

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
Planning & Policy Context

By Maria Woods – Limerick City and County Council,
assisted by
John O'Malley – Kieran O' Malley & Co. Ltd.

February 2021

1. QUALIFICATIONS AND EXPERIENCE

Maria Woods

- 1.1 I am currently employed as Senior Planner with responsibility for strategic planning and policy within the Economic Directorate of Limerick City and County Council. I have worked as a planner in both Development Management and Policy sectors, within various Local Authorities throughout Ireland, for over 22 years. I have a Diploma in Environmental Resource Management from Dublin Institute of Technology and a Degree in Town Planning from Newcastle University, Newcastle upon Tyne. I am a corporate member of the Irish Planning Institute.

John O' Malley

- 1.2 I am a Chartered Town Planner with more than 25 years of private planning practice experience advising private and public sector clients in Ireland.
- 1.3 I hold an undergraduate degree in Civil Engineering from Trinity College Dublin and a Masters in Regional and Urban Planning from University College Dublin. I am a member of the Irish Planning Institute (IPI) and the Royal Town Planning Institute (RTPI).
- 1.4 I am a Director of Kiaran O'Malley and Company Limited, Town Planning Consultants, of Saint Heliers, Saint Heliers Copse Blackrock, Co. Dublin. My consultancy experience includes advising clients in relation to a wide range of successful residential, commercial, industrial and leisure developments.
- 1.5 I have led a multi-disciplinary professional team on large infrastructure projects. I have represented clients at pre-application consultations and oral hearings at An Bord Pleanála and land owners at public enquiries in respect of infrastructural works such as roads, light rail, rail and other utilities. I have given sworn expert evidence before the Property Arbitrator and in the Courts.

2. ROLE IN PROPOSED ROAD DEVELOPMENT

- 2.1 Maria Woods's role involved the assessment of the need for the Foynes to Limerick Road (including Adare Bypass) having regard to the EU, national, regional and local planning and policy context including the Limerick County Development Plan and relevant local area plans (Chapter 2 of the Environmental Impact Assessment Report).
- 2.2 John O'Malley's role is to review the planning and policy context and assessment of the need for the proposed road development and to respond to the submissions made to An Bord Pleanála with respect to planning and policy matters.

3. JUSTIFICATION AND NEED FOR THE PROPOSED ROAD DEVELOPMENT

Overview

- 3.1 This section of the statement of evidence sets out the planning and policy context within which this application for approval is to be evaluated, including relevant policy changes made since the preparation and submission of the applications for approval. This submission is to read in conjunction with the information already submitted in the application documentation and the evidence to this oral hearing in the other briefs, and in particular, in the briefs on Engineering, Traffic and Air Quality & Climate.
- 3.2 Section 4 of this brief addresses issues pertaining to planning and policy raised in the submissions and objections received by An Bord Pleanála.
- 3.3 In its letter dated 17 December 2020, the Board stipulated that the Applicant should deal with the issues of, inter alia, Project Need & Justification in its submission at the oral hearing. In this context, it is noted that both the need and justification for the proposed road development (hereinafter also referred to as “the project”) is elaborated upon in Chapter 2 – ‘Policy Context and Need for the Proposed Road Development’ of the EIAR. The primary need for the proposed road development is to provide road infrastructure to the required standard on the TEN-T Core Network to Shannon-Foynes Port. The proposed road development is part of the transport infrastructure strategy for the Southern Region and County Limerick.
- 3.4 The analysis at Chapter 2 of the EIAR demonstrates that the proposed road development is consistent with all relevant transportation and strategic statutory policies in the applicable planning policy documents at European, national, regional and local levels. Pursuant to the Board’s direction, and in order to assist the Inspector and participants at the oral hearing, as well as placing the Applicant’s responses to the submissions and objections in the correct planning policy context, the main planning policy and guidance provisions relating to project need and justification at EU, national, regional and local levels are set out below.

Trans-European Transport Network (TEN-T)

- 3.5 The Trans-European Transport Network (TEN-T) is a European Union policy directed towards the implementation and development of a Europe-wide network of roads, railway lines, inland waterways, maritime shipping routes, maritime ports, airports and rail-road terminals. Regulation (EU) No. 1315/2013 (which has been amended on a number of occasions) established the components of the TEN-T network, which consists of two layers:
- A Comprehensive Network covering the main transport links across all EU regions to be completed by 2050, and
 - A Core Network consisting of the most strategically important connections of the Comprehensive Network is to be completed by 2030. In Ireland, the Core Network comprises the transport links from the Border near Dundalk via Dublin on to Cork, with a connection to Limerick (Plate 2.1 EIAR) and Shannon Foynes Port (Plate 2.2 EIAR).

- 3.6 Currently, Shannon Foynes is a Core Port pursuant to Annex 2 of Regulation (EU) No. 1315/2013.
- 3.7 The Core Network Corridors are further instruments of the TEN-T Guidelines and were established at the Connecting Europe Facility (CEF) Regulation (EU) No. 1316/2013 which is the funding programme for TEN-T. The Core Network Corridors are defined in the CEF Regulation as “an instrument to facilitate the coordinated development of the core network”, so it is a further subset of the most strategically important sections of the core network.
- 3.8 Core Network Corridor are the most important long-distance flows in the Core Network and each corridor links at least three EU Member States. Core Network Corridors are intended, in particular, to improve cross-border links across the EU. Ireland is on the North Sea Mediterranean Corridor (NSMED), which runs from the border with Northern Ireland along the east coast through Dublin and onwards to Cork. Shannon Foynes is a Core Port but was not originally part of the NSMED Core Network Corridor.
- 3.9 Modified alignments of the Core Network Corridors were necessary after the departure of the United Kingdom from the EU. Shannon Foynes is to be included on the NSMED Core Network Corridor and on a further corridor, i.e., the Atlantic Corridor, which will come into effect after the completion of the negotiations on the Multiannual Financial Framework 2021-2027 (Figure 1).
- 3.10 Accordingly, Ireland will be located on two core network corridors: the North Sea-Mediterranean Corridor and the Atlantic Corridor. Figure 1 shows the three Irish core ports of Dublin, Cork and Shannon-Foynes linked to the core ports in Northern France, Belgium and the Netherlands on the North Sea – Mediterranean Corridor. Additionally, Ireland’s TEN-T core ports will be linked to the French ports of Le Havre and Saint-Nazaire on the Atlantic Corridor.

The proposed alignments are as follows:

North Sea – Mediterranean

Shannon Foynes/Dublin/Cork – Le Havre/Calais/Dunkerque/Zeebrugge/Terneuzen/Gent/Antwerpen/Rotterdam/Amsterdam

Atlantic

*Shannon Foynes/Dublin/Cork – Le Havre – Rouen – Paris
Shannon Foynes/Dublin/Cork – Saint Nazaire – Nantes – Tours – Dijon*

- 3.11 Thus, on confirmation of the CEF2 Regulation, Ireland’s Tier 1 ports will be connected on two Core Network Corridors strengthening the direct shipping linkages between Shannon Foynes and other EU ports on the TEN-T network.

EU Policy and the Proposed Road Development

- 3.12 Plate 2.2 in the EIAR shows that the N69 national secondary road from Limerick City to Foynes is Core Network and the M/N21 national primary road is Comprehensive Network. EU policy requires an “Express Road” on the TEN-T Core Network. Both

roads need significant improvements to achieve the “Express Road” infrastructure required for the TEN-T Core Network (Section 3.3.1 of EIAR and the Engineering Evidence – Part A by Seamus MacGearailt).

- 3.13 Following the completion of the proposed road development, the classification of the new national roads will align with the TEN-T Guidelines as follows.
- 3.14 Except for Section B (Ballyclough to Askeaton), the proposed Foynes to Limerick Road (including Adare Bypass) will provide high-quality road connections between the Core Port of Shannon-Foynes and the Limerick Metropolitan Area by extending the Core Network in accordance with the requirements of the TEN-T Guidelines.
- 3.15 The proposed road development will also extend the M21 Motorway from Attyflin to Rathkeale thereby upgrading this section of the Comprehensive Network. South of the Rathkeale junction, the N21 will continue to be the Comprehensive Network from Rathkeale to Newcastle West and Abbeyfeale and onwards.

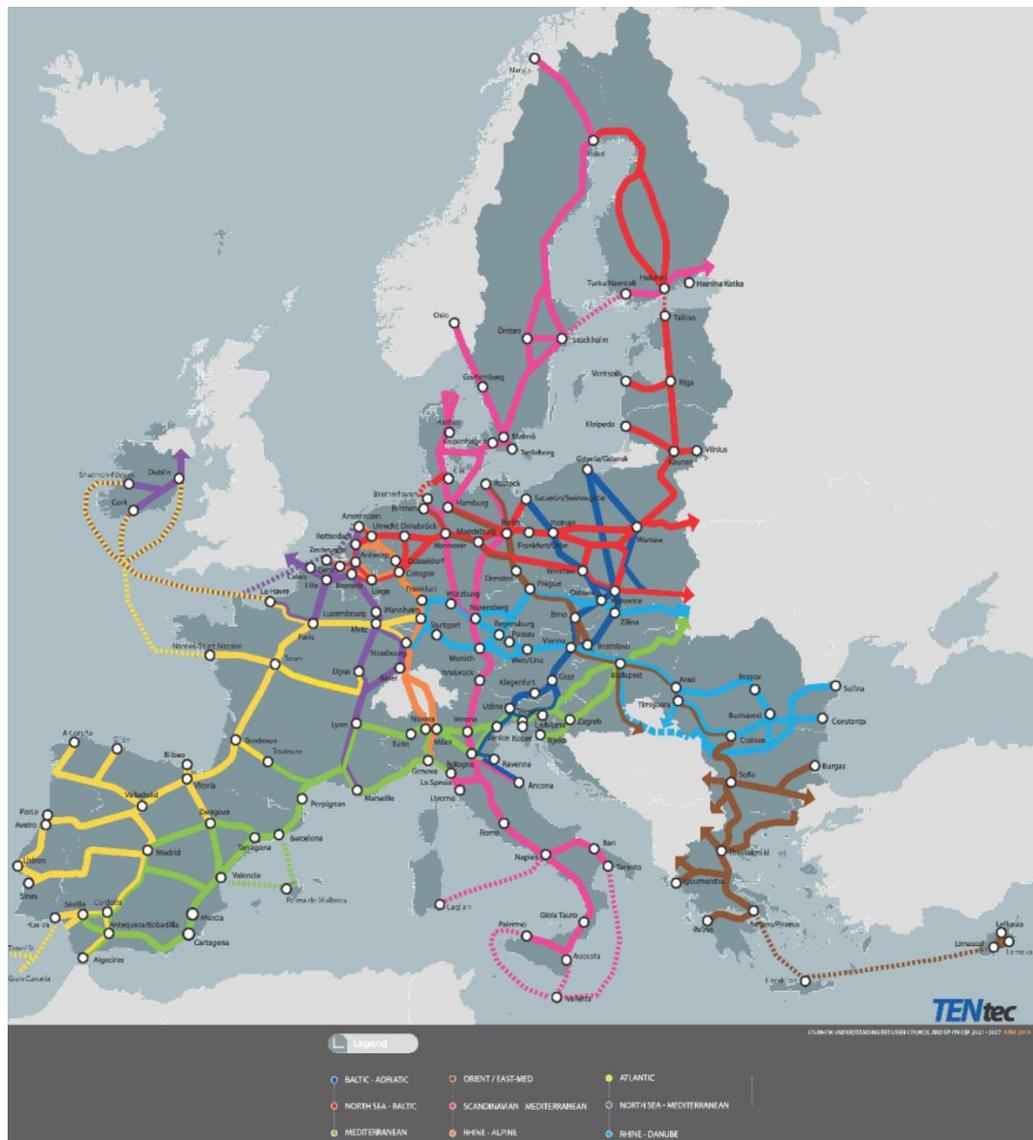


Figure 1 Modified Core Network Corridors under Connecting Europe Facility 2 [CEF2 Regulation pending]

