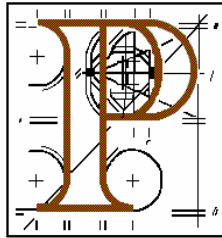


# **An Bord Pleanála**



## **Inspector's Report**

**APPLICANT:**

**KERRY COUNTY COUNCIL**

**PROPOSED SCHEME: N86 DINGLE TO ANNASCAUL  
AND GORTBREAGOGH TO  
CAMP ROAD IMPROVEMENT  
SCHEME.**

**INSPECTOR: KEVIN MOORE**

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## **1.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

### **1.1 The Scheme**

The scheme comprises two discrete sections – Dingle to Annascaul (16.5km) and Gortbreagoge to Camp (11.5km), terminating at the junction of the N86 and the R560. It would compose of 24.1km of on-line widening, 2.3km of off-line widening and 1.6km of pavement improvement through the villages of Lispole, Annascaul and Camp. The proposed off-line sections are where significant alignment constraints exist at Ballinasare, Gortacurraun and Glanmore.

The scheme is one of four Tourist Route Pilot Schemes in Ireland, incorporating cycle lanes.

The objective of the scheme is to achieve ‘high impact’ road improvements leading to reduced travel times, increased levels of service, reliability, and improved safety for all road users. It is also intended to encourage use by cyclists.

The road development would consist of the improvement of the existing road to provide a 3.0m wide carriageway and 0.5m wide hard strip in each direction. It would also include a pedestrian/cycle facility on one or both sides. The cycleway would generally be a one-way facility on each side of the road, save for two sections of a two-way facility at Camp and west of Lispole. Cyclists are proposed to join the main road carriageway through villages.

The 28km route would comprise Type 3 Single Carriageway with the combined pedestrian / cycleway facility. The development would include construction of bridges and culverts, agricultural underpasses, grade priority junctions, earthworks, drainage works, pavement construction, ducting, landscaping, etc.

In summary the scheme includes:

- On-line widening of 25.7km of the existing N86 road between Dingle and Camp.
- 2.3km of off-line construction.
- 1.6km of pavement improvement.
- 4 no. viewing points/lay-byes.
- 19 no. structures at watercourse crossings.
- 2 no. machinery underpasses.
- 5 no. retaining walls (400m in total).
- 31 no. junctions (5 ghost island and 26 simple), with 9 no. junctions within 50/60 kph speed limits of villages.
- Earthworks.
- Drainage, including interceptor drains, open channels, and culverts.

- Watermain and service ducting.
- Fencing.
- Safety barrier.
- Service diversions
- Accommodation works.
- Landscaping and environmental mitigation.
- Excavation of unacceptable material.
- Excavation of rock.
- Disposal/recovery of unacceptable road works material.

A 4km stretch of the N86, known as the N86 Annascaul to Gortbreagoge Road Improvement Scheme, is being progressed in advance of the remainder of the scheme. The Part 8 planning process and land acquisition are complete. This section of road is now under construction.

## **1.2 The Need for the Development**

The existing section of the N86 is submitted as being substandard in terms of horizontal alignment, vertical alignment and cross-section. The layouts of the 34 junctions along the route are considered to be generally substandard, with many having substandard visibility. Adequate visibility splays are considered not available at many of the private entrances onto the road. The Full Overtaking Sight Distance for the scheme is estimated to be approximately 16%, and is poorly distributed along its length. Stopping sight distance is stated to be available on approximately 49% of the scheme. The quality of the road surface is also seen to be deficient over much of the route. The existing N86 is considered unsuitable for use by pedestrians and cyclists due to its limited width. The Connor Pass (R560) is not seen as an acceptable alternative route to Dingle as it is regarded as being unsuitable for HGVs, vehicles towing caravans/trailers, pedestrians or cyclists.

The provision of a consistent alignment, designed to the proposed standards, is seen to reduce driver confusion and error, while providing overtaking opportunities and thus reducing driver frustration. The improvement of existing junctions and private entrances are also seen to improve road safety. The introduction of cycle tracks are seen to have a positive effect on the quality and safety of the road for non-motorised users, while improvement of the road is seen to improve road-based public transport conditions between Tralee and Dingle by reducing travel times and producing fuel savings from more efficient travel speeds.

## **1.3 Route Selection**

The applicant has submitted that a formal route selection process was not pursued because the focus of the scheme is primarily on on-line improvements. However, options were examined at three specific locations where ‘hair-pin’ bends exist, namely at

Gortacurraun, Glanmore and Mountoven. An environmental assessment of preliminary alignments informed the final alignment choice.

## **2.0 SUBMISSIONS FROM PRESCRIBED BODIES ON EIS**

Written submissions were received from the Department of Arts, Heritage and the Gaeltacht and from An Taisce. These may be synthesised as follows:

### **2.1 Department of Arts, Heritage and the Gaeltacht**

#### *Conservation*

- Mitigation measures proposed for fauna required to be adhered to.
- A Bat Survey needs to be carried out.

#### *Archaeology*

- All mitigation measures require to be carried out in full.
- The scheme should be overseen by a Project Archaeologist.

### **2.2 An Taisce**

- The scale and impact of the development has not been justified.
- Evaluation of a cycle route on the old Tralee-Dingle railway line was not carried out.

## **3.0 OBJECTIONS**

### **3.1 Introduction**

The initial objections to the scheme, of which there were over 100, were all received in the context of objections to the compulsory acquisition of lands. Many of these objections did, however, make reference to a wider range of issues than solely individual plot impacts. This included the lack of any need for the road upgrade, the excessive nature of the land take in principle, the need for more comprehensive analysis of the cycleway proposal, the visual and environmental impact of the scheme, conflicts with the provisions of the Kerry County Development Plan, adverse ecological impacts, impacts on residential amenity, impacts on the developability of lands, and impacts on business operations. Many also alluded to the inadequacy of the EIS on matters such as drainage, access, damage to structures, fencing, accommodation works, construction compounds, construction traffic movements, potable water supplies, services, disturbance to property

owners, noise, visual impact, vibration, dust, preserving water quality, and health and safety.

Three new Objectors were accepted at the oral hearing and made submissions.

Following the withdrawal of objections before, during and after the Oral Hearing, the total number of objections that remains is 10. They are as follows:

Ted & Carmel Browne  
Tom Moriarty  
Lisa Moriarty  
Coven Developments Ltd.  
Ian Smith  
Gavin Singfield  
Mezzanine Logistics Ltd.  
Barbie Ordish  
Cyclist.ie  
Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne

I note for the Board that the applicant's formal response at the oral hearing to the Objectors Ted and Carmel Browne and Lisa Moriarty refers to having met with these Objectors and that it is understood that all issues were addressed to the satisfaction of the landowner. However, I note that there is no record of these objections having been formally withdrawn and, therefore, it can only be taken that these objections remain.

The nature of the objections may be synthesised as follows:

### **3.2     Ted & Carmel Browne**

#### ***CPO Ref. 400 a-b – Emlagh, Kinard***

- There is concern about the amount of land being taken and the effect on the objectors' business.
- The redirection of the entrance, which is now on the main road, will result in loss of passing trade.
- The objectors have planning permission to build sheds and they object to any interference with these plans.

### **3.3     Lisa Moriarty**

#### ***CPO Ref. 490 a-b – Churchfield, Kinard***

- The proposed works reduce the objector's site area, the amenity function of the house and its saleability. Reduction of the site below 0.5 acres will require the seeking of planning permission to retain the dwelling.
- The proposal will impact on the wastewater treatment system and proximity to the road.
- Any future development of the proposed junction needs to address surface water runoff into the property.
- Boundary treatment would have to be in keeping with the local environment.
- Raising of the road level and increased traffic speed will result in the need for suitable boundary screening.
- There are grave concerns about the financial impact of the development on the objector.

### **3.4     Coven Developments Limited**

#### ***CPO Ref. 560 a-c – Garrynadur, Minard***

- One of the objector's sites will be reduced, leading to planning difficulties and a reduction in the value of the property.
- The roadway built within the development will also be affected.
- A sewerage treatment plant and percolation area will be affected and this will breach planning in view of proximity to boundaries.
- Knowledge of the amount of compensation is requested.

### **3.5     Tom Moriarty**

#### ***Ballinasare, Annascaul***

- The objector has a traditional forge on his property which was operated for many years and which is being restored.
- The proposed realignment will bypass the objector's property, rendering the property into a cul-de-sac and meaning his business plan will not be viable and resulting in a loss of livelihood.
- The proposal will result in a serious loss of amenity and diminution in social activity.



