cumulative effects were assessed in Chapter 17 of the EIAR by assessing developments which were granted permission within the last ten years and current developments for which planning has been received within 10km of the proposed road development location. Consideration was included in the assessment of development objectives in the current development plans in the area was also carried out to ensure that any developments that were reasonably foreseeable. Specific account was taken of the various proposals for the expansion of the Port of Foynes.
- 19.5. The assessment has reviewed the planning documents available for the list of projects considered in Chapter 17 including the Environmental Impact Assessments and Appropriate Assessments as relevant. The assessment of cumulative impacts as a result of the proposed road development alongside the other projects and plans has been undertaken and the main environmental headings under which there would be potential for cumulative impacts have been outlined.
- 19.6. The assessment concluded that due to the scale of the works proposed and the implementation of effective environmental control measures will avoid all likely significant effects on environmental parameters. The EIAR found that there is no potential for significant cumulative impacts arising in combination with any other plans

or projects and therefore no potential for significant in-combination effects on environmental parameters.

Appendix 1

The following submissions have been responded to in this Brief of Evidence:

Submissions Responded to in the Brief of Evidence	
ENV-	1, 2, 3, 4, 7, 9, 11, 13, 14, 17, 19, 20, 21, 22, 23, 28, 30, 31, 33
SCH-	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122
FI-	1, 2, 4, 7, 8,