National Policy

Project Ireland 2040

- 3.16 It is not proposed to re-state the main provisions of Project Ireland 2040, which are summarised at Section 2.2.2.3 of the EIAR. However, it is important to note that Project Ireland 2040 includes specific provisions to make Ireland's development more climate friendly, including the following targets by 2030:
- *At least 500,000 electric vehicles on the road by 2030 with additional charging infrastructure to cater for planned growth*
 - *Delivery of the full BusConnects programme for all of Ireland's cities*
 - *No new non-zero emission vehicles to be sold in Ireland post 2030*
 - *Transition to low emission public bus fleet*
 - *A target of 55% renewable power*
 - *Retrofit plans for up to 45,000 homes per annum*
- 3.17 The National Planning Framework (NPF) highlights the limitations of the "business as usual" approach and advocates a new strategy for the sustainable development of the country to meet the projected population growth and employment growth over the next two decades. The NPF approach is based upon balanced regional development where the growth in the Eastern and Midlands Region will be matched by that of the Northern and Western and Southern Regions combined.
- 3.18 Between 340,000 and 380,000 additional people and approx. 225,000 additional jobs are targeted for the Southern Region in the NPF with the growth focused in the existing cities and their suburbs. In accordance with National Policy Objective 67, as part of the Regional Spatial and Economic Strategies, statutory Metropolitan Areas Strategic Plans will be prepared for Cork, Limerick and Waterford to provide a strategic planning and investment framework to manage growth and to achieve the National Strategic Outcomes in Project Ireland.
- 3.19 The Foynes to Limerick Road (including Adare Bypass) will deliver a key future growth enabler for Limerick City and Metropolitan Area, which is "enhanced road connectivity to Shannon Foynes Port, including local by-passes."
- 3.20 The proposed road development will improve the national road network and enhance accessibility in the Southern Region in accordance with National Strategic Outcome 2 (NSO 2): "Enhanced Regional Accessibility" (page 140 NPF) and NSO 4: "High-Quality International Connectivity" (page 142 NPF).
- NSO2: 'Inter-Urban Roads' maintaining the strategic capacity and safety of the national road network including planning for future capacity enhancements.**
- NSO4: 'Ports' improve land transport connections to the major ports including: Enhancing road connectivity to Shannon-Foynes Port, including local bypasses;**
- 3.21 The NPF is underpinned by a €116bn, 10-year capital investment programme in the National Development Plan (NDP) to deliver major infrastructure projects such as the proposed road development. Strengthening the access routes to Shannon-Foynes

Port by upgrading the road transport network to improve journey times is a strategic investment priority in the NDP. The proposed Foynes to Limerick Road (including Adare Bypass) is included in the TII National Roads Programme 2018-2027 in Figure 5.2 of the NDP (Plate 2.8a of the EIAR – replicated at Figure 2 below).

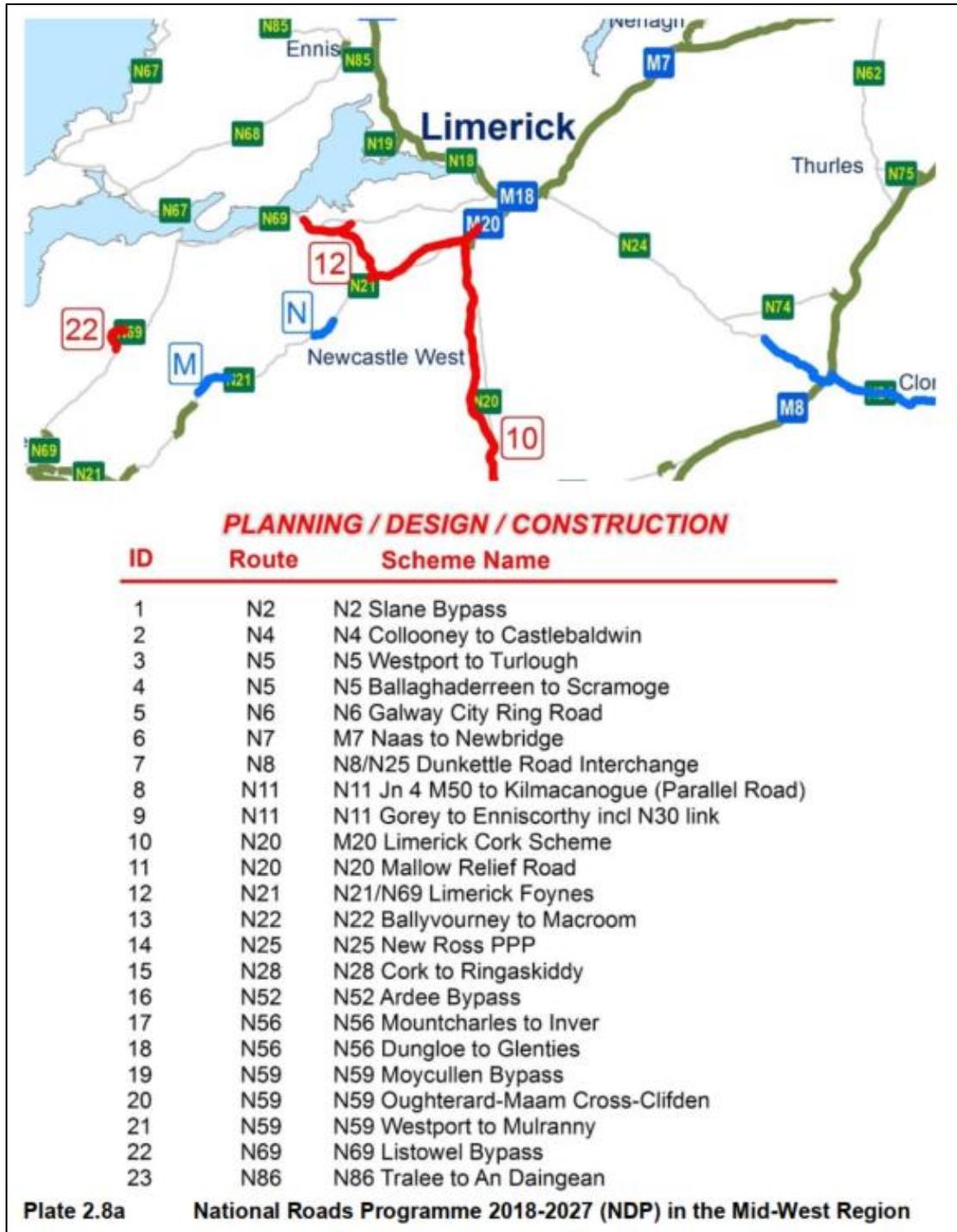


Figure 2 National Roads Programme 2018-2027 in the Mid-West Region

National Ports Policy 2013

- 3.22 Shannon Foynes is one of three Tier 1 Ports of National Significance in Ireland. Shannon- Foynes is the largest bulk goods port and, in general terms, handles approx. 20% of all sea-borne trade in the State. The proposed road development will improve road access at Shannon Foynes Port and support continued commercial development at this Tier 1 Port, which is a key strategic objective of National Ports Policy.
- 3.23 Section 4.4 notes that “effective hinterland connections are critically important to any port’s ability to facilitate large volumes of traffic” and that all TEN-T core ports must be connected to both the TEN-T core road and rail networks.

Climate Action Plan 2019

- 3.24 Important developments have occurred since the applications for approval were submitted to An Bord Pleanála in December 2019, including the Climate Action Plan 2019.
- 3.25 The Climate Action Plan refers to the National Planning Framework which seeks to accommodate a 1 million population increase and 660,000 additional jobs in compact, connected and sustainable planned form based upon balanced regional development. Chapter 10 of the Climate Action Plan sets out ambitious targets for each sector including transport and the measures to achieve those targets. Section 10.1 notes the challenge associated with the projected population growth in Project Ireland 2040.

“By 2040, the population of Ireland is expected to grow by over 1 million to 5.7 million people. This growth, along with other National Planning Framework (NPF) growth projections on the economy and employment rates, will drive greater demand for transport across various modes, with increased movement of people and goods. While this is a sign of a vibrant economy, it intensifies our decarbonisation challenge, in particular as transport accounted for 19.8% of Ireland’s greenhouse gases in 2017.

While Project Ireland 2040 will drive more compact, connected development, and new public transport networks, they will not on their own reverse the growth of emissions which are projected to grow by 25%.”

- 3.26 Fiscal measures to promote the electrification of all forms of transport are emphasised in the Climate Action Plan because it is considered that these measures offer the most cost-effective abatement opportunity in the sector. The Government also proposes policy measures to reduce the transport intensity of future growth and to influence the carbon intensity of that growth through some key policies including;
- The successful execution of the NPF designed to promote compact, connected and sustainable living
 - Expansion of walking, cycling and public transport to promote modal shift
 - Better use of market mechanisms to support modal shift
 - The successful roll-out of the National Broadband Plan, which can promote remote working and wider activities which reduce unnecessary journeys
- 3.27 The proposed road development will provide a link between Shannon-Foynes port and the national primary road and motorway network enabling HGV traffic accessing the

port and other origins and destinations served by the proposed road to bypass towns and villages on the existing N69 and N21 routes. This will deliver, inter alia, real improvements in these settlements in terms of public safety, reduced congestion, air quality and amenity facilitating more reliable public transport services and improved provision for active modes such as walking and cycling.

Programme for Government – Our Shared Future 2020

- 3.28 In June 2020, the three party coalition published its ‘*Programme for Government – Our Shared Future*’ (Government of Ireland 2020) which states as follows at page 7.

“The Programme has balanced regional development at its heart because all parts of Ireland must thrive if we are to prosper as a country. By continuing to invest in rural Ireland, ensuring global connectivity without sacrificing its best features, we will ensure that all parts of our country are prosperous, sustainable, and resilient (page 7).”

- 3.29 Balanced regional development is identified as one of the ‘missions’ in the Programme. In relation to climate, there is a commitment to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) with an aim to achieve net zero emissions by 2050. The Programme for Government includes policies consistent with the NDP and the Climate Action Plan 2019 with an emphasis on accelerating the electrification of the transport fleet with a ban on the new registration of petrol and diesel cars from 2030. The following extracts illustrate the policy emphasis in relation to transport.

Transport Infrastructure (page 14)

In relation to new transport infrastructure, the Government is committed to a 2:1 ratio of expenditure between new public transport infrastructure and new roads over its lifetime.

We will continue to invest in new roads infrastructure to ensure that all parts of Ireland are connected to each other.

Decarbonisation and Road Transport (page 15)

To achieve our ambitious emission reduction targets, we need to significantly decarbonise our transport fleet, with a particular focus on cars and light goods vehicles.

- 3.30 The Programme for Government brings forward the planned review of the NDP from 2022 and will set out an updated NDP for the period to 2031. The review will be consistent with the ambition of the Programme and will be aligned with the National Planning Framework. The following extracts are relevant here.

National Development Plan (page 26)

The NPF recognises the crucial importance of balanced regional development, clustered and compact growth, and improved connectivity to deliver economic prosperity and environmental sustainability.

The process of review of the NDP and updating of the NPF will not frustrate or delay existing projects.

- 3.31 One chapter in the 'Programme for Government' is dedicated to balanced regional development, which stresses the over-arching goal of Project Ireland 2040, which is to manage economic growth to enable all parts of the country to grow and prosper. This section also reiterates the importance of the provision of infrastructure and services in accordance with the NPF to ensure balanced and sustainable development. Improving connectivity and transport in rural Ireland is one component of the spatial planning approach to enable the cities of Cork, Galway, Limerick and Waterford to develop as viable alternatives to Dublin as per the NPF. The proposed road development is a vital part of the transport infrastructure needed to support development in the Region.

Regional Policy

Mid-West Area Strategic Plan 2012-2030

- 3.32 The Mid-West Area Strategic Plan (MWASP) is a strategic planning, land use and transportation plan for the Mid-West. This MWASP acknowledges "the significance of the Region's ports and in particular Foynes Port is recognised internationally, nationally and regionally." It is a strategic objective of this Plan to "construct the Adare Bypass, improve the Foynes Port Link" and to implement the national road recommendations at Section 5.4.4 of the Plan including those listed at Table 2.1 of EIAR, which require that the road access at Shannon Foynes be upgraded to motorway standard and that the primary access route to Shannon Foynes Port requires a complete upgrade and consideration of a connection with the M21 (page 77 of MWASP).

Strategic Integrated Framework Plan for the Shannon Estuary 2013-2020 (SIFP)

- 3.33 This multi-jurisdictional framework plan recognises the critical importance of transport corridors for port activity and the economic growth of the Shannon estuary. The SIFP identifies the role of the N69 in terms of providing key connections and linkages on the south side of the estuary and notes that "the NRA [now TII] instructed Limerick City and County Council to progress the Foynes to Limerick Road Improvement Scheme." The proposed road development will improve access at a number of the strategic development locations designated in the SIFP for marine related uses and for tourism development including locations at Askeaton and Foynes in Co. Limerick and Tarbert and Ballylongford in Co. Kerry.