### **3.6 Messanine Logistics Ltd.**

#### ***CPO Ref. 1115 a-b - Glenmore***

- There has been no Strategic Environmental Assessment prepared. The scale of the development falls within the description of a “Plan” or “Programme” for the purposes of SEA.
- There has been no adequate consideration of alternatives for the purposes of EIA. Alternatives are only provided at three specific locations where there are hairpin bends.
- It has not been demonstrated that the acquisition of the part of the lands proposed to be acquired is required or necessitated by the scheme.
- The most diverse and rich proliferation of flora and fauna along the route is at Glenmore. The avoidance of the Red Data Plant Species Cornish Moneywort has not occurred.

### **3.7 Gavin Singfield**

#### ***CPO Ref. 1115 a-b – Glenmore***

- There is concern about how the scheme will impact on Glenmore, an area of outstanding natural beauty, important for its biodiversity, archaeology, natural heritage and habitats, notably by constructing a large viaduct north of the old railway bridge at this location. The impact on Cornish Moneywort and otter is particularly noted.
- An independent ecological study of the area should be a priority.
- The creation of a wider bend at this location will encourage higher speeds and increase the risk of accidents.
- There is concern with the objector’s entrance onto the road with increased traffic speeds.
- Works on the old railway bridge to provide a cycleway will deprive it of its heritage and character.
- There is a lack of specific information for stretches in this area, with the land take taking in an extremely steep drop along the entire section in this area.
- Removing one bend and replacing it with a more dangerous bend is queried and it is questioned if the location was chosen to accommodate landfill. Widening the existing bend should be considered.
- It is questioned why the road scheme was conceived as the existing road is more than adequate for the volume of traffic it carries, with the section of road between Camp and Annascaul having been improved and widened on three occasions since 2003.
- The road is designed in the interests of tourism and tourists have no desire to drive along such an arterial route but rather prefer the existing road.

### **3.8 Ian & Rachel Smith**

#### ***Slieve East, Camp***

- Tourists have no demand for travelling faster on this road.
- Siting a cycle lane beside a realigned arterial road is a poor decision. The Dingle Way and old Tralee to Dingle railway route are better options.
- Increased traffic speeds will result in a more dangerous rural environment. It will also be more hazardous for tourists staying at the objectors' B&B.
- The widening will have a severe impact on flora and fauna in a sensitive area.
- It is queried whether the road widening is to facilitate oil and gas companies drilling off the Kerry coastline.

### **3.9 Barbie Ordish**

- Justification for the scheme, the scale of the route, and determination that the proposal contributes to the economic potential of the area is queried.
- There is concern about increased traffic speed on the road.
- Attractiveness of the route to cyclists is disputed and the potential of the old Tralee-Dingle railway line as an alternative route for cyclists is promoted.
- The adequacy of the existing road network in the area serving tourist traffic is acknowledged, conclusions in the EIS on traffic impacts at construction and operational phases are refuted, and the financial justification for the scheme is challenged.

### **3.10 Cyclist.ie**

- The Fáilte Ireland strategy for cycling promotes routing away from heavily trafficked roads and concludes that national roads are considered generally unacceptable for facilitating cycling. Keeping recreational routes away from highways is alluded to.
- The potential for utilising the disused Tralee-Dingle railway line (or parts thereof) and the minor local roads in the vicinity of the main road are promoted as alternatives for cycleways. Also, separation of the cycle route from the main road, such as on the approach to Dingle, is advocated.
- Cyclist safety in relation to junction design is addressed, as is the inadequacy of assessment of impact on cyclists by way of noise and exposure to vehicular emissions.

### **3.11 Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne**

- The principle of the scheme, the need for and aims of the project, and the excessive scale of the land take and proposed route are challenged.
- The proposal is seen as non-compliant with landscape protection afforded to the area and in particular with the provisions of Kerry County Development Plan;
- The sensitivity of the road is noted and the scheme undermines its character by the proposal, while the project conflicts with the aims of Fáilte Ireland.
- The safety of the existing N86 in terms of comparative accident rates with other national secondary routes is alluded to and the high speeds proposed to be achieved by the scheme will result in more accidents.
- The benefits accruing from journey time saved are seen as unclear and it is noted that there will be no increase in public transport services.
- Other concerns include the length of the construction phase of the development, the impacts on Curraduff Bridge, loss of hedgerows and trees, the value of the road as part of the amenity and tourist value of the area, and the unsuitability of the cycleway as part of the scheme.

Alternatives to the proposed cycleway are proposed, namely creating a new greenway through farmland and linking it with the off-section of the old Tralee-Dingle railway line or creating a new cycle lane adjacent to the road but segregated from the new road by use of a hedgerow.

## 4.0 ASSESSMENT

### 4.1 Project Splitting

In my opinion, this is a very significant planning issue relating to the proposed development and requires to be considered from the outset of this assessment. The roads planning approach in this instance highlights procedural difficulties that, in my opinion, has resulted in the undermining of the proper impact assessment of the environmental effects of the N86 road development between Camp and Dingle. The following is noted:

On 21<sup>st</sup> October, 2010, a request for a determination came to the Board from Kerry County Council (Reference 08.HD0019), seeking the Board to issue a direction in accordance with section 50(1)(c) of the Roads Act 1993, as amended, to confirm that an Environmental Impact Statement was required to be prepared for a proposed N86 Tralee to An Daingean Road Improvement Scheme. This scheme was proposed to involve the improvement of approximately 32km of the N86 and extended from the junction of the N86 with the R560, passing through the villages of Camp, Annascaul and Lios Poil, to the town of An Daingean. On 28<sup>th</sup> March, 2011, the Board received correspondence from Kerry County Council stating that it had received funding from the National Roads Authority to progress a 4.2km section of the N86 through planning and design over the coming months, with a view to commencing construction later in 2011. This section extended from Annascaul village to Gortbreagoge to the east. In the letter submitted to the Board it was stated:

*“As the timing of the planning consent process for the overall scheme (N86 Tralee to An Daingean) would not facilitate the commencement of construction of this section of the scheme in 2011, the possibility of progressing the N86 Annascaul to Gortbreagoge Road Improvement Scheme through a separate planning consent process was assessed.*

*To this end, RPS Group were commissioned to undertake an Environmental Impact Assessment Screening in respect of the proposed N86 Annascaul to Gortbreagoge Road Improvement Scheme. The report concludes in Section 4 (Conclusions and Recommendations) that ‘**The overall conclusion of this screening exercise for the N86 Annascaul to Gortbreagoge Road Improvement Scheme, is that EIA is not required.**’*

...

*Given the proximity of a number of Natura 2000 sites to the N86 Annascaul to Gortbreagoge Road Improvement Scheme, Appropriate Assessment Screening of this scheme was also undertaken by RPS ... The AA Screening report assessed a total of 9 Natura 2000 sites and found that there would be no significant effects on 7 of the 9 sites as a result of the proposed scheme. The report recommended that a Natura Impact Statement be undertaken in respect of two Natura 2000 sites, Castlemaine Harbour cSAC and Castlemaine Harbour SPA. A Natura Impact Statement was subsequently undertaken*

*by Ecofact (on behalf of RPS Group), which concluded that with the implementation of mitigation measures provided, there will be no significant impacts affecting the conservation objectives of Castlemaine Harbour cSAC and Castlemaine Harbour SPA and the proposed scheme will not adversely affect the integrity of these Natura 2000 sites ...*

*Having regard to the findings of the EIA Screening Report, Kerry County Council propose to progress the planning consent for the N86 Annascaul to Gortbreagoge Road Improvement Scheme under Part XI of the Planning and Development Act 2000, as set down in Part 8 of the Planning Regulations 2001, and Articles 17 to 19 of the Planning and Development Regulations 2006.*

*Should the Board consider that the proposals as outlined above are acceptable, Kerry Council wish to withdraw the request (by way of correspondence dated 13<sup>th</sup> October 2010) for a direction under section 50(1)(c) of the Roads Act 1993, as amended, in respect of the N86 Tralee to An Daingean Road Improvement. It is proposed that an EIA Screening will be undertaken in respect of the remainder of the N86 Tralee to An Daingean (i.e. An Daingean to Annascaul and Gortbreagoge to Camp) in due course and if appropriate, a direction from An Bord Pleanála in accordance with Section 50(1) of the Roads Act 1993, as amended, will be sought.*

*It is our intention that the Part 8 will be advertised on 30<sup>th</sup> March 2011 and a Part 8 Report will be presented for consideration at the Full Meeting of Kerry County Council, scheduled for 20<sup>th</sup> June 2011 ...”*

Following this correspondence, the Board wrote to the local authority on 20<sup>th</sup> April, 2011 stating that it considered the proposals as outlined were acceptable. The local authority subsequently wrote back to the Board (letter received 11<sup>th</sup> May, 2011) withdrawing the application on the determination for the full scheme entitled Tralee to An Daingean Road Improvement Scheme.