Shannon Foynes Port Company Masterplan - Vision 2041 (2013)

- 3.34 Improved road access at Shannon Foynes Port is necessary to adequately provide for the growth envisaged at this Tier 1 Port in the Vision 2041 port masterplan and the substantial expansion approved by An Bord Pleanála in a 10-year consent for Strategic Infrastructure Development granted in January 2019 [ABP Ref. No. 301561-18]. Vision 2041 includes a long-term objective to support the development of a high-quality link between the N69 and N21 thereby alleviating congestion and barriers to further expansion at the port.

Regional Spatial and Economic Strategy for the Southern Region (RSES)

- 3.35 The RSES was made on January 31st 2020 and supersedes the Mid-West Regional Planning Guidelines (RPGs) 2010-2022. The RSES Vision is led by the need for transformative change and is to "successfully combat climate change" and make this region 'one of Europe's most creative, innovative, greenest and liveable regions.'

- 3.36 Climate change and the commitments set out in the Climate Action and Low Carbon Development Act, 2015 and the Climate Action Plan 2019 inform the context for the RSES Vision as is evident from page 20 of the written statement. The RSES identifies three priority areas to address climate change and bring about a transition to a low carbon economy and society.
- *Decarbonisation*
 - *Resource Efficiency*
 - *Climate Resilience*
- 3.37 Chapter 5 of the RSES elaborates the regional policy objectives (RPOs) in relation to these priorities and emphasises the importance of changing to more sustainable settlement patterns encompassing compact urban growth, placemaking, sustainable transport and spatial planning to achieve climate change objectives.
- 3.38 Resource efficiency in the RSES includes RPO on renewable energy, energy efficiency and the circular economy. Mitigation measures and carbon offsetting in relation to the construction and operation phases are described in Section 13.6.1.2 of the EIAR and in response to Item 11(a) of the Further Information.
- 3.39 An assessment of the resilience of the proposed road development to climate change effects is set out at paras. 11.46 to 11.52 inclusive of the reply to Further Information Item 11(b).
- 3.40 Section 2.2.3.1 of the EIAR lists the provisions of the Draft RSES, which are confirmed in the RSES. The following Regional Policy Objectives (RPO) demonstrate the policy support and the need for the proposed road development.
- RPO 140 (International Connectivity),
 - RPO 142 (Ports),
 - RPO 143 (Ports and Airports),
 - RPO 144 (Port Infrastructure),
 - RPO 146 (High-Quality International Connectivity – Ports) and
 - RPO 167 ('National Road Projects').
- 3.41 Regional Policy Objectives (RPO) 140 and 146 (2nd last bullet extracted below) are particularly relevant and refer to the importance of the proposed road development in terms of international connectivity (i.e., EU TEN-T Core and Comprehensive Networks) and high quality international connectivity - ports respectively.

RPO 140

International Connectivity

It is an objective to:

- a.** Sustainably maintain, support and enhance the Region's International Connectivity Transport Network including the Trans European Transport Network (TEN-T) which seeks the development of a Europe-wide network of railway lines, roads, inland waterways, maritime shipping routes, ports, airports and railroad terminals.
- b.** Sustainably maintain the strategic capacity and safety of the national roads and rail network including planning for future capacity enhancements to ensure effective land transport connections to the major ports, airports and markets.
- c.** Support the role of our strategic road and sustainable transport networks including connectivity to the TEN-T Core and Comprehensive Network, connecting the Region's metropolitan areas, key towns, ports and airports with the Atlantic Economic Corridor, extended Dublin-Belfast Eastern Corridor and other urban networks as identified through Section 3.8 of the RSES and City and County Development Plans.
- d.** Sustainably support infrastructure for electric and low carbon fuel infrastructure along TEN-T Core and Comprehensive Network.

RPO 146

High Quality International Connectivity – Ports

It is an objective to achieve NSO: High Quality International Connectivity. The following port development actions are identified, subject to required appraisal, planning and environmental assessment processes and implementation of mitigation measures outlined in applicable SEAs and AAs, while ensuring the protection of sensitive natural environments and the protection of natura sites, the protection of other harbour interests including recreation, tourism and residential amenity:

- Strengthening and maintaining access to ports through enhanced transport networks and improved journey times including support for M11 and N80 improved connectivity to Rosslare, N28 Cork to Ringaskiddy Road and N21/N69 (Foynes to Limerick Road Scheme including Adare bypass);

- 3.42 RPO 167 lists the N21/N69 Foynes to Limerick Road scheme (including Adare Bypass) as a Part (A) National Road Project under Project Ireland 2040 to be delivered in the period up to 2027 to achieve NSO 2: Enhanced Regional Accessibility.
- 3.43 The Regional Spatial and Economic Strategy for the Southern Region includes a Metropolitan Area Strategic Plan (MASP) for the Limerick Shannon Metropolitan Area. The MASP is a 12-year strategic framework plan founded on the effective integration of land use and transport infrastructure. Figure 3 below shows the MASP extracted from page 43 of the RSES.

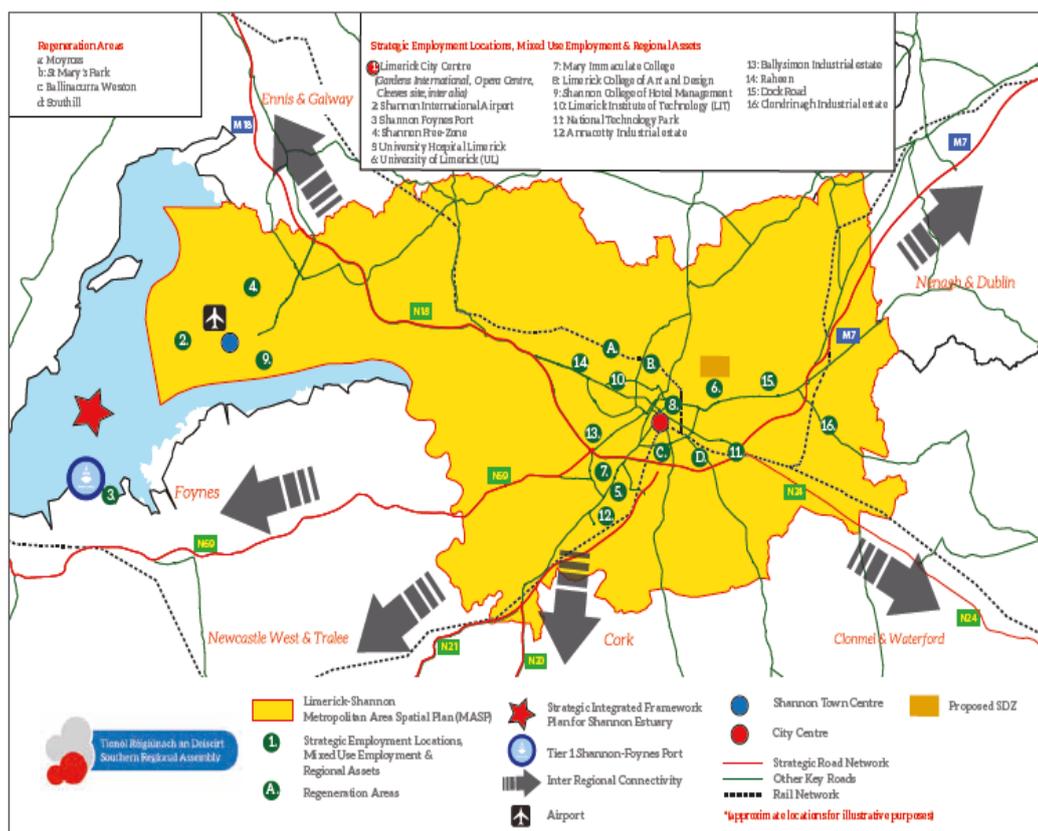


Figure 3 Limerick Shannon Metropolitan Area Strategic Plan (Map 3.4 RSES)

3.44 The NPF supports ambitious growth targets to enable Limerick City to grow by at least 50% to 2040 to become an accessible regional city of scale. Table 1 on page 286 of the RSES projects populations of 162,563 and 177,552 for the Limerick Shannon Metropolitan Area for the years 2026 and 2031 respectively. National growth enablers for the Limerick Shannon MASP listed at Section 4 of the MASP include as follows.

- *Enhanced connectivity to Shannon-Foynes Port including local by-passes*

3.45 Limerick Shannon MASP Policy Objective 8 states, inter alia, as follows.

Strategic Road Infrastructure

It is an objective to maintain and deliver the sustainable development of strategic road infrastructure for the Limerick Shannon Metropolitan Area and improve transport connectivity to the wider Region. This will include the delivery of the following subject to their consistency with the recommendations of the LSMATS (Strategic Transport Study), the outcome of appropriate appraisal, environmental assessments and the planning process.

- *Foynes to Limerick Road Scheme (including Adare Bypass)*

3.46 Transport investment priorities for the Southern Region are set out at Section 6.3.6.4 of the RSES and will be identified through the MASP Transport Strategy. Objective D at page 178 of the RSES recognises the importance of the proposed road development as an investment priority as follows.

(D) *The maintenance and enhancement of the national road network, catering for transport demand within the Limerick-Shannon Metropolitan Area for improved inter-urban/ inter-regional connectivity/ reduced journey times and for improved access to international gateways, including Shannon International Airport and Shannon-Foynes Port, through:*

- *Delivery of the Government's current and proposed national road network improvement schemes relating to the Limerick Metropolitan Area and associated inter-urban connecting roads*
- *The maintenance and optimisation of the strategic road network's capacity and utility, through the implementation of appropriate demand management measures*
- *Support for inter-regional connectivity with the metropolitan area, enhanced regional connectivity through improved average journey times by road to Cork and Waterford via the proposed M20 Limerick to Cork and possible enhancement of the N24 between Limerick and Waterford*
- *To support inter-regional connectivity with the metropolitan area, enhanced road connectivity to Shannon-Foynes Port, including local bypasses via Foynes to Limerick (including Adare bypass) National Road Scheme. Maintenance of transport connectivity to Shannon International Airport.*
- *Any planned works to the strategic road network will also consider the potential for improvement to sustainable transport.*

3.47 Section 8.6 of the Limerick Shannon MASP deals with Shannon Foynes Port, which is not located within the MASP plan area, but nonetheless is of strategic importance to the MASP as is confirmed in the following extract.

The MASP supports the continued development of Shannon Foynes Port and recognises the significant opportunities for the Region and Ireland due to its deep water. The MASP supports and promotes the inclusion of Shannon Foynes Port onto the EU core network corridor as it brings significant investment opportunities in the form of potential FDI (Foreign Direct Investment) potential and as well as supporting enhanced connectivity with Ireland's European partners.

3.48 In relation to road and rail access at this Tier 1 port, the following extract from Section 8.6 refers and is also expressed at Limerick Shannon MASP Policy Objective 16(b).

The N69 route to Foynes does not meet the standards of reliability and connectivity required to serve a port to support foreign and indigenous investment, nor to maximise tourism potential. The delivery of the Foynes to Limerick Road Improvement Scheme is a key infrastructural project. Connectivity to the motorway network will be critical to increasing the Ports economic impacts in the future.

3.49 The proposed road development responds to this need for improved connectivity to and from the Southern Region and within the region itself. The project will connect the Shannon Foynes to the Core Network in accordance with the TEN-T Guidelines, and will improve the national road network reducing journey times and transport costs. The proposed road development will contribute to the future economic development of the

region and will enable Limerick City become an accessible city of scale as envisaged in the National Planning Framework and RSES.

Draft Limerick Shannon Metropolitan Transport Strategy

3.50 The Draft Limerick-Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) is a regional level (Tier 2) plan developed by the National Transport Authority in collaboration with Limerick City and County Council, Clare County Council and Transport Infrastructure Ireland (TII). The Draft Strategy was placed on public consultation in September / October 2020.

3.51 The Vision for LSMATS is as follows:

The Strategy will deliver a high-quality, accessible, integrated and more sustainable transport network that supports the role of the Limerick Shannon Metropolitan Area as the major growth engine of the Mid-West Region, an internationally competitive European city region and main international entry to the Atlantic Corridor.

3.52 The guiding principles upon which LSMATS is based to achieve this vision include the following:

To identify and protect key strategic routes for the movement of freight traffic.

3.53 The strategy indicates that it is the intention of the NTA, TII and the local authorities to: "Maintain, manage and operate the existing road infrastructure in a more efficient manner; manage the road network to discourage through traffic in built-up areas; and prioritise the place making functions of the urban street network in line with the hierarchy outlined in DMURS. Some objectives relating to roads and streets include the following;"

- *M21/N69 Foynes to Limerick Road (including Adare Bypass)*

3.54 The draft strategy on page 70 recognises that enhancing the road connectivity to Shannon-Foynes Port is identified as a key growth enabler in the NPF and the NDP. It further states that:

"the upgrade of the road is considered a key element to support the expansion of the Port of Foynes as outlined in the Government's National Ports Policy and the NPF. Foynes is designated as a Core Port under EU regulations (Trans European Network TEN-T). The TEN-T regulations require high-quality road connectivity thus improving journey time reliability and safety for all road users. The road will assist in removing through traffic (particularly HGV and other freight vehicles) from villages and towns including those outside the LSMA at Adare. A planning application was lodged with An Bord Pleanála in December 2019 and is supported by LSMATS. The proposed realignment of the N69 to connect with the M20 and the declassification of the existing N69 to Regional road status will result in the reassignment of traffic onto the M20 between Patrickswell and the M7".

3.55 The proposed road development is also supported by Objective RS4

Objective RS4 National Roads: *It is the intention of the NTA, TII and the local authorities to:*

- *Retain and protect the strategic function of the National Road network;*
- *Complete the appraisal process and deliver the N/M20 Cork to Limerick Road Improvement Scheme;*
- *Reduce peak time congestion on the N18/N19 network at Shannon; and*
- *Construct the N69/M21 Foynes to Limerick Road (including Adare Bypass) to TEN-T standard.*

Local Policy

Limerick County Development Plan (2010-2016 as extended)

- 3.56 The proposed road development is supported by Core Strategic Policies CP01, CP03 and CP07 (Table 2.2 of EIAR).
- 3.57 The Foynes to Limerick Road (including Adare Bypass) will deliver the national road improvements in Table 8.3 of the County Development Plan, which reserves land for the construction of a new road between the N21 at Rathkeale and N69 at Foynes and a bypass of Adare and N21 improvements to the county boundary.
- 3.58 Objective IN 024 'Enhancing Connectivity with the Estuary' is a specific development objective "to design, reserve land for and commence construction of a new road from the N69 and the strategically important port of Foynes to the national primary road network and Limerick Gateway to provide for improved vehicular connectivity".

Adare LAP 2015-2021

- 3.59 The proposed road development is supported by "Objective T1: Adare Bypass, it is an objective of the Council to provide a bypass for Adare to relieve traffic congestion in the village for the convenience and safety of road users".

Draft Southern Environs Local Area Plan 2021-2027

- 3.60 Limerick City and County Council prepared the Draft Southern Environs Local Area Plan (LAP) 2021-2027 (Figure 4 below), which will be incorporated into the proposed Limerick Development Plan 2022 following its adoption in 2022.
- 3.61 The Draft LAP went on public display in October 2020 and the Chief Executive Report was considered by the Elected Members at the Metropolitan District meeting on the 27th January 2021.
- 3.62 Chapter 11 of the Draft LAP entitled 'Transport and Movement' includes the following Objective TM O11 at page 53 of the Written Statement.

Objective TM O11:

Protect the capacity of the national road network, having regard to all relevant Government guidance including DoECLG "Spatial Planning and National Roads Guidelines" (DoECLG, 2012) in the carrying out of Local Authority functions and ensure development does not prejudice the future development or impair the capacity of the planned core network under TEN-T Regulations, which includes the N/M20 Cork to Limerick Scheme and Foynes to Limerick Road (including Adare Bypass) projects.

- 3.63 At the Metropolitan District meeting on the 27th January 2021 the Elected Members considered the report of the Chief Executive on the submissions received during the public display period of the draft plan and passed a resolution to reword objective TMO 12 and insert a new objective as follows:

Objective TM O12:

“Support delivery of strategic road infrastructure identified in the RSES including:

- *N/M20 Cork to Limerick Scheme;*
- *Foynes to Limerick Road Scheme (including Adare Bypass);*
- *Upgrade of arterial roads from the motorway network to increase capacity, including the R527 Dock Road, with the provision of public transport infrastructure and Park and Ride facilities, as appropriate”.*

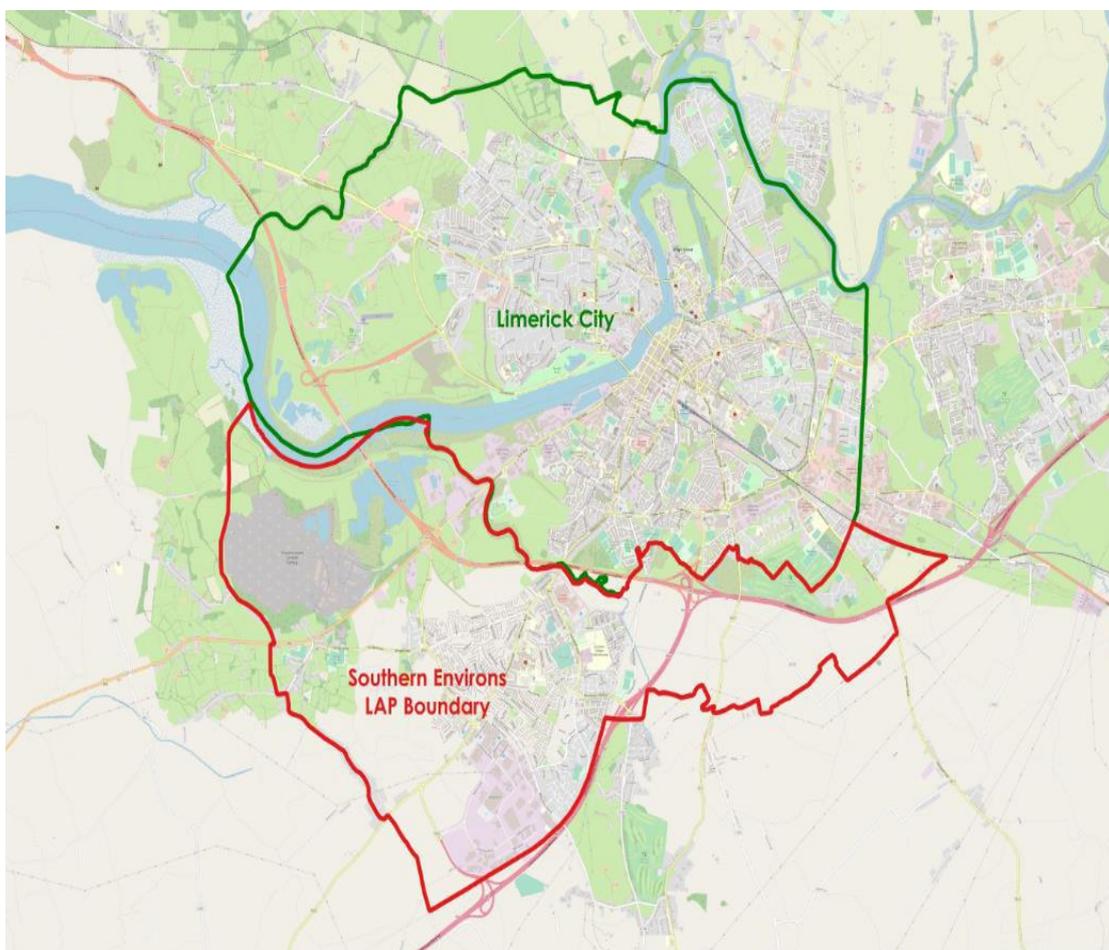


Figure 4 Southern Environs LAP Area

4. RESPONSES TO SUBMISSIONS/OBJECTIONS

4.1 Overview

- 4.1.1 In total, 14 of the 159 submissions/objections (including the submissions on the Further Information (FI) were made to An Bórd Pleanála in respect of the planning and policy context pertaining to the proposed road development (submissions ENV-3, 17, 31; SCH-14, 18, 28, 30, 44, 47 and 102; and FI-2, 4, 7 and 8).
- 4.1.2 In accordance with the Board's directions and in order to avoid undue repetition, the responses to the planning policy issues arising from submissions and objections are set out in this section of my evidence and are cross-referenced to the application documentation and relevant sections of the EIAR. This section sets out responses to the issues raised where appropriate to assist the Inspector and the Board.
- 4.1.3 In the interest of brevity, and as many of the issues raised occur in more than one submission, the applicant's response is set out under the following headings:
- European, National and Regional Policy (4.2)
 - County Development Plan and Local Area Plan Objectives (4.3)
 - Specific Objections (4.4)

4.2 European, National and Regional Policy

Issues

- 4.2.1 The following issues in respect of policy at EU, national, regional and local levels are raised in the submissions on the proposed road scheme and in objections to the CPO. Each ground for objection and/or argument is summarised below with the person(s) who made the submission identified in parentheses as per the master list of submissions/objections.

Planning Policy

- (a) "The current national investment policies upon which this scheme is justified, including the National Development Plan and National Roads Programme 2018-2027 are no longer fit for purpose." (ENV-3)
- (b) "EIAR p. 2-1 Policy background: in justifying the need for the development a number of oversights have taken place. Many of the documents that are used to justify the proposed project are outdated and many do not reflect the current climate emergency declared by the Government in 2019." (SCH-30)
- (c) "No mention of the National Adaptation Framework in Chapter 2. This is a central part of the Government's response to climate change and should not be omitted as background document from this EIAR" (submission SCH- 30)
- (d) "the proposed project is not in line with national transport network policy, which requires dealing with issues in order of priority in an integrated fashion... it is incumbent on Limerick City and County Council to address the road network priorities... There are deficiencies of much greater importance in the national road network in the County than the elements of this extravagant project attempt to address." (submission ENV-31)

- (e) "These economic and social objectives are supported by Planning Policies at European, National, Regional and Local levels. However, the Planning Policies have not been itemised in the response. Therefore, what are these policies and where can they be referenced?" (submission FI-4)

Policy Justification for Dual Carriageway and Motorway

- (f) "Policy justification of overall Foynes to Attyflin dual carriageway project to serve projected Foynes Port traffic:" (submission ENV-3)
- (g) "Policy justification for bypassing N21 Adare through traffic with a motorway standard dual carriageway extending to Rathkeale:" (submission ENV-3)
- (h) "Any further road investment nationally should be restricted to urban bypasses. Instead, there has been a deliberate policy of failing to build bypass loops around towns such as Adare, Newcastlewest, Buttevant and Charleville in order to justify the building of motorways and dual carriageways" (submission ENV-3)
- (i) "Bypasses of Adare, Newcastlewest and Abbeyfeale on the N21 and upgrading of the N20 to Cork should have higher priority than a link road to Foynes that is not needed." (submission ENV-31)

Shannon-Foynes Port

- (j) "The tier 1 status of Foynes is a false representation of the importance of Foynes Port in relation to all the other ports of Ireland. A significant claim for the need to build this road is based on the perceived need to retain this status. In fact, it is possible to achieve this road link element needed to retain Foynes port status by upgrading of the N69. " (submission FI-8)
- (k) "The moving of Cork Port to Ringaskiddy which was rubber stamped in 2015, and the recent go ahead to construct a new stretch of road, the M28, will result in larger vessels being able to dock at the new Port development on completion of works. Has the impact of this development on SFPC been taken into account?" (submission FI-2)
- (l) "No breakdown has been provided on the current Foynes bulk traffic to justify either continued demand for cargo throughput, or outlining what increased traffic the proposed road is justified." (submission ENV-3)
- (m) "The volume of road traffic ... using the port of Foynes neither requires, nor justifies a new road from Foynes to the N21. There is no evidence submitted to ABP to support the inference that there is real predicted industrial expansion adjacent to Foynes, let alone that it might be dependent on this new road." (submission ENV-31)

Sustainable Transport

- (n) "the EIAR unjustifiably seeks to support what is an over-scaled bypass need on the basis of Smarter Travel: A Sustainable Transport Future (2009-2020)...This proposal is not linked to any sustainable transport measures and must be deemed to fall thereby." (submission ENV-3)
- (o) "Circular PSSP-4-2010 to all planning authorities determined that Smarter Travel relates to proper planning and sustainable development under Section 9(6) of the Planning & Development Act (PDA) 2000 and must therefore be incorporated

into the specific policies and objectives of County Development Plans. Limerick City and County development plans have failed to do this.” (submission ENV-3)

- (p) “Project is outdated with a bias towards road transport, rather than a means of exploring sustainable alternatives” (submission SCH-30)