Following this, on 29<sup>th</sup> June 2011, the Board received a request for a determination from Kerry County Council (Reference 08.HD0024), seeking the Board to issue a direction in accordance with section 50(1)(c) of the Roads Act 1993, as amended, to confirm that an Environmental Impact Statement was required to be prepared for a proposed N86 An Daingean to Annascaul and Gortbreagoge to Camp Road Improvement Scheme. The Board issued a decision on 16<sup>th</sup> November, 2011 directing the road authority to prepare an environmental impact statement.

On 22<sup>nd</sup> December, 2011, the Board received an application from Kerry County Council for approval for the N86 An Daingean to Annascaul and Gortbreagoge to Camp Road Improvement Scheme. This included an environmental impact statement and a Natura Impact Statement. A Compulsory Purchase Order was also received. These are the current applications before the Board – References 08.HA0035 and 08.KA0023.

In the context of assessing the environmental impact of a proposed development, in my opinion the procedures being pursued here are unacceptable. The scheme proper is for a road improvement stretching from the N86 junction with the R560 north of Camp to An Daingean. This is the scheme that was required to be assessed for overall environmental impact purposes. Just because funding became available from the National Roads Authority for a short stretch in the middle of this overall scheme, it does not mean that one can readily sift out this bit in the middle, have the applicant authority assess it for itself, and determine it not to be subject to independent environmental impact assessment. I must stress that the resulting outcome is that environmental impact assessment process is significantly diminished by this. If procedures allow for this approach to EIA, then in my opinion procedures require to be changed because this is project splitting at its best. There is no merit in rapidly pursuing a short section in the middle of this scheme in its own right based upon a small element of the overall budget for it becoming available and consequentially or intentionally avoiding proper environmental impact assessment for the overall scheme. How can one logically conclude that the EIA Directive is being complied with when failure to provide the full extent of information required to be contained in an EIS results? The submitted EIS is flawed by taking out and separating from the assessment the stretch of road in the middle, which initially and correctly formed part of the overall scheme as originally referred to the Board. The EIS application and approval process is, thus, compromised.

The road improvement scheme between Annascaul and Gortbreagoge seeks to mirror the proposed design of the remainder to be now determined by the Board. It is under construction now, having been extracted from the environmental impact assessment process when some funding arose. The two schemes cannot have been properly assessed, complete impacts described, all inter-related mitigation measures detailed, etc. by excluding one from the other.

I must acknowledge that Kerry County Council wrote to the Board detailing its proposals and they received correspondence from the Board indicating the acceptability of their approach. The local authority pursued their application in the current format in a manner that was found to be acceptable to the Board. It is my opinion that the acceptability of this approach has aided in the production of a flawed application. It clearly has not allowed for compliance with a requirement to provide an independent comprehensive assessment of the proposed development proper.

Moving on from the above and looking to another potentially realistic scenario I pose the following: What if in September 2012 the National Roads Authority was to inform Kerry County Council that it has some more funding available for another stretch of road on the N86 and the Council determine that the stretch between Annascaul and Farrannacarriga could be developed, for example? Based upon procedures to date, the local authority could reasonably inform the Board that it was withdrawing the current application before the Board decides on it, proceed with the Annascaul to Farrannacarriga stretch under a Part XI process, and return to the Board later with a new application for a revised scheme

with the gap in the middle between the two parts of road becoming wider as the road continues to get developed based upon the availability of public funding. After this perhaps another phase in the saga could then result and over time, say after five or six phases, the whole scheme could be developed without an application ever being approved by the Board, despite the fact that the overall scheme was accepted by all from the outset as one that necessarily should be subject to environmental impact assessment. This, in my opinion, can make no sense and renders environmental impact assessment devoid of purpose.

This outcome is at the heart of my serious concern about the approach to this application. In support of my own views I note that European Court of Justice (ECJ) case-law has previously addressed the issue of ‘salami-slicing’ i.e. the practice of splitting projects into sub-projects so that each of these fall below screening thresholds or criteria and therefore avoid the obligation to undergo an EIA. In particular, I note in case C-227/01, *Commission v Spain*, the Court confirmed that a long-distance project cannot be split up into successive shorter sections in order to exclude both the project as a whole and the sections resulting from that division from the requirements of the Directive. It was determined that, if that were possible, the effectiveness of the Directive could be seriously compromised, since the authorities concerned would need only to split up a long-distance project into successive shorter sections in order to exclude it from the requirements of the Directive. The road improvement project clearly is approaching development in a similar format in this instance and, thus, cannot be viewed as meeting with the requirements of the EIA Directive.

Critically also, in my opinion, the development of one part of the scheme to the design proposed (i.e. the Annascaul to Gortbreagoge section) produces the perception of a *fait accompli* for the remainder of the route and seriously undermines the full and comprehensive environmental impact assessment of the scheme proper required to be undertaken by the Board. It seriously calls into question the application process for this road scheme.

As a general observation, it is extraordinary that the Annascaul to Gortbreagoge section can be sub-threshold development and be under construction at this time based upon the availability of public money for this stretch and not based upon the independent environmental impact assessment of it as part of an overall scheme between Knockglass More (the junction of the N86 and R560) and An Daingean. Independent environmental impact assessment of the overall road scheme is necessary to avoid project splitting and to comply with the EIA Directive. How could this approach be determined to be orderly development of a significant piece of linear public infrastructure? Rather it is piecemeal and disjointed roads planning. How can a stretch of 16km on one side and 12km on another side of a piece of road that is being developed outside of the independent assessment process, yet was clearly part of one complete, single designed scheme, be construed as orderly planning of strategic infrastructure? It is illogical in my opinion. For the Annascaul to Gortbreagoge stretch to be beyond an independent determination via the EIS approval mechanism is a serious flaw in decision-making on this road scheme.

Further to the above, it is essential that any determination by the Board on the application now before it should not in any way be clouded by any previous self-made decision by the applicant authority to proceed with the Annascaul to Gortbreagoge section. The Board cannot be constrained by any decisions previously made by the local authority for the Annascaul to Gortbreagoge stretch.

In conclusion, the issue of project splitting arises in this application. Furthermore, the ability to properly undertake a complete, thorough and independent assessment of the overall scheme has been significantly undermined. In the context of EIA, the application procedure is flawed. The question must be asked exactly how does one determine that two wholly integrated, inter-dependent and inter-related parts of a single overall scheme is best determined by the splitting of the overall proposal into two parts for planning application purposes at two different periods of time and through two different planning application procedures, one of which excludes the preparation of an environmental impact statement while the other includes such a requirement. The integrity of the planning process has been thwarted as the assurance of a comprehensive assessment of the overall proposal has failed to result. In my opinion, the proposal appears as a firm attempt to get a foothold in the routing and design of the road scheme in a manner that seeks to establish a marker from which the applicant is seen to be able to proceed from. It creates a perception of a *fait accompli* because it does not allow for the re-visiting of the routing design due to a determination by Kerry County Council that one small component of the scheme (taken out of the independent assessment process) can be progressed. Proper assessment of complete route alternatives for the overall project, route design, and consideration of cumulative, direct, indirect, short, medium, long term, secondary, permanent, temporary, positive and negative impacts have been seriously eroded by the approach taken on this road development. As a consequence, I am of the opinion that the environmental impact assessment procedure has been greatly undermined by the pursuit of two separate planning application processes, and extraordinarily where a part of the scheme taken out of the process of independent environmental impact assessment sits in the middle of the overall scheme.