Planning Policy: Responses to Issues Raised

- 4.2.2 The policy background to the proposed road development is elaborated in detail at Section 2.2 of the EIAR. It is demonstrated that the proposed road development is consistent with all relevant EU, national, regional and local transport policies.
- 4.2.3 In relation to the EU TEN-T transport network, the proposed road development will deliver critical elements of the core and comprehensive networks including the upgrade of road infrastructure to core network requirements to serve the Core Port of Shannon-Foynes (EIAR Section 2.2.1). Details of the revised alignments of the Core Network Corridors post-Brexit are described above and shown on Figure 1. Accordingly, Shannon-Foynes is on the NSMED and Atlantic corridors under CEF2.
- 4.2.4 Project Ireland 2040 is being delivered through the NPF underpinned by the strategic investment priorities in the National Development Plan 2018-2027. The proposed Foynes to Limerick Road (including Adare Bypass) will enhance regional accessibility in the Southern Region as per NSO 2 and will also improve high-quality international connectivity as per NSO 4/6 in accordance with national planning policy (EIAR Section 2.2.2.3).
- 4.2.5 Plate 2.7 in the EIAR identifies the “N21/N69 Limerick to Adare to Foynes” as an inter-urban strategic investment priority in the NDP. Plates 2.8 and 2.8a at pages 2/17 and 2/18 of the EIAR set out Transport Infrastructure Ireland’s (TII) programme of road investment in Ireland and the Mid-West Region respectively. The list of projects includes “N21/N69 Limerick Foynes” so it is identified as an investment priority in the 2018-2027 period of the National Roads Programme.
- 4.2.6 There is no objective basis to support the assertion that the policy background and the plans supporting the proposed road development are “outdated” and “no longer fit for purpose” as claimed in SCH-30 and ENV-3 respectively.
- 4.2.7 The TII National Roads Programme is dated 2018 and covers the ten year period to 2027 and includes the proposed road development as one road project. The National Planning Framework and National Development Plan were published in 2018. Together, the NPF and NDP comprise Project Ireland 2040, which is a region focused spatial planning and investment strategy to facilitate a projected one million additional population in the country over the next two decades. The proposed Foynes to Limerick Road (including the Adare Bypass) is identified as a key future growth enabler in the NPF. While it is acknowledged that the National Development Plan is being reviewed and renewed there are no plans to amend the National Planning Framework, therefore national support for the proposed project remains.
- 4.2.8 As per Section 3 above, the RSES for the Southern Region made in January 2020 incorporates the Limerick Shannon Metropolitan Area Strategic Plan (Figure 3), which will accommodate an increase in the population of Limerick City and its suburbs by

more than 50% to 141,000 by 2040. The MASP cites “enhanced connectivity to Shannon-Foynes Port including local bypasses” as a national growth enabler and the importance of the proposed road development is referred to in the following extract from Section 8.6 of the RSES.

...The delivery of the Foynes to Limerick Road Improvement Scheme is a key infrastructural project. Connectivity to the motorway network will be critical to increasing the Ports economic impacts in the future.

- 4.2.9 In reply to the assertion at SCH-30 that “there is no mention of the National Adaptation Framework in Chapter 2”, you are referred to Chapter 13 of the EIAR and in particular Sections 13.4.2 and 13.6.2, which are set out in Ed Porter’s Brief of Evidence in relation to Air Quality and Climate. Item 11 of the Further Information submitted to An Bord Pleanála on 30th September 2020 deals with the greenhouse gas emissions and climate change resilience in relation to the proposed road development.
- 4.2.10 With regard to the statement in Submission SCH-30 that the documents cited in the EIAR “do not reflect the current climate emergency declared by the Government in 2019”, Further Information Item 12 sets out the provisions relating to the transport sector under the Climate Action Plan 2019 and additional policy on roads infrastructure in the “Programme for Government – Our Shared Future” (Government of Ireland, June 2020).
- 4.2.11 The proposed road development fits squarely within this planning and policy context. In fact, the majority of the policy support is less than three years old and therefore cannot reasonably be deemed “outdated” or “no longer fit for purpose”.
- 4.2.12 Finally, in response to the submission FI-4, the full list of the relevant planning policies is in Chapter 2 of the EIAR. This brief of evidence provides an update in planning policy since the applications for approval were lodged.

Policy Justification for Motorway and Dual Carriageway – responses to issues

- 4.2.13 Submissions ENV-3 and ENV-31 object to the proposed standard of the road infrastructure and assert that the upgrade to dual carriageway and motorway to serve the Port is not justified.
- 4.2.14 In response, this contention does not have adequate regard to the obligation to improve road infrastructure to comply with the requirements of the EU TEN – T networks, which is fully explained at Section 2.2.1 of the EIAR.

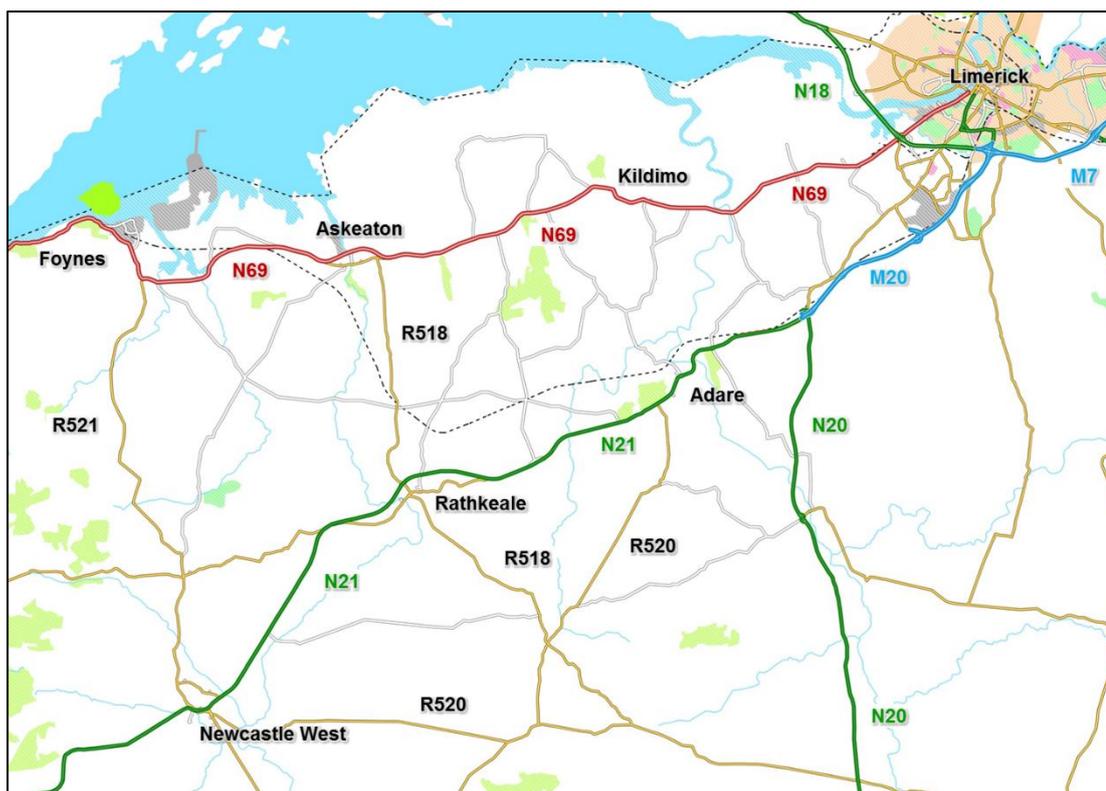


Figure 5 Existing Road Network

4.2.15 Regulation (EU) No. 1315/2013 specifies the requirement for high quality roads on the TEN-T network and provides that only (a) a motorway or (b) an express road may be considered as road option types on the Core Network. It follows, therefore, that in order to fulfil the policy requirement under the EU TEN-T transport network, the minimum and only permissible standard of road infrastructure required to extend the Core Network to Shannon Foynes Port is a motorway or an express road.

4.2.16 The policy rationale for the proposed road development is set out at Section 2.2 of the EIAR and the existing road network is examined at Section 2.4 of the EIAR. The justification for the road types is described in the Engineering Evidence and the Traffic Evidence which has been, or will be, given at the oral hearing. Major improvements to the existing road networks (i.e., N69 and N21) are necessary to upgrade the existing N69 national secondary road to Core Network standard and significant upgrades of the N21 national primary road including local bypasses are envisaged to improve the wider Comprehensive Network under the EU TEN-T Regulation.

4.2.17 Figure 5 shows the existing road network at the southwest of Limerick City including the N69 national secondary road and M/N21 national primary road. As these national road corridors are c. 10km apart near Askeaton/Rathkeale, the potential for developing an optimum road network solution to achieve the desired transport policy outcomes was recognised and subjected to detailed route study. The proposed road development emerged from this process and comprises a 17.5km extension of the M20 motorway to Rathkeale with 15.6km of dual carriageway to Foynes and a 1.9km single carriageway spur to Askeaton.

- 4.2.18 The Engineering Evidence and the Traffic Evidence which has been, or will be, given at the oral hearing responds to the issues raised in the submissions regarding the size and scale of the proposed road development.
- 4.2.19 An Taisce provides no evidence of a purported “deliberate policy of failing to build bypass loops around towns such as Adare, Newcastlewest, Buttevant and Charleville” to justify larger road schemes. Limerick County Council has completed bypasses of towns in the county including Croagh and Rathkeale on the N21 national primary road. The Limerick County Development Plans includes an objective to bypass Adare yet it has not been delivered for various reasons (paragraphs 4.4.2 to 4.4.8 below). The N21 Newcastle West Bypass and N21 Abbeyfeale are included on the list of national road network projects to be progressed through early planning during 2018 to prioritise projects which are proceeding to construction in the National Development Plan (see page 41 NDP).
- 4.2.20 Submission ENV-31 asserts that bypasses of Adare, Newcastle West and Abbeyfeale on the N21 should have a greater priority than the proposed road development, which is referred to as “a link road to Foynes”. In response, it must be emphasised that the proposed road development is a vital piece of road infrastructure on the TEN-T Core and Comprehensive Networks and is required to facilitate balanced regional growth in accordance with the NPF, NDP and RSES. A public consultation showing route options for bypasses at Abbeyfeale and Newcastle West commenced on 1st February 2021.
- 4.2.21 This road design achieves key transport infrastructure objectives in the relevant policy documents. This proposed road development provides high quality access at the Port of Shannon/Foynes on the Core Network and upgrades the N21 national primary road to motorway status from Attyflin to Rathkeale on the Comprehensive Network. The proposed road development bypasses Adare and Croagh and significantly improves the national road network in the Southern Region. The proposed road development provides for a single overall 35km long route comprising parts of the TEN-T Core and Comprehensive networks.

Shannon-Foynes Port

- 4.2.22 The assertion at submission FI-8 that Shannon-Foynes port’s Tier 1 status is “false” is demonstrably incorrect. Section 2.2.2.1 of the EIAR (pps. 2/8 & 9) lists the two criteria used to identify a Tier 1 port at Section 2.5 ‘Ports of National Significance (Tier 1)’ of National Ports Policy (2013), namely that these ports:
- Are responsible for at least 15% to 20% of overall tonnage through Irish ports, and
 - Have clear potential to lead the development of future port capacity in the medium and long term when and as required.
- 4.2.23 Shannon Foynes Port clearly satisfies both criteria as confirmed in the following extract from Section 2.5 (page 25).

Three ports are proposed for inclusion in the TEN-T core network: Dublin, Cork and Shannon-Foynes. These ports are also identified in National Ports Policy as Ports of National Significance (Tier 1)

The continued commercial development of these three Ports of National Significance (Tier 1) is a key objective of National Ports Policy.

4.2.24 Section 4.2 of the Policy document states, inter alia;

Government expects the Ports of National Significance (Tier 1) to lead the response of the State commercial ports sector to future national port capacity requirements...It is the Government's position that those ports considered to be of national significance must be capable of the type of port capacity required to ensure continued access to both regional and global markets for our trading economy.

4.2.25 Section 4.4 of the National Ports Policy emphasises the role of hinterland connections in the following extract;

Efficient hinterland connections are critically important to any port's ability to facilitate large volumes of traffic...

..Such connections will also be an important feature of the revised TEN-T proposals. All TEN-T core ports must be connected to both the TEN-T core road and rail networks.

The interconnections between the national primary road network and the commercial port network will continue to be of prime importance.