As a final note on this issue, it is important for the Board to have regard to other approaches in dealing with similar types of road development where similar issues arise. I note the approach to dealing with the proposed Dungloe-Glenties road improvement scheme in County Donegal. In that instance, the local authority, sought a determination to issue a direction in accordance with section 50(1)(c) of the Roads Act 1993, as amended, to confirm an EIS was required to be prepared for a 29.4km stretch of the N56 from Dungloe to Glenties. The local authority sought to exclude a 3.3km section of the route in the middle of this route from the overall scheme as funding had been made available for it. The Board's correspondence to the local authority in response recommended that no works be undertaken in relation to the entire Dungloe to Glenties road project in advance of its direction issuing. It is my opinion that such an approach avoided the issue of project splitting and is an important precedent to have due regard to in this instance.



## **4.2      The Condition of the Existing N86 and the Need for the Development**

As an introduction to the assessment of the application before the Board, it is appropriate that I set out details of the condition of the existing N86 and identify its inadequacies.

The EIS and the applicant's submission to the Oral Hearing refer to the need for the proposed road improvement scheme. The existing road is viewed as substandard in terms of horizontal and vertical alignment, cross section and pavement conditions. The numerous junctions and private entrances along the road are viewed to have substandard layouts and restricted visibility. Stopping Sight Distance and Full Overtaking Sight Distance are also substandard. The road is seen as unsuitable for use by pedestrians and cyclists due to the limited cross section and restricted forward visibility.

Looking at these issues in a little more detail, I note the following from the observations made by Kerry County Council's National Road Design Office (NRDO):

### **Junctions and Accesses**

There are 32 existing junctions along the road. They are generally substandard and many have substandard visibility splays.

There are approximately 119 private entrances along the road, with the design of these again being generally substandard.

### **Cross Section**

Applying the standard for the proposed scheme, the overall paved width for the road is required to be 7.0m, i.e. a minimum acceptable for a national road as defined in NRA TD 9. The applicant's analysis of the rural sections of the existing road shows the existing carriageway is substandard for approximately 59% of its length and the paved width is substandard for approximately 72% of its length.

### **Full Overtaking Sight Distance and Stopping Sight Distance**

The Full Overtaking Sight Distance (FOSD) and Stopping Sight Distance (SSD) are limited over much of the route.

The FOSD is 16%, made up of:

- Dingle to Lispole                      44%
- Lispole to Annascaul                      2.5%
- Gortbregoge to Camp                      5.1%
- Camp to R560 Junction                      0%

The FOSD is, thus, both limited in availability along the route and is poorly distributed.

The SSD, which should be available over 100% of the road, is only available on approximately 49% of its length, made up as follows:

- Dingle to Lispole 73%
- Lispole to Annascaul 30%
- Gortbregoge to Camp 45%
- Camp to R560 Junction 37%

#### **Pavement Condition**

From a range of pavement condition indicators, approximately 66% of the route was found have at least one non-compliance.

#### **Existing Alignment**

Geometric design standards are not met over much of the route, with horizontal alignment particularly poor at Banoge, Gortacurraun, Glanmore and Mountoven.

#### **Accident Data**

Between 2002 and 2009 there were 32 reported accidents for the section of the road affected by the proposed scheme, of which two were fatal. The Hearing was informed that there was a further fatality in 2011 at Glanmore. Two of the three fatalities occurred where off-line construction is now proposed. The Hearing was also informed that the NRA undertook an analysis of accident data for the period 2007 to 2009. For the subject section of the N86, it was stated that the analysis showed that there are a number of sections where the collision rate is above the national average, and in some cases more than twice the average. The fatality rate for this section of road was found to be almost 50% higher than the national average.

The above statistics and findings demonstrate that the road is substandard. However, it could be reasonable to argue that there are many national routes failing to meet standards (poor alignment, excessive substandard accesses, poor available sight distances, etc.) and that, indeed, there are many in poorer condition. It may also be reasonable to determine that extracting sections of national roads from other parts of the country and applying different timeframes for analyses could produce different accident rate data that could result in one concluding that other roads merit a more immediate response in the form of improvements than the subject scheme and, indeed, greater prioritisation of their delivery. This issue will be addressed later when considering the NRA's priorities for National Secondary Roads. Notwithstanding this however, it is reasonable to conclude that the section of the N86 before the Board for consideration is substandard in engineering terms and that upgrading of the road will improve journey times, access arrangements, sight

distances, etc. From this perspective, the principle of its promotion as a section of road meriting improvement is warranted. It is, however, the prioritisation of this scheme over others, the extent to which improvements are needed, the timeframe for delivery, an understanding of the functioning of the existing road, the implications of the effects of the proposed changes on that road, etc. that require to be considered before one can reasonably determine that meriting upgrade merits the scale of development proposed.

#### **4.3     The Design Standard for the Proposed Road**

The proposed road improvement scheme is stated in Section 1.2.1 of the EIS to be one of four Tourist Route Pilot Schemes in Ireland, incorporating cycle lanes to encourage use by cyclists. The objective of the development is clearly described as being: "... to achieve 'high impact' road improvements leading to reduced travel times, increased levels of service, reliability, and improved safety for all road users." It is clear from these details that the road is acknowledged as a key tourist vehicular route and it is evident what the intent is by the proposed improvements.

How these improvements are to be achieved are clearly defined, comprising primarily on-line widening of the existing N86, with a few short off-line sections at Ballinasare, Gortacurraun and Glanmore where there are significant alignment constraints with the existing road. To what standard the road is proposed to be developed is clearly detailed. It is intended to upgrade the road to a Type 3 Single Carriageway, designed in accordance with NRA Interim Advice Note 01/09 "*Design of Low Flow Single Carriageway Roads*".

I note the following from the Advice Note:

The standard applies to major improvement works being carried out on rural National Roads with a design year traffic flow of less than 5,000 AADT. It is considered by the NRA that the full application of the current NRA DMRB Standards on such low traffic flow roads would result in extensive realignment schemes that could not be justified on environmental or economic grounds. Thus, the Interim Advice Note introduces a new Type 3 Single Carriageway (T3SC) into the menu of road types. The T3SC is defined as follows:

"A 6.0m wide Single Carriageway, with Hard Strips, for use on National Roads with Design Year Traffic Flows below 5,000 AADT."

For T3SC roads, the desirable Design Speed is 85km/h. A lower design speed may be adopted as a relaxation in environmentally sensitive locations or in difficult terrain.

In relation to sight distance, the proportion of route which is considered to provide overtaking opportunities may include all sections where the visibility available to overtaking vehicles exceeds 250m. Overtaking is not permitted on sections of road with junctions.

Overtaking opportunities are required to be provided on average at 1.5km intervals to allow vehicles to pass slow moving vehicles. Where achievement of this reduced overtaking interval is heavily constrained, consideration may be given to the alternative provision of discrete passing bays.

With regard to vertical alignment, the desirable maximum gradient for design is 6% for T3SC roads. Slightly steeper gradients are permitted as Relaxations. It is noted in the interim advice note that there is a progressive decrease in safety with increasingly steeper gradients. Departures from standards are required for any proposals to adopt gradients steeper than 7% for T3SC roads.

The Cross-Section for a T3SC provides a 3m lane, a 0.5m hard strip, and a 2.0m-3.0m verge in each direction. The verge width is dependent on terrain, safety barriers, accesses and Non-Motorised User (NMU) requirements. If cycleways are provided they are to be for the combined use of pedestrians and cyclists. The normal verge width recommended is 2.0m, 2.5m at safety barriers, and 3.0m at accesses. It varies where there is NMU demand.

Thus, from the above it can be seen that the overall width of the finished T3SC would be up to 13m. It is noted that this is without provisions having been made on both sides of the road at the construction stage to provide for drainage and workspace. It is further noted that, where overtaking opportunities are limited, discrete passing bays can be designed into a scheme. Furthermore, relaxations can apply in terms of design speed in environmentally sensitive locations or where there is difficult terrain. These issues of principle are relevant to some of the issues discussed later in this assessment.

#### **4.4 The Inclusion of a Pedestrian / Cycle Facility with the Scheme**

As the Board will note, the proposed scheme incorporates a combined off-road pedestrian/cycle facility. The applicant submitted at the Oral Hearing that this element of the scheme is in line with various Government policies which have been placing increasing emphasis on cycling and walking as an alternative to travel by car. The applicant's proposal consists of a one-way facility on each side of the road for most of the scheme. A two-way facility on one side of the road is proposed at two locations where a reduced cross-section is required. The applicant also submitted to the Hearing that the off-road pedestrian/cycle facility is in accordance with Figure 5.4 of the NRA Interim Advice Note 03/12 "*Provisions for Cyclists and Pedestrians on Type 2 and Type 3 single carriageway National Roads in rural areas*", which I note was published in February, 2012. The applicant submitted that the one-way pedestrian/cycle facility typically consists of a 1.0m verge, a 2.0m cycleway, and a 1.5m unpaved verge adjacent to the road pavement on each side. The two-way facility typically consists of a 1.0m verge, a 2.5m cycleway, and a 1.5m unpaved verge on one side of the road and a 2.5m unpaved verged on the opposite side.

The typical road width (with the exclusion of side slopes, interceptor drains and workspace) with a one-way cycleway on each side is 16m. The width with a two-way cycleway on one side is 14.5m. I note for the Board that Figure 1.2 of the EIS showed the road type and cross section for the proposed scheme. There was a correction produced at the Oral Hearing. This related to the T3SC with two-way off-road cycleway, whereby the unpaved verge width on the right hand side should be 2.5m and not 3.0m as shown. The overall width is, therefore, 14.5m and not 15m as shown in the EIS.

The Board will note from that EIS that a one-way pedestrian/cycle facility on either side of the road is proposed to apply over a distance of 20.8km, while a two-way facility on one side of the road is proposed to apply over a distance of 5.2km, namely at Camp and west of Lispole. Cyclists are proposed to join the main road carriageway through each of the villages.

For clarity, the typical cross-section is as follows:

***T3SC with one-way off-road cycleway on each side*** - comprises a 3.0m lane, a 0.5m hard strip, a 1.5m unpaved verge, a 2.0m one-way cycleway/footpath, and a 1.0m unpaved verge on each side, i.e. overall width of 16.0m.

***T3SC with two-way off-road cycleway on one side only*** - comprises a 3.0m lane, a 0.5m hard strip, a 1.5m unpaved verge, a 2.5m two-way cycleway/footpath, and a 1.0m unpaved verge on one side, and a 3.0m lane, 0.5m hard strip, and a 2.5m unpaved verge on the other, i.e. overall width of 14.5m.

At the Oral Hearing, the applicant clarified the actual width applicable to the totality of works, having regard to inclusion of traffic islands, side slopes, interceptor drains and works space. Where traffic islands are proposed to accommodate cyclists crossing the road, with a one-way off-road cycleway on each side the width would increase to 18.5m, up from 16.0m. A typical cross-section, without provision for traffic islands (which are few in number), would provide the stated 16.0m width and a 6.0m wide area on both sides of the road to facilitate drainage, workspace, etc. Therefore, a typical corridor provision for the works would accommodate an overall width of 28.0m.

It is evident from compliance with the T3SC standard, the standards for the provision of a cycleway, and accommodation for drainage, workspace, etc. that a corridor width of some 28.0m would be typical for the scheme in general over most of the route. The implications of imposing such a proposal into a rural area along an established road with established roadside boundaries, where there may be encroachment into semi-natural habitats adjoining the road, is clear. It will likely have a profound effect on the established character of the road, an existing road that has a consistently contained carriageway width, often without any established hard shoulders, and very limited road verge, and bounded frequently by an array of roadside boundary types that include tree lines, indigenous hedgerow, natural stone walls, clay/stone banks, fencing, etc. The

ability to retain such features while applying the design standards being pursued in this instance is obviously not an option. The aforementioned standards are those proposed to be applied, the 28.0m wide corridor is the general width applicable to allow for the development to the proposed design standard, and those features within the take are for removal. If one accepts the application of the design standards, then one accepts the effects, which will be significant for this tourist road. If one does not, then the design of the scheme requires review. The effects of the scheme as proposed on such matters as amenity and landscape will be considered later in this assessment, suffice to indicate that the proposal brings with it significant change to the form and character of the road as it functions as a tourist road today. The options of a reviewed scheme will also be considered. Whether a reviewed scheme for the road carriageway must ultimately pursue (a) carriageway standards, verge widths, hard strips, etc. in accordance with NRA design, (b) the T3SC standard without a cycleway to achieve objectives for motorised vehicles, while seeking to accommodate a cycleway by an alternative approach, or (c) focusing on more localised and targeted works to lessen the constraints for this tourist road, are key determinations to be made by the Board.

#### **4.5     The Proposed Scheme and NRA Guidance for Cycleways**

The NRA recently produced Interim Advice Note (IAN) 03/12 “*Provision for Cyclists and Pedestrians on Type 2 and Type 3 single carriageway National Roads in rural areas*”. It was submitted by the applicant at the Oral Hearing that the proposed development complies with the requirements of this Advice Note. Notwithstanding the IAN being published shortly after the submission of the application to the Board, it is entirely reasonable to expect that the proposal should be in accordance with the provisions therein as the NRDO would be expected to have been kept informed on such developing standards.

The significance of the proposed cycleway as part of the overall scheme cannot be underestimated. Its development produces a substantially increased width to the overall road improvement scheme. It is reasonable to determine that the principle of the improvement of the road carriageway itself is not disputed. Rather it is how it is improved, notably the extent of realignment, and, in particular, the scale of the development with emphasis on the width of the proposed route and its effects on the established form and character of the road by the removal of established boundaries and the creation of a highway through a rural area of distinct tourism value. Therefore, it is important to review IAN 03/12 to determine how the proposed off-road cycleway corresponds to the advice. In reviewing this document, I consider that it is appropriate to focus on relevant definitions as set out in the ‘Introduction’, the principles as espoused in the ‘Overview’, and the particular planning considerations of relevance to such a scheme as set out under the heading of ‘Planning’ within the document. At this stage of the process of devising a cycleway scheme, these are the most pertinent matters for consideration. I must, prior to considering these issues, inform the Board that in terms of the design detail with regard to

cross-sections, drainage, construction, etc. the applicant's proposal falls clearly within the provisions of the guidance issued.

The following are my considerations:

### Introduction

The purpose of the interim advice note is to outline design principles and factors that should be considered by design organisations when providing cyclist and pedestrian facilities on new Type 2 and Type 3 single carriageway National Roads in rural areas. The IAN gives details on the road cross-section, geometric design, junction design, construction, drainage and road markings for cyclist and pedestrian facilities.

For the benefit of the Board I note a number of relevant definitions that are important to the understanding of the proposed scheme as follows:

**Cross-Section** – The road cross-section incorporates all elements between the boundaries including carriageways, the central reserve, separation zones, hard shoulders, hard strips, verges including any footway, cycle track, or bridleway, cutting or embankment slopes, berms and work space. All dimensions are measured square to the line of the road.

Figure 5.4 of the document gives the detail of the typical cross-section arrangements for off-road cycleways. It is apparent from the applicant's submission that the proposed cross-section is wholly compliant with these arrangements.

**Cycle Lane** – This is a separate part of the carriageway for use by cyclists. The cycle lane forms part of the roadway and it is located within the contiguous road surface. It is not a cycleway and therefore generally not for the exclusive use of cyclists. These facilities do not cater for pedestrians.

There is no proposal for cycle lanes associated with the scheme now before the Board.

**Cycleway** – A facility dedicated for the sole use of cyclists, and, if permitted, pedestrians located within the road corridor.

This is the type of cycle facility being sought under this application.

**Cycle Trail** – A facility dedicated for the sole use of cyclists, and, if permitted, pedestrians located outside of the road corridor.

There is no cycle trail associated with the proposed development.

### Overview

## **General**

The aim of IAN 03/12 is to give guidance so as to achieve a consistent quality of layout and coordinated design appropriate to the anticipated usage and demand in a range of circumstances.

While it is evident that there is a desire to achieve consistency, there is no understanding at any stage as to how the proposed scheme is a response to any anticipated usage and demand for it. This is perhaps the most unclear facet of the overall scheme. Road improvements are merited because of the poor condition of the existing road as outlined earlier. Cycling is to be encouraged and, undoubtedly, is a laudable concept. The key question is: Is the proposed off-road cycleway design the correct response in the absence of any true understanding of anticipated usage and demand? I put it to the Board that there has been no demonstration of why this facility is needed, in this form, in this area based upon any understanding of demand and likely usage.

## **National Cycle Policy**

IAN 03/12 makes reference to the National Cycle Policy Framework. Policy will be discussed following this section of my assessment. What I wish noted from the Advice Note is that it is acknowledged that a National Cycle Route Network is a measure being pursued to encourage cycling as a transport mode, leisure and tourist activity. What is also important to note from IAN 03/12 is that new and improved Type 3 National Roads are viewed as complementing the National Cycle Network by providing additional links to connect to the adjoining hinterland. The role of the cycleway in this scheme must, therefore, be understood as being complementary to the Network. The cycleway and its role should not be confused with the coherent strategy for developing a network that will mainly use a mix of minor roads and some greenways, i.e. the proposed National Cycle Network as promoted by Fáilte Ireland.