4.2.26 The Traffic Evidence to be delivered at the oral hearing responds to the issues raised in relation to the volume of existing and predicted traffic at Shannon-Foynes port, which is disputed in submission ENV-3. The Applicant rejects the contention made in submissions ENV-3 and ENV-31 that the Board has no evidence regarding the extent of likely future industrial expansion adjacent to Foynes. On 21st December 2018, An Bord Pleanála granted a 10-year permission, on an application by the Shannon Foynes Port Company [ABP Ref. No. 301561-18], for strategic infrastructure development comprising the "phased expansion of the port estate on 33.95 hectares of land ... to provide serviced industrial land and to accommodate marine-related industry, port-centric logistics and associated infrastructure" at Durnish, Foynes, Co. Limerick.

4.2.27 Future road access at the port described in that application included the provision of a new roundabout at the junction of the N69/eastern port access road as part of the Foynes/Limerick N69 road improvement scheme (i.e., the subject proposed road development). At that time, the Foynes to Limerick Road (including Adare Bypass) was at the pre-application consultation stage (ABP Ref. No. 13HC006) as noted at paragraph 10.13 of the Inspector's Report (ABP Ref. No. 301561-18) so the Inspector and the Board had regard to the proposed improved road infrastructure at the port when the proposed strategic infrastructure development was assessed and approved.

4.2.28 Submission FI-2 asks whether the Port of Cork has been considered. In response, Shannon Foynes and Cork are Core Ports on two TEN-T core network corridors. Both ports are also in the Southern Region and the RSES for this Region includes regional policy objectives to support the provision of the necessary infrastructure to support the commercial development of both Shannon Foynes and Cork in line with Project Ireland. Improved road access at Shannon Foynes will ensure that this Tier 1 port is connected to its regional hinterland and the national primary road network.

- 4.2.29 Shannon Foynes Port Company expressed support in writing (i.e., submission ENV-30) for the proposed road development. In its submission to the Board, SFPC states that the port estate and supporting lands comprise circa 226 hectares zoned for marine related activity and that Shannon-Foynes is the largest bulk port in Ireland and the second largest port facility. Vision 2041, the port company's masterplan for the development of the Port of Shannon/Foynes, forecasts that cargo tonnage at the port will more than double in the period from 2011 to 2041 and verifies that the midline to highline growth projections are being achieved at the port facility. SFPC considers the proposed road development is necessary to provide the appropriate road infrastructure and connectivity at this Core Port in accordance with TEN-T Core Network requirements.
- 4.2.30 Section 4 of the Limerick Shannon MASP (at page 285 of the RSES) for the Southern Region notes that Shannon Foynes Port Company will invest €27m over the next five years in capacity extension works at the port in accordance with NSO 6 "high quality international connectivity" in the National Development Plan.
- 4.2.31 No basis is provided in submission ENV-31 to support their assertion that "there are existing factors that are specific to Foynes port, which almost certainly, ensure such development requiring significant increase in road transport to and from the port will not take place for the foreseeable future." This claim is, in fact, contradicted by the predicted tonnage growth at Shannon-Foynes in Vision 2041, and in the port company's application for a significant expansion of the port estate on a c. 33ha. site at Durnish (pursuant to ABP Ref. No. 301561-18).
- 4.2.32 For the above reasons, there is real evidence of expansion at Shannon/Foynes Port and predictions of anticipated future growth, which will be facilitated by the improved road infrastructure.

Sustainable Transport

- 4.2.33 The applicant rejects the allegation in submission ENV-3 that "the EIAR unjustifiably seeks to support what is an over-scaled bypass need on the basis of Smarter Travel." This claim is selective and does not have adequate regard to the wider policy context described in Chapter 2 of the EIAR. Section 2.2.2 of the EIAR sets out the policy context within which this application must be examined and Smarter Travel is one of several relevant documents in this section.
- 4.2.34 Section 2.2.2.5 deals with Smarter Travel and contains the following paragraphs at page 2/19 and 2/20 of the EIAR in this regard.

The proposed road development will indirectly support this action (i.e. Chapter 4: Actions to Encourage Smarter Travel) as it will result in the reduction of traffic through towns and villages along the N69 and N21. This will provide an opportunity for future improvements to pedestrian and cycle amenities to progress within these urban centres, whilst also providing greater reliability for road based public transport and bringing improvements to air quality for the communities within and around these centres.

Chapter 6: Actions to Improve the Efficiency of Motorised Transport

“[...] remove bottlenecks, ease congestion and pressure in towns and villages and provide the necessary infrastructural links to support the National Spatial Strategy (p.51)

The proposed road development aligns with this action through reduction of congestion and improved access within Adare and other towns and villages along the N69.

- 4.2.35 The above extract, also set out in submission ENV-3, emphasises that the proposed road development indirectly supports the recommended actions in Smarter Travel. The key word is underscored. Chapter 2 of the EIAR must be read in its entirety and no reasonable objective appraisal of this chapter supports the interpretation with regard to Smarter Travel in submission ENV-3.
- 4.2.36 The policy rationale for the proposed road development is the provision of the key road infrastructure necessary to achieve TEN-T Core Network connectivity at Shannon-Foynes port and to improve the TEN-T Comprehensive Network by extending the length of motorway along the Limerick to Kerry National Route. This is summarised at Section 2.5 of the EIAR.
- 4.2.37 Submission ENV-3 also claims that the Limerick City and County development plans fail to incorporate specific policies and objectives with respect to Smarter Travel. In response, Section 1.8.1.10 of the written statement of the Limerick County Development Plan 2010-2016 (as extended) states that the Council will have regard to the provisions of, inter alia, Smarter Travel (2009). This Plan also incorporates relevant provisions in this regard at Section 6.10.3, Objective COM O26 and Section 8.2.2. and 8.2.5 and Policy IN P4.
- 4.2.38 Paragraph 1.4.4 of the Adare Local Area Plan 2015 (extended to 2024) confirms that the local area plan was prepared taking account of the policies and guidelines in Smarter Travel. The opening paragraphs of Chapter 6: Transport in the Adare LAP 2015, explicitly refer to Government policy as set out in Smarter Travel.
- 4.2.39 It is contended at submission SCH-30 that “the project is outdated with a bias towards road transport, rather than a means of exploring sustainable alternatives.” The project is a proposed road development identified in national, regional and local planning policy documents as an essential element of the transport infrastructure necessary to deliver future sustainable development in the Southern Region. Within this context, the proposed road development is one component of a strategic plan-led approach to improve accessibility within the region and to other regions, and will help deliver balanced regional growth across the country in accordance with Project Ireland 2040.

4.3 County Development Plan and Local Area Plan Objectives

Issues Raised in Submissions / Objections

- 4.3.1 The following issues have been raised in relation to the policies and objectives in the Limerick County Development Plan 2010-2016 (as extended) and the Adare Local Area Plan 2015 (as extended).
- (a) “..the proposal is wholly ill-conceived, in terms of the route of the proposed road and this project, as planned, would materially breach a key strategic provision of the *Development Plan*. This latter document expressly and explicitly envisages a wholly different link between Foynes Port, on one hand and Limerick City, which does not involve the provision of a substantial carriageway in the countryside of Co. Limerick and the proposed development thus conflicts with statutory policy.” (submission ENV-17)
 - (b) “it is our opinion that the statutory policy of the Council, insofar as the provision of an improved transport link between Foynes Port and Limerick City is concerned, envisages the development of the existing National Primary (sic) Road N69 and does not envisage the provision of a new carriageway from Foynes to Adare...” (submission ENV-17)
 - (c) “..the proposed road corridor, specifically the leg to the immediate south of Foynes Port and onwards to the N21 is at variance with the clear expectations of the County Development Plan...” (submission ENV-17)
 - (d) “... to the extent that this statutory document also envisages linkages between the N69 and N21, the route map which forms part of this Plan proposes that these corridors would link the settlements of Askeaton and Rathkeale and the centres of Foynes and Newcastle West ... and does not anticipate a connection between Foynes and Adare, in the manner which is now planned”. (submission ENV-17)
 - (e) “We maintain that this road project, as proposed, runs counter to the reasonable expectations of the *Plan* and we take this opportunity to highlight the role of statutorily-adopted local planning policy in the decision-making process...we respectfully invite the Board to consider whether the proposed development materially contravenes the *County Development Plan* in this instance.” (submission ENV-17)
 - (f) “The Limerick County Development Plan 2010-2016 and adopted until 2021, makes a mere reference to a new road link between Foynes and Limerick, the last objective of 23.” (submission FI-2)
 - (g) “...there are parts of the County Development Plan which support the upgrading of the existing N69. For example, p. 8-18 Objective IN O22.” (submission FI-2)
 - (h) “The County Development Plan (CDP) 2010-2019 (sic) is ten years old and its content is limited.” (submission SCH-30)

Responses

- 4.3.2 Many of the land use planning issues listed above are set out in submission ENV-17. The central argument in that submission is that the proposed road development does not accord with Objective IN O22 in the County Development Plan, which refers to the improvement of the existing N69 link between Shannon-Foynes Port and Limerick City. In response, it is clear that submission ENV-17 is overly focused upon this single objective and ignores other relevant provisions in the Limerick County Development

Plan and in key statutory planning and policy documents, which support the proposed road development.

- 4.3.3 Specifically, this submission appears to have no regard to Variation No. 6 of the Development Plan adopted in April 2018, which expressly provides for “a new road” between the N21 at Rathkeale and the N69 at Foynes and a bypass of Adare as part of the N21 route improvements in Table 8.3 of the said Plan. This Variation also incorporates Objective IN O24, which explicitly refers to “a new road from the N69 and the strategically important port of Foynes to the national primary road network and Limerick Gateway to provide for improved vehicular connectivity”. The proposed road development is consistent with, and fulfils, both of these national road improvements. Accordingly, there is no breach of any strategic provision or any contravention, material or otherwise, of the objectives of the County Development Plan as contended in submission ENV-17. On the contrary, the proposed road development fully aligns with the provisions of the Development Plan as is demonstrated at Chapter 2 of the EIAR and in the response below.
- 4.3.4 Tables 2.2, 2.3 and 2.4 at Section 2.2.4.1 of the EIAR set out the main policies and objectives in the County Development Plan. Table 2.2 cites the Transport and Infrastructure policies including Policy CP 01 to implement relevant European, national and regional regulations, guidelines and strategies at county level. The proposed road development is necessary to extend the road transport infrastructure at Shannon-Foynes Port in accordance with the TEN-T Guidelines for the Core Network and to upgrade the Comprehensive Network to Rathkeale, yet this is not given adequate consideration, if any, in submission ENV-17.
- 4.3.5 The justification for the proposed works outlined at Section 2.2.1.4 of the EIAR aligns with the transport infrastructure objectives in the Limerick County Development Plan as follows. Section 8.2.6.2 of the Plan sets out the policies and objectives in relation to the national road network in the county including Policy IN P9 and IN P10. Table 8.3 of the Development Plan lists specific improvement works to the national road network having regard to the objectives in the NDP and should be read in connection with Objective IN O23 as follows.

Objective IN 023: Protection of Proposed National Road Improvements

‘It is the objective of the Council to protect, where relevant and as identified by the NRA or the County Council as roads authority, the corridors, routes and roads necessary for the planning, construction, and completion of the improvement works as listed in Table 8.3.’

- 4.3.6 The proposed road development concerns two of the national road projects included at Table 8.3 of the County Development Plan (see Table 2.3 EIAR). These are;
- (i) a bypass of Adare and the N21 route improvements from Adare to the county boundary, and
 - (ii) the construction of a new road between the N21 at Rathkeale and the N69 at Foynes.
- 4.3.7 Both road projects are subject to resources becoming available and compliance with the requirements of the Habitats and EU Directives at project level. Thus, the proposed

determined at project level. The interpretation of these road transport objectives in submission ENV-17 disregards these proposed national road improvements and is therefore selective and incomplete.