## **Planning**

IAN 03/12 notes that there is a statutory requirement for all-purpose roads to cater for cyclists and pedestrians as well as for motorised vehicles. This can be done in a range of ways as outlined in the document and includes shared use of the carriageway, dedicated cycleways and using older sections of road that have been bypassed.

It is stated that a successful cycling and walking facility is dependent on the following factors:

- Segregation from high-speed motorised traffic
- Route continuity, particularly at road crossings
- Riding surface comfort, including maintenance
- Convenience



- Route attractiveness
- Safety

When considering the N86 proposal some particular questions and observations arise when reviewing these factors as follows:

- Is the segregation from high speed motorised traffic on the improved N86 enough? How safe will one feel travelling in the vicinity of Mountoven for example where there are steep gradients and a two metre wide segregation proposed between speeding cars/trucks and cyclists? What type of delineation between bicycle and motorised vehicle is appropriate and can alternatives be accommodated to improve segregation?
- Route continuity is one of the most difficult problems arising for the proposed cycleway. The N86 produces a series of significant hills to be endured by a cyclist. These significant challenges for cyclists, together with the potential lack of security, undermine any potential success of the cycleway as a tourism and recreational asset. There is no chance of such a route in its current form being attractive to families for cycling on the basis of this alone.
- The issue of riding surface comfort can readily be addressed within the new road corridor and should not be of concern. Maintenance would obviously be a matter that requires a regular programme of application.
- On the matter of convenience there are a number of issues that require consideration. It is noted that the proposed cycleway runs between Dingle and Camp. There is no linkage with any other cycleway, trail, etc. How one gets from Camp to Tralee is relevant as the road deteriorates again between these two settlements and that stretch of road takes in the additional traffic associated with the Connor Pass, notably during the busy tourist season. At the Oral Hearing it was submitted by the applicant that Dingle is proposed as a cycling hub and that cyclists would commence their cycling experience from this hub. It is my submission to the Board that cyclists will likely head west from Dingle to experience the minor coastal routes and will not head back along the main road in the direction of Tralee, i.e. the route which they would have taken to the town. This is a most serious issue as it relates back to the issue of usage and demand and questions the viability and suitability of this cycle facility option. While it can be argued that one must start somewhere with the development of a cycleway in the Dingle peninsula, the rationale for this scheme alongside a main road, with no true linkage between two main urban centres, cannot reasonably be posited as an appropriate and desirable starting point.
- Route attractiveness is dependent upon the other factors referred to above to some degree. There is no doubt but that this stretch of the N86 is a very attractive road to drive or whilst travelling in a motorised vehicle as a passenger. Whether it would be a very attractive road to cycle after the development of this road improvement scheme must be queried however. The difficult terrain to be encountered, the particularly steep gradients at times, the perception of being part of a highway, and this perception encroaching on any potential to develop this

- main road as a walking route renders the scheme as a walking/cycling route a potential misuse of space at significant public expense. It is my submission that, in its current format, it will prove most unattractive.
- On the matter of safety, the totality of the effects of the other factors is paramount. Perception is all-important as it influences the feeling of safety. Genuine concerns have been raised by objectors to the scheme on the view of the proposed scheme as a highway with increased traffic speeds and the provision of a grassed verge separating the cyclists from trucks and cars being wholly inadequate to protect the cyclist. Unquestionably, a wider road corridor will encourage increased traffic speeds. The suitability and viability of a cycleway along such a road must be in doubt. The NRDO has realised the perceived safety concerns for cyclists and at the Oral Hearing has sought to address the matter by proposing separating hedgerow in parts along the scheme where it can be accommodated. The intent is good but it produces a piecemeal response to an inadequate design if this route is genuinely to be a comprehensive and successful part of the cycling network in Kerry.

IAN 03/12 states that, at the earliest stage of a project, consideration must be given to the needs and requirements of cyclists and pedestrians and that this consideration should follow a design planning process which includes the following stages:

- Objectives definition
- Constraints and opportunities assessment
- Demand assessment
- Cycling and walking network plan

My opinion on these stages by what is known or not known from the detail before the Board is as follows:

#### Objectives Definition

On the definition of Objectives, I am of the view that little is known of the objectives for the cycleway. The objective of the road scheme are to achieve 'high impact' road improvements leading to reduced travel times, increased levels of service, reliability, and improved safety for all road users. Noting that the existing road is not a pedestrian or cycling route, it is fair to deduce that the scheme aims to improve conditions for the motorised traveller as a priority. How this scheme was chosen for a cycleway, why the route between Camp and Dingle was selected, who it truly is going to attract, how it is proposed to form a complementary cycleway to the National Cycle Network, etc. are all outstanding questions. What the needs and requirements of cyclists and pedestrians are for this route remain unknown.

#### Opportunities Assessment

On Opportunities, the IAN states that opportunities to increase demand should be identified and should include:

- Existing cycle and pedestrian facilities which could be linked to provide contiguous routes
- Tourist destinations within the local area which can be readily accessed
- Public transport interchanges to provide access to and from the cycle facilities
- Areas of natural beauty through which the cycle facility can be routed to enhance the user experience
- Disused railway lines and towpaths which can keep costs down and give the cycleway a more natural feel
- Future planning proposals and local development plans.

Reviewing these opportunities, it can be considered that the proposed scheme is at best an isolated cycleway. There is no understanding of linkage to other pedestrian facilities in this area or to the range of tourist destinations off this stretch of the N86. We do not have an understanding of how cyclists are supposed to link with main urban centres or interface with public transport interchanges. There is no attempt to encourage diversion of the route to enhance the user experience. It is my submission that the cycleway appears as an element of infrastructure tacked onto a scheme that seeks to deal with route difficulties experienced by the motorised traveller. It is not well thought out and its functionality is in question. Little consideration was ever given over to providing a cycleway that sought to utilise the disused Tralee-Dingle railway line or to the use of the Dingle Way or local road network as alternatives in whole or in part of the scheme.

I must acknowledge that this is a road improvement scheme and that it is the N86 National Secondary Road which is being looked at. It is reasonable to take the view that the cycleway was always going to focus on its association with the road improvements. A critical consideration must be, however, why put in such a facility when no clear case for its existence is merited. Also, why provide such a wide road corridor as a result, and, most importantly, why not seek to provide a facility that ultimately is the best option for the cyclist and pedestrian (i.e. do the right thing) in the first instance and, if needs be, separate from the carriageway improvement works. I understand the dilemma for the NRDO as Government policy promotes cycling and the NRA has devised advice on provisions for cyclists for the type of road being pursued here. These effectively inform the overall design of the scheme. Notwithstanding this, I return to the opinion that if one is going to provide a critical component of the tourism and amenity infrastructure for the Dingle peninsula then one should do it right at the outset and not produce a facility that lacks an understanding of demand and likely usage. The scheme will likely fail at a significant social, economic and community cost and I would suggest importantly that its pursuit will undermine any potential in the future for developing cycleways and cycle trails within the peninsula more suited as tourism and recreation infrastructure.

Finally on the issue of future planning, an understanding of where the cycleway hopes to fit in within the grander scheme of cycling facilities for the wider area is lacking. This is not planned development. The road improvement to improve driving conditions has been long identified. But the lack of understanding of where this cycleway scheme fits in to the wider cycle network that is planned for remains, which influences my opinion that this part of the scheme is somewhat of an ‘add-on’ without a full assessment of its environmental and socio-economic consequences.

#### Constraints Assessment

On Constraints Assessment, the IAN states that constraints which may limit demand should be identified. These include:

- Steep hills which may cause excessive exertion should be avoided.
- Vehicle entrance crossings.
- Junction crossings.

The question could be asked: What is the logic of pursuing the Camp to Annascaul stretch for example without addressing the serious challenge for cyclists? It reinforces the objectors’ opinion about why there is no consideration of producing a routing and design in a manner that follows the Greenway approach in terms of off-road, hedgerow or wall separation and a planned manageable gradient. The constraints of the scheme in terms of this are very significant. The EIS acknowledges the vast number of entrances along the route and the number of junctions. Evidently the off-road options such as use or part use of the disused Tralee-Dingle railway line or the Dingle Way would reduce such constraints and, in principle, are more desirable options.