- 4.3.10 Furthermore, the proposed road development does not provide a connection between Foynes and Adare as suggested in submission ENV-17 (page 14). The proposed road development provides access at the strategically important port of Shannon-Foynes to the national primary road network and the Limerick Gateway in accordance with Objective IN O24 Enhancing Connectivity with the Shannon Estuary. Adare is to be bypassed (as per the national road improvements listed in Table 8.3) by the upgrade of the N21 route from Attyflin to Rathkeale. It is an objective of the Development Plan to construct a new road from the N69 at Foynes and the national primary road network at Rathkeale. The proposed road development includes this new road, fulfils these road transport infrastructure objectives and is consistent with planning policy.
- 4.3.11 Submission ENV-17 appears to assume that the policy support for the proposed road development is Objective INO22, which seeks to promote improvements to the N69 to Foynes Port, rather than Objective IN O24 which seeks to enhance connectivity to the estuary. Objective IN O22 supports road improvements to the existing network that serves Foynes Port, which was at the time of the adoption of the Limerick Development Plan in 2010 and continues to be an important economic asset to the region. Objective IN O24 deals with the long term strategic objective for improving access at the Port to the national road network and the Limerick Gateway in accordance with European, National and Regional planning policies and objectives. Until the new road scheme is complete, access to the port needs to be maintained via the N69, which in the long term cannot deliver on the standards required for the Ten-T Core Network.
- 4.3.12 Table 8.3 includes a roads infrastructure objective to “design, reserve land for and commence construction of a new road between the N21 at Rathkeale and the N69 at Foynes” which is supported by Objective IN O24 to develop “a new road from the N69 and the strategically important port of Foynes to the national primary road network and Limerick Gateway to provide for improved vehicular connectivity”. No route for the proposed new road between the N21 and N69 is indicated on any map in the Development Plan. In common with the other road improvement objectives in Table 8.3, the route is determined at project level having due regard to the requirements of the various applicable EU Directives. Identical principles apply in relation to the N21 route improvements to the county boundary including the Adare Bypass whereby the route is not prescribed or shown on any map in the Development Plan, but is determined following consideration of the applicable requirements in the Directives. Thus, it cannot be said that the policy, as expressed in the County Development Plan, “does not envisage the provision of a new carriageway from Foynes to Adare, via our client’s home which is adjacent to Clonshire Bridge” because no alignments or route corridors are indicated in any map in the Development Plan.
- 4.3.13 Submission ENV-17 states that “the proposed road corridor, specifically the leg to the immediate south of Foynes Port and onwards to the N21 is at variance with the clear expectations of the County Development Plan.” There is no objective basis for this assertion for the following reasons. The proposed road development is the new road between the N69/Shannon-Foynes and the N21/national road network and Limerick City referenced at Table 8.3 and Objective IN O24 respectively. The analysis of the

relevant provisions of the County Development Plan set out above and at section 2.2.4.1 of the EIAR support the opposite conclusion and highlight the policies, national road improvement works and objectives which support this road project.

- 4.3.14 Submission ENV-17 fails to consider the implications of TEN-T Regulation (Core and Comprehensive networks), Project Ireland 2040, the RSES for the Southern Region and the national road improvements at Variation No. 6 of the County Limerick Development Plan, all of which were in the public realm when this submission was made to the Board. The proposed road development complies with strategic planning policy CP 01 of the Limerick County Development Plan, which states that it is the policy of the Council “to implement relevant European, national and regional regulations, guidelines and strategies at County level”.
- 4.3.15 Having regard to the above and the clearly stated policy support throughout the hierarchy of plans at EU, national, regional and local tiers, it cannot be contended that this project “runs counter to the reasonable expectations of Plan” as argued in submission ENV-17. On the contrary, the proposed road development is supported by the policies and objectives in the County Development Plan and is necessary to achieve identified transport infrastructure objectives in the Plan. We submit, and we invite the Board to agree that the proposed development does not contravene, still less materially contravene, any policy or objective in the County Development Plan and that the arguments in submission ENV-17 are without substance in this regard.
- 4.3.16 In response to the criticism in submission SCH-30 that the Limerick County Development Plan is “10 years old and its content is limited”, it is noted that the proposed national road improvements in Table 8.3 (i.e., bypass of Adare and N21 Tralee Road improvements and the N21 to N69 link road) and Objective IN O24 were adopted into the County Development Plan as Variation No. 6 on 10th of April 2018.

4.4 Specific Objections

- 4.4.1 The following specific planning policy grounds for objection have been raised in the submissions and in the objections to the compulsory acquisition and warrant a direct response. A number of the points refer to similar arguments and are taken together to minimise repetition.

Adare Bypass

- (a) “...it is possible to bypass Adare with half the length of new road to that proposed” (submission ENV-31)
- (b) “Bypasses of Adare, Newcastlewest and Abbeyfeale on the N21 and upgrading of the N20 to Cork should have higher priority than a link road to Foynes that is not needed.” (submission ENV-31)
- (c) “The size and scale of the proposed road scheme is excessive and realistically what is required is a bypass of Adare together with some road improvements from the N21 to Foynes.” (submissions SCH-14, 18, 28, 44, 47 and 102).
- (d) “One of the key differences between the route chosen for the Adare by pass and the route that has been presented in the past is that it is now running to the north of Adare. This runs through the Lower River Shannon SAC site. A previous option has been presented and indeed resulted in an amendment to the then

Adare LAP, showing it running to the south and linking with the then proposed M20." (submission SCH-30)

- (e) "The original plan in 2010 plan for bypassing Adare was turned down by ABP and a major reason cited was the withdrawal of the Council's proposal to upgrade the M20... the Council planning office decided to go about the bypassing of Adare by integrating it into a totally separate idea...this convoluted plan achieves minimal overall objectives compared to what could be achieved if the same monies were devoted to proper strategic planning." (Submission FI-8)

N69 Upgrade

- (f) "the improvement of National Primary Road N69 would be less damaging on the environment than the large-scale development project which is now proposed and it is somewhat axiomatic that the provision of an extra lane in each direction and a pair of flanking hard shoulders on this existing route would be less costly than the proposal which is now proposed" (submission ENV-17)
- (g) "Significant improvement to traffic flow on roads connecting Foynes to Limerick is achievable through planning minimal alternative schemes. It is more logical to upgrade sections of the N69 and R518. Further upgrading of the R521 would improve the situation. (submission ENV-31)"

Foynes to Limerick Railway Line

- (h) "...there is no proposal for restoration of the currently unused Limerick to Foynes freight rail line." (submission ENV-3)
- (i) "The upgrading and commissioning of the Foynes to Limerick railway line should be integrated into transport policy and should take planning precedence over this protected road." (submission ENV-31)
- (j) EIAR p. 2-4 extract refers to Article 41(2) of the TEN-T Regulations and notes "that railway appears first in the list of infrastructure to which ports should be connected" (submission SCH-30)

N69 and Trans European Transport Network (TEN-T) Guidelines

- (k) "N69 has been for some time the designated TEN-T route to Foynes from Limerick. N69 will still have to be improved and maintained as it will retain current National route status but with less LGV (sic) traffic." (submission FI-7)
- (l) "More importantly the main TEN-T artery in the Limerick county is the N21. The current proposal not only abandons this critical artery to South West at Rathkeale but will cause congestion in Newcastlewest and Abbeyfeale to deteriorate significantly and equally addition to the current problem in Abbeyfeale." (submission FI-7)

National Development Plan 2018-2027

- (m) "...the National Development Plan 2018-2027, outlines its lists of transport priorities on p. 41 which is also shown below in Figure 1. Interestingly, this project does not feature on this priority list." (submission FI-2)

Road Transport

- (n) "If, as claimed in the further information submitted, transport by road is going to reduce over the next 40 years, why are the planners advocating building roads over land that can never be converted back to productive land again?".
(submission FI-8)

Responses

Adare Bypass

- 4.4.2 It is a long-standing objective of the Council to bypass Adare. Table 8.3 of the Limerick County Development Plan 2010-2016 (as extended) includes an objective to reserve land to construct a bypass of Adare and this development objective is replicated at Objective T1 of the Adare Local Area Plan 2015.
- 4.4.3 If the only purpose of the proposed road development were to construct a by-pass of Adare, there would be feasible alternatives to consider entailing potentially reduced land takes and lower costs. However, this proposed road development of which the Adare by-pass is just one part, fulfils a wider strategic function and delivers critical road transport infrastructure in accordance with EU, national, regional and local planning policies as described in Chapter 2 of the EIAR. However, notwithstanding the implementation of these strategic objectives, the proposed road development by-passes Adare in a sustainable manner and does not involve excessive acquisition of lands. Indeed, alternative options for bypassing Adare which were considered as part of the evolution of the overall scheme, such as Broad Route Corridor K, would have involved an additional length of over 2.5 kilometres compared to the northern bypass option around Adare. The additional length of the southern bypass, increased construction costs, longer journey times and higher carbon emissions were assessed and were considered on balance to be less preferable.
- 4.4.4 Section 2.2.1.4 of the EIAR describes the existing TEN-T road network in the county (Plate 2.3) and identifies the potential for synergies between the requirements of the Core and Comprehensive elements in the study area because of the close proximity of the N69 and N21 corridors near Askeaton/Rathkeale (Plate 2.4). The proposed route was determined following a route selection process which considered various route options having regard to the proximity of EU designated sites.
- 4.4.5 Submissions nos. SCH-30 and FI-8 refer to a previous application by the local authority where the proposed bypass of Adare was located on an alignment to the south of Adare connecting into the proposed M20 to the east of Adare. This application for Approval for the "N21 Adare Bypass, consisting of 8.5 kilometres of dual carriageway and associated side roads which will link the N21 National Primary Route to the M20/N20 National Primary Route" was made in March 2010 under ABP Ref. No. PL.13.HA0028. The Board refused to approve the proposed Adare Bypass for the following reasons and considerations in its decision order.

The proposed N21 Southern Bypass Route for Adare was selected following the finalisation of the route of the proposed M20 Cork-Limerick Motorway. The proposed N21 was designed to intersect with the proposed M20 to the east of Adare.

Having regard to the decision to withdraw the proposed M20 application from the planning process together with uncertainty as to when, or if, any new application in respect of this development may be submitted, the Board considers that the proposed N21 development would, if permitted and constructed, constitute isolated infrastructure, would not represent a coherent approach to the provision of major roads infrastructure and, furthermore, would not have the potential to fulfil the functions envisaged for the Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.4.6 The rationale for refusing the previously proposed road scheme is clear. Without the link at the M20, the proposed Adare Bypass was deemed to be isolated infrastructure that would not fulfil its intended function. In the context of the road scheme now before the Board, the proposed Adare Bypass is incorporated within an overall proposed road development, which entails links into the M21 motorway network, the provision of road access to Shannon Foynes port on the Core Network and the extension of the motorway to Rathkeale on the Comprehensive Network.
- 4.4.7 Chapter 8 of the Limerick County Development Plan 2010-2016 (as extended) contains objectives to implement road network improvements including the specific works referred to in submission ENV-31 where it is contended that those works should be prioritised over improved access at Foynes. Having regard to the Tier 1 status of Shannon-Foynes Port, its designation as a Core Port under EU TEN-T Regulation and its inclusion on the NSMED and Atlantic Corridors, the extension of the Core Network standard road access to the port warrants priority. This priority is recognised by the inclusion of the proposed road development in TII's National Road Programme 2018-2027 in the NDP (Figure 5.2 exhibited at Plate 2.8 of the EIAR). Failure to upgrade transport infrastructure including road access to TEN-T Core Network standard would frustrate national and regional development objectives.
- 4.4.8 Submissions SCH-14, 18, 28, 44, 47 and 102 suggest that the proposed road development is "excessive" and assert that "what is required is a bypass of Adare together with some road improvements from the N21 to Foynes". The rationale for the proposed standard of infrastructure on each road section is described at Chapter 5 of the EIAR and will be addressed in the Engineering and Traffic Evidence at the oral hearing. A bypass of Adare and improvements from the N21 to Foynes would not provide the infrastructure necessary to service Shannon-Foynes Port on the TEN-T Core Network. The proposed road development will improve road access at the port thereby providing a key support for port expansion, enhancing connectivity on the estuary and enabling the projected population growth and jobs growth in the Southern Region in Project Ireland. These strategic outcomes will not be delivered by "a bypass of Adare together with some road improvements from the N21 to Foynes."

N69 Upgrade

- 4.4.9 Submission ENV-17 incorrectly refers to the N69 as a National Primary Road. It is a National Secondary Road as shown on Map 8.4 of the County Development Plan exhibited in the submission (Map 6) and at Figure 6 above.