#### Demand Assessment

IAN 03/12 states that undertaking a demand assessment will give Design Organisations a better understanding of the local conditions and environment which will enable them to design facilities that will better satisfy the objectives and ultimately encourage new users to take up cycling and walking. Furthermore, it states that the demand assessment should be used to develop a map which shows existing and potential demand patterns and that this mapping should include locations of trip generators and attractors such as residential areas, leisure facilities, recreational areas and tourist spots. Why this level of information has not been provided in the application to the Board is unknown and reinforces the opinion that the scheme has been devised in isolation of advanced planning.

#### Cycling and Walking Network Plan

This is an element of the design planning process that again appears to be lacking in the proposed scheme before the Board. IAN 03/12 states that it is to be developed from the information compiled from the objectives, opportunities and constraints, and demand

assessment exercises. With the apparent lack of such assessment preceding this stage, such a plan cannot come to fruition. The Advice Note goes on to state that the network plan may result in the requirement for facilities which are not adjacent to the main traffic route and are in fact completely distinct from the road. Also it states that to have the most benefit for cyclists and pedestrians, a scheme should seek to complete a section of route in full between significant terminal destinations, which will enable incremental delivery of an overall route network over time. On this matter it could be queried why the proposed scheme appears to be so far removed from such thinking. There is no network plan and one cannot have one because there is not the detailed information available. Critically important is that for this route there is no linkage of two significant terminal destinations. This undermines the true purpose of a functioning cycleway. The road scheme seeks to address some of the poorest parts of the road that demand improvement to improve journey times and comfort, improve safety, etc. and are justifiable reasons for improvements for motorised traffic. However, for non-motorised traffic, there must be a demand for a different type of thinking and just because one is seeking to improve a road for motorised vehicles does not mean adding on cycleways along its flank will work. There are so many constraints associated with the route and so many opportunities to get a cycleway right (old railway lines, established walking routes, compatible local roads, etc.) that it demands a re-think, in my opinion, on where planning for such facilities should be put in place.

My overall conclusion on considering the proposed scheme in light of the Interim Advice Note is that it falls far short of what is espoused in the guidance. Because of this the development of a cycleway as proposed should not be hastily pursued along part of the N86. The cycleway facility is clearly isolated. Its justification is seriously lacking. It provides no linkage with main settlements. It follows a particularly arduous route for cyclists. It provides for a very low level of perceived safety and is distinctively unattractive as a walking or cycling route. It has little or no linkage with other walking or cycling facilities and has no known association with any planned recreation and tourism networks yet to be developed. With such an outcome, I cannot stress enough to the Board that such essential cycling and walking infrastructure for the Dingle peninsula will be afforded the opportunity to be put in place once along this stretch of the peninsula and I would recommend that it should be done properly as an attraction to cyclists and walkers. The proposed facility is so far off being such a successful part of this much needed infrastructure and should not be pursued as part of this road improvement scheme. My firm opinion is the desired approach at this time must be to upgrade the road for the motorised vehicle in order to meet the needs of the local communities affected, to improve the quality of the driving experience between Dingle and Tralee for resident and visitor alike. However, I would recommend the cycleway facility is not pursued in the manner proposed as it is the incorrect option for such a facility in this location and because it significantly adds to the adverse environmental impact that results from the road development due to the substantial impact resulting from the necessary route corridor width demanded by the design standard.

## **4.6 Compliance with Transportation Policy**

### *A. National Policy*

#### **National Spatial Strategy**

The NSS notes that physical networks of infrastructure such as roads are of particular relevance since they have a spatial impact and also influence the location, timing and extent of development. Building upon progress made on infrastructure is promoted. Improvements in regional accessibility through roads and public transport links in the South West Region are also promoted. Access is acknowledged as a critical factor in tourism development and it is noted that specific spatial responses are needed to maximize the potential contribution of the tourism sector to balanced regional development, while protecting the assets which make these areas attractive for visitors. In established tourism areas, an effective spatial response is viewed as addressing infrastructural bottlenecks and promoting off-season activity to spread demand.

With due regard to these provisions in the NSS, the principle of a development incorporating road improvements, while protecting the assets that make this location attractive, can be seen to be compatible with the Strategy.

#### **Implementing the National Spatial Strategy: 2010 Update and Outlook**

This document provides a statement of new priorities and objectives arising from a review of the NSS. It acknowledges the core objectives identified in the NSS, which include:

- Accelerating the development potential of rural areas by facilitating the diversification of the rural economy and playing to the competitive and comparative advantages of the rural economy in economic, social and environmental terms.
- Promoting the emergence over time of more sustainable travel choices on the back of more compact and sustainable development patterns.

- Protecting the integrity and quality of key environmental assets in relation to Ireland's natural and built heritage and the quality of our water, air, marine environment and landscape.

Future investment priorities highlighted include completing a sustainable transport network, building on sustained investment in recent years.

The principle of a proposed development, whereby it culminates in the upgrading of substandard transport infrastructure while seeking to protect environmentally sensitive areas, would be seen to be compliant with the provisions of this document.

#### **National Development Plan 2007-2013**

The principal objectives of the Roads Sub-Programme of the Plan refer to targeted improvements of a number of key national secondary routes. The associated Road and Rail Network map identifying the range of links forming part of the Plan show the N86 Tralee to Dingle Road as being a targeted National Secondary Road.

The improvement of the N86 in principle is seen as being in keeping with the NDP.

#### **Infrastructure and Capital Investment 2012-16 Medium Term Exchequer Framework**

This report constitutes a review of infrastructure and capital investment policy led by the Department of Public Expenditure and Reform. The review assesses the existing capacity of the country's infrastructure and identifies remaining gaps needing to be addressed. Amongst the main priorities for economic infrastructure over the medium term will be ensuring adequate maintenance of the national road network to protect previous investments and targeting the improvement of specific road segments where there is a clear economic justification. It is stated that the NRA will progress a limited number of improvement schemes together with some relatively low-cost targeted improvements on the national secondary network, where road safety is an issue, and in tourist areas. It is submitted that these projects offer significant economic benefits. Funding is also provided for in the Investment Framework for the development of Smarter Travel initiatives including cycle lanes and cycle ways. Under the heading 'Tourism Investment', it is stated that priority will be given to relatively low cost projects to enhance or renew existing attractions and provide new ones and that, in particular, there will be a greater focus on activities such as recreational walking and cycling.

The principle of a National Secondary Road improvement scheme in a tourist area can generally be seen to meet with the types of development being pursued under this Investment Programme.

## **Smarter Travel: A Sustainable Transport Future 2009**

This report reviews transport trends and sets out the position on sustainability in transport and actions required to reduce travel demand and a reliance on the car. The report identifies key actions to achieve sustainable transport and groups the actions into four overarching ones, one group of which is actions aimed at ensuring that alternatives to the car are more widely available, mainly through a radically improved public transport service and through investment in cycling and walking. Five key goals which form the basis of the overall policy include the aim to:

- Improve economic competitiveness through maximizing the efficiency of the transport system and alleviating congestion and infrastructural bottlenecks;
- Minimise negative impacts of transport on the local and global environment through reducing localised air pollutants and greenhouse gas emissions; and
- Reduce overall travel demand and commuting distances travelled by the private car.

By 2020 commuting by car seeks to be substantially reduced, with car drivers being accommodated on other modes such as walking, cycling, public transport and car sharing. Promotion of sustainable travel patterns, integration of cycling infrastructure, and delivery of high quality transport infrastructure are seen as vital requirements. In the context of delivering alternative ways of travelling, a key issue to be addressed is seen to be the allocation of road space, giving priority to more sustainable forms of transport. Cycling and walking are noted as having the lowest environmental impact of all travel modes and specific actions are detailed, with emphasis placed on delivering a coherent network, on safety, on serving the main travel areas, and junction priority. The creation of a strong cycling culture to achieve particular aims and to enhance the tourism industry is acknowledged. By 2020, 10% of all trips are proposed to be by bike. The report also states that a National Cycle Policy Framework will be published and implemented to give effect to this vision. Creating a culture of walking is also committed to.

It is noted that this document focuses greatly on a move away from car dependency, particularly for the commuter. Much emphasis on promotion of improved road space for the cyclist and pedestrian relates to development of necessary infrastructure in urban areas. However, the principle of accommodating the cyclist and walker as part of a proposed road improvement scheme would not conflict with the vision espoused in this Government transport policy document.