- 4.4.10 Section 2.4 of the EIAR examined the main elements of the existing road network, which are the M20, N21 and N69. The existing alignment of the N69 national secondary road is seriously below the standard demanded on the Core Network. An on-line upgrade of the N69 route to motorway or express road status as per the Core Network would entail considerably more than the provision of extra lanes and hard shoulders suggested at page 15 of submission ENV-17. This matter is demonstrated in the Engineering Evidence of Seamus MacGearailt.
- 4.4.11 Access at a Core Port on the TEN-T Core Network requires motorway or express road infrastructure and, accordingly, the road improvement works described in submission ENV-17 would not deliver adequate access to the Core Network requirements. Section 2.4.3 of the EIAR considers the 32km stretch of the existing N69 from the Dock Road to Foynes and notes that there are nearly 500 accesses along this route. Thus, the accommodation of alternative means of access to existing houses, farms and agricultural properties would entail extensive additional road works including new roads and junctions to achieve minimum requirements for Core Network road access. With due regard to this important criterion, the proposed alignment across countryside involves considerably less conflict with accesses at existing properties.
- 4.4.12 As has been demonstrated in the Engineering Evidence, only very limited localised improvements are feasible along the N69 in sections not adjoining Special Areas of Conservation. The route would remain significantly below acceptable standards and road safety problems for the community would increase due to increasing HGV traffic passing frontage housing, schools, through villages and frequent local road junctions. This option is not a viable alternative and would not achieve the fundamental scheme objective of providing road access at Shannon-Foynes port in accordance with the requirements of the Core Network.

Foynes to Limerick Railway Line

- 4.4.13 A number of submissions, including submissions ENV-3 and ENV-31, complain that there is no proposal to restore the disused rail line between Limerick and Foynes. Section 3.3.2 'Alternative Modes' in the EIAR examines the potential reinstatement of the rail line, and confirms that all of the route options have been developed so as to accommodate the future reopening of the railway line.
- 4.4.14 It is understood the line closed to passengers in the early 1960s and that freight traffic ceased in 1999 and the line was disconnected from the main line at Limerick in 2004. This single-track railway line has remained disused since. Nonetheless, the Shannon Foynes Port Company (SFPC) and Irish Rail recognise its potential to re-open to cater for freight traffic at the port. Section 2.2.1.2 of the EIAR examines the TEN-T Guidelines and notes the requirement for multi-modal transport at maritime ports on the Core Network. In this regard, it is understood that SFPC is assessing the viability and feasibility of bringing the rail line back into operational use. The existing rail line is identified a key asset at the port in the SFPC's Vision 2041 (Section 8.2.2). The potential of the rail line was also noted in the application by SFPC for strategic infrastructure development (ABP Ref. No. 301561-18) at Shannon-Foynes.
- 4.4.15 As set out in the Engineering Evidence to the oral hearing, the proposed road development will neither conflict with nor frustrate the ultimate development of a rail

link to Shannon-Foynes Port, in circumstances were the development of such a rail link is consistent with planning policy. By way of example, Section 6.3.4.1 and RPO 144 of the RSES for the Southern Region is relevant in that context.

RPO 144 Port Infrastructure

It is an objective to complement investment in port infrastructure by seeking the sustainable development of improved access infrastructure to ports from their regional catchments, including the promotion of rail access where practicable.

4.4.16 Limerick Shannon MASP Policy Objective 7(b) of the RSES includes as follows.

Sustainable Transportation

b. other transport measures for consideration across the wider Mid-West area may include the following

- *Reinstatement of the Limerick to Foynes rail line linking Ireland's deepest port to the national rail network.*

4.4.17 Section 8.6 of the RSES refers to Shannon Foynes Port within the context of the Limerick Shannon MASP and states, inter alia, as follows.

Reinstatement of the Limerick to Foynes rail line, linking Ireland's deepest port to the national rail network is a key priority for Shannon Foynes Port. The MASP supports this ambition, as it will enhance Shannon Foynes Port as a key future growth enabler.

4.4.18 Objectives IN O5 (Transport and Infrastructure) and SE O4 (Shannon Estuary) of the Limerick County Development Plan 2010-2016 (extended) state as follows.

Objective IN O5: Protection of rail infrastructure'

It is an objective of the Council to protect the following transport assets in rail infrastructure from inappropriate development that would compromise their safe operation or long-term development:

- c) rail infrastructure not in current use: the Limerick-Foynes line. The Council will ensure that no development or activities which would interfere with the possible re-use of the Foynes Limerick rail link will be permitted.*

Objective SE O4: Rail Transport – *It is an objective of the Council to safeguard the Limerick-Foynes rail line against encroachment by inappropriate uses that could compromise the long-term development of the rail facility.*

4.4.19 Objective T8 in the Adare LAP 2015 similarly refers to the importance of the protection of the existing rail route from encroachment to facilitate the future rail connection at the port is clearly stated in the statutory development plans.

4.4.20 In October 2020, Iarnród Éireann made a submission to the pre-Draft stage of the proposed Limerick Development Plan, which stated as follows.

“Re-introduction of Rail Freight: There is a necessity and demand for sustainable freight transportation across Ireland. Iarnród Éireann is currently developing a revised rail freight strategic plan in context of;

- *The Government’s Project Ireland 2040, National Development Plan, National Mitigation Plan & Climate Change Action Plan*
- *The Strategic Masterplans of Ireland’s Port Authorities*
- *Road Congestion*
- *Pressure on road freight markets e.g., driver shortages*
- *Policy, demand and sectoral analysis being undertaken to establish demand and opportunities for rail freight.*

There is a possibility for the reintroduction of rail freight in the Limerick Area with the reopening of the Foynes Line to service Shannon-Foynes Port. This is noted in the draft LSMATS, with the objective to review the potential for rail freight in support of the proposed Regional Freight Strategy, including the reinstatement of the line between Limerick and the Port of Foynes. This could be implemented in the short-medium term, depending on the demand for the bulk movement of goods from the Shannon-Foynes Port Company.”

4.4.21 As noted above, Core ports on the Core Network require multi-modal transport access.

4.4.22 There are clearly stated transport infrastructure objectives in the NPF, the RSES and the County Development Plan pertaining to the Limerick to Foynes rail line. This line is recognised as a key port asset in the Shannon Foynes Port Company’s Vision 2041. The reinstatement of a rail connection for freight traffic at Shannon Foynes accords with the multi-modal transport requirement for access at a Core port on the TEN-T Core Network and is supported by the relevant national, regional and local planning and policy context. However, it should be reiterated that the proposed road development does not impede the future reinstatement and development of the rail line and it is proposed to bridge over the existing rail line wherever interfaces occur between the proposed road and the rail line.

N69 and Trans European Transport Network (TEN-T) Guidelines

4.4.23 The provision of a high quality road access at the Core Port of Shannon-Foynes is a key transport infrastructure investment priority. With the coming into force of the CEF2 Regulation, the Core Port will be on two Core Network Corridors and will be eligible for project funding under this instrument. As noted at paragraphs 3.14 and 3.15 above, the classification of these national roads aligns with the TEN-T Guidelines upon the completion of the proposed road development as follows. The proposed road development will provide access at the Core Port on the Core Network and the M21/N21 will continue to be the Comprehensive Network linking Limerick and Tralee in accordance with the TEN-T Guidelines.

4.4.24 The existing N69 national secondary road will continue to serve the existing homes, farms, businesses and other uses along its route and will provide important links between towns and villages along the estuary. There are examples all around the country where sections of former national primary / secondary roads replaced by motorways continue to function as good quality roads (e.g., there are sections of the

former N1 to the north of Dublin city which are re-classified as regional roads following the opening of the M1 Motorway).

4.4.25 In reply to the alleged congestion at Abbeyfeale and Newcastle West in submission FI-7, Figure 5.2 of the NDP (Plate 2.8a in the EIAR) confirms that bypasses of both towns were at the pre-planning stage (Project IDs M and N respectively) in the TII's National Roads Programme 2018-2027. A public consultation showing route options for bypasses at Abbeyfeale and Newcastle West commenced on 1st February 2021.

National Development Plan 2018-2027

4.4.26 Figure 1 in submission FI-2 is an extract from the NDP (page 41) purporting to support the contention that the proposed road development is not identified as a transport priority in the NDP. This is incorrect. In fact, this project is listed as "N21/N69 Limerick to Adare to Foynes" in the column headed 'inter-urban roads'. Figure 5.2 of the National Development Plan 2018-2027 consists of the TII National Roads Programme 2018-2027 and is also relevant because it refers to the "N21/N69 Limerick Foynes" road scheme. Finally, Figure 7 below is an extract from the NDP clearly identifying the proposed road development as an investment priority.

Project Ireland 2040 | National Development Plan 2018-2027

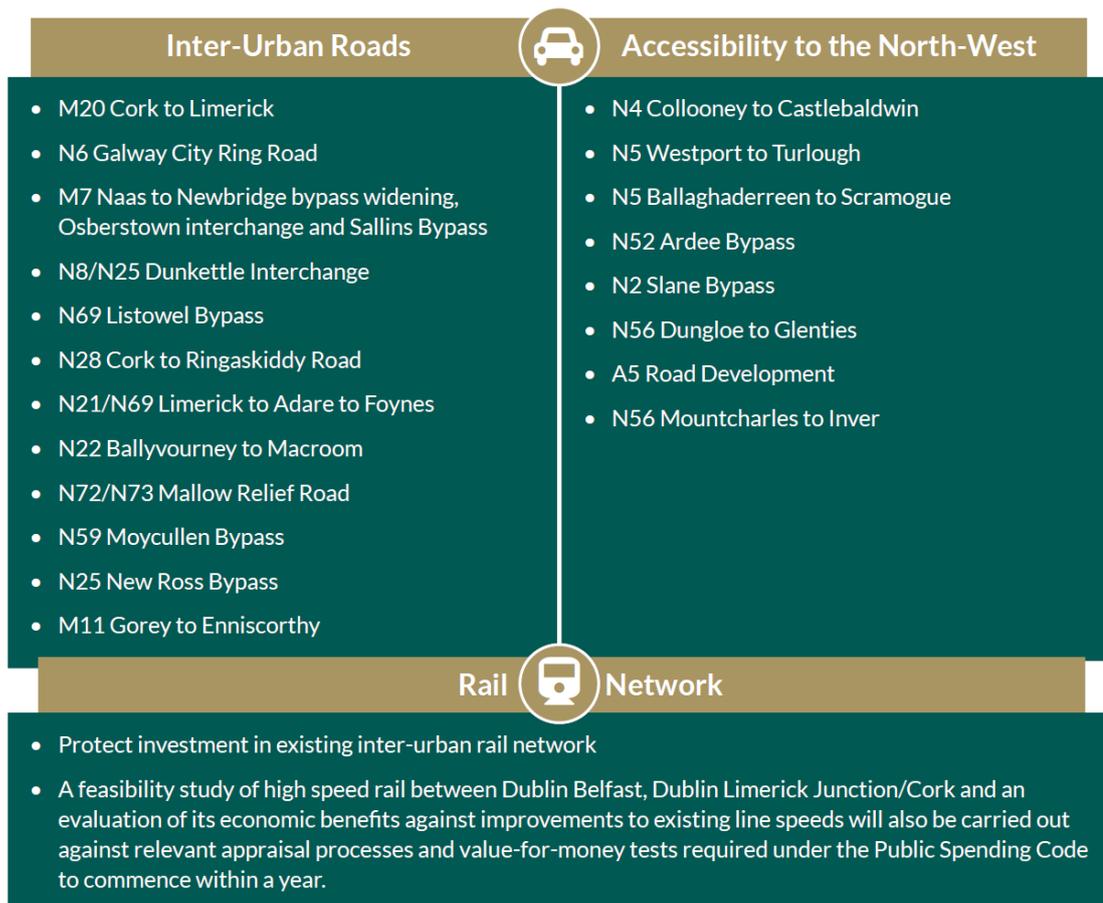


Figure 7 Major Inter-Urban Roads Projects (page 41 NDP 2018-2027)

Road Transport

- 4.4.27 Submission FI-8 refers to a statement in the further information that “transport by road is going to reduce over the next 40 years.” It is understood that this submission refers to the response to Further Information (Item 12). The reductions referred to at Item 12 relate to emissions from transport in the context of the targets for the transport sector in the Climate Action Plan and reduced traffic in existing settlements. Reductions in greenhouse gas emissions will be achieved primarily through the electrification of the transport fleet through a range of financial incentives and other measures such as the restriction on new car registrations from 2030. Paragraphs 12.17 to 12.22 of the Further Information explain how the proposed road development will reduce traffic and HGV traffic in towns and villages on the existing N69 and N21 routes thereby reducing congestion, enabling improved public transport journey times and reliability, and encouraging active modes particularly cycling and walking.
- 4.4.28 Having carefully considered the arguments in the submissions and objections, the applicant is satisfied that the proposed road development complies with all applicable EU, national, regional and local planning policy including policies formulated after the preparation of the EIA Report and will achieve transport infrastructure objectives in the relevant statutory plans.

Appendix 1

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

Submissions Responded to in this Brief of Evidence	
ENV-	3, 17, 31
SCH-	14, 18, 28, 30, 37, 44, 47, 102
FI-	2, 4, 7, 8