## ***National Secondary Roads Needs Study: Network Options Report for the South West Region 2011***

The NRA, following on from investment on national primary routes, now proposes to focus its attention on addressing deficiencies in the National Secondary Road (NSR) network. To this end, the National Secondary Road Needs Study (NSRNS) was



commissioned to identify an optimal future NSR network, develop and prepare an NSR Network Programme and provide an outline delivery programme which offers value for money. It is proposed that the minimum acceptable standard for the NSR network would be defined by the Type 3 Single Carriageway to IAN 01/09. Some of the findings of relevance to the proposed scheme from the baseline assessment, referred to as 'Key Statistics' in this Needs Study, include the following:

- Some 52% of the N86 has a carriageway width of less than 3m.
- The frequency of junctions per kilometre for the N86 is 0.83.

The detailed baseline assessment of each route within the South West Region addresses the National Secondary Roads N69, N70, N71, N72, N73 and N86. The N86 is seen to play an important role in providing access to peripheral locations on the Dingle peninsula. The route is viewed as being of mixed quality. The poorer sections of route, particularly between Camp and Lispole, are found to have intermittent overtaking opportunities and are at times constrained by the horizontal and/or the vertical alignment. Limited forward visibilities over poorer parts of the route are also noted. The planned upgrade between Camp and An Daingean is acknowledged. The carriageway lane widths are assessed to be less than 3m wide for 67% of this route and less than 3.5m wide for 88% of the route. It is stated that the pavement condition indicators suggest that the existing pavement condition is moderately poor at present with the worst section between Annascaul and Dingle.

With regard to appraisal, transport intervention is stated to be appraised against five criteria – environment, safety, economy, accessibility and social inclusion, and integration. The need for a transport intervention was assessed for each of the NSR routes. In relation to the options appraisal, a Project Appraisal Balance Sheet (PABS) Appraisal Summary Table for each of the route options for the South West Region is presented. The NSRs are broken down into sections, each individually considered as Scheme Options. The N86 is considered over a number of sections which included Blennerville to Camp, Camp to Annascaul, Annascaul to Lispole, and Lispole to Dingle.

With regard to the determination of a Network Programme, a Multiple Criteria Analysis was undertaken. The rural scheme options recommended in the Study for the Priority 1 basket of schemes in the National Secondary Road Network investment programme are those where the Multiple Criteria Analysis (MCA) score is greater than 5.2 as these schemes represent value for money to the public sector. The recommended Priority 1 Schemes in the South West Region did not include any section of the N86. I note from the Study that Priority 2 Schemes are those with an MCA score less than or equal to 5.2 and it is stated that these do not represent value for money under the analysis undertaken, which assumes an opening year of 2015. It is stated that these Priority 2 schemes are not recommended for immediate entry to the programme of improvements being taken forward by the NRA. It is further stated that, over time, the economic case for taking forward these schemes will improve, due to a combination of deteriorating condition of the present road, rising traffic levels, and rising values of time with economic growth and

that they should therefore be seen as longer-term improvements. In the shorter term it is recommended for these Priority 2 Schemes that the NRA consider:

- More localised remedial measures to address existing major deficiencies (such as sections with a history of road accidents)
- Localised improvements to address deficiencies in width or alignment, as a possible condition of NRA approval for appropriate development, as part of a strategy for responding to development proposals along NSRs that distinguishes urban and rural locations
- Safeguarding from development any proposed alignments where land-take would be required

It is important for the Board to note that Table 8.5 of the Needs Study identifies the Priority 2 Schemes in the South West Region and this includes all of the N86 sections, namely Blennerville to Camp, Camp to Annascaul, Annascaul to Lispole, and Lispole to Dingle.

Further to the above, I note that the overall size of the recommended National Secondary Road Priority 1 investment programme comprises 65 rural schemes nationally and that 23 of these schemes are identified for the South West Region. These focus on sections of the N69, N70, N71, N72 and N73.

In relation to the appraisal of cycling and walking and in response to government “Smarter Travel” policy, the NRA asked the NSRNS to consider the merits of rural NSR improvement scheme options that would include a footpath and cycleway. This was carried out as an add-on to the initial identification and appraisal of NSR improvement schemes. It is noted that the appraisal of footpath and cycleway schemes was restricted to the preferred options for non-bypass single-carriageway schemes to Type 2 or Type 3 standard. Table 9.3 of the Study shows the schemes for which it seems likely that walking and cycling facilities would be economically justified. Arising from the assessment, it was determined that 16 additional schemes nationally now had an MCA score greater than 5.2 such that the small additional benefit from cycling and walking provision improves the overall case enough to bring them into the higher priority category, i.e. the Priority 1 Programme. These are shown in Table 9.4 of the Needs Study. The totality of relevant schemes in the South West Region with an MCA score greater than 5.2, including those with walking and cycling facilities, are set out in Table 9.5 of the Study. This included one section of the N86, namely the Blennerville to Camp section. The schemes of Camp to Annascaul, Annascaul to Lispole, and Lispole to Dingle were not listed and remain outside of the Priority 1 Programme.

My considerations on this report are as follows:

- This is a particularly relevant and recently produced Study that should be seen to be important in determining priority and delivery of National Secondary Roads schemes into the future.
- From the 'Key Statistics' relating to the 34 National Secondary Roads across the country, I note that, while 52% of the N86 has carriageway width of less than 3m, 14 other roads have a greater percentage of carriageway width less than 3m, namely the N51, N56, N59, N62, N63, N65, N66, N67, N68, N70, N73, N83, N85, and N87. Furthermore, while the frequency of junctions per kilometre for the N86 is 0.83, for all other National Secondary Roads nationally the frequency of junctions per kilometre is greater. Such factors should inform prioritisation of improvement schemes.
- The baseline assessment of the N86 route within the study confirms the deficiencies and constraints of the road espoused by the NRDO in the application to the Board.
- The Needs Study has produced a comprehensive assessment and has determined a Priority 1 Programme, based upon a Multiple Criteria Analysis that produces a schedule of schemes that represent the best value for money. The recommended Priority 1 schemes do not include any part of the N86 the subject of the application before the Board.
- The scheme before the Board falls wholly within the schedule of Priority 2 schemes, i.e. schemes that do not represent value for money under the analysis undertaken.
- When analysis is made of the merits of providing footpaths and cycleways, the proposed scheme before the Board remains a Priority 2 scheme.

The findings of this Needs Study are very important in determining prioritisation of planned road development. It is clear from the detailed assessment undertaken that the proposed road improvement scheme before the Board is well down the list of priorities for National Secondary Road improvements and that evidently there are many schemes eminently more relevant to prioritise. It calls into question the pursuit of this scheme at this time before many others. The schedule of Priority 2 schemes, of which the proposed scheme forms a part, is a grouping of schemes for the longer term. It is apparent that, based upon this Study, the section of the N86 under consideration by the Board should at this time, in accordance with the recommendations of this Needs Study, be subject to localised remedial measures and improvements and to safeguarding proposed alignments.

Finally, I note the submitted EIS references to transport policy and to the National Secondary Roads Needs Study: Network Options Report for the South West Region. This part of the EIS focused on the stated findings in this Study of the N86 in terms of its deficiencies. However, it is apparent that the important matter of the actual analysis to determine prioritisation of National Secondary Road improvements was not referred to in any way. The comparative analysis and production of schedules of Priority 1 and Priority 2 schemes need to be highlighted. Based upon the full consideration of this important Study, it calls into question the pursuit of the road improvements between Camp and Dingle at this time when there are many other projects further up the priority list that

could reasonably otherwise be pursued, whether as Pilot Low Volume National Secondary Road Schemes or not. Thus, for example, I note within the South West Region that Priority 1 Schemes include sections of the N70 (Tralee-Kenmare via Caherciveen) and N71 (Killarney to Cork, via Kenmare, Bantry, Clonakilty and Bandon). These are two significant tourist routes within this region and, undoubtedly, the AADT range for some of the schemes prioritised along these routes may typically not exceed a design year traffic flow greater than 5,000 AADT and should ultimately be pursued ahead of the scheme now before the Board.

***A Strategy for the Development of Irish Cycle Tourism: Report for the Cork – Kerry Region***

This report was part of a wider study commissioned by Fáilte Ireland, i.e. *A Strategy for the Development of Irish Cycle Tourism 2007*, to determine how best to renew the popularity of cycling in Ireland, how to encourage visitors to come to cycle in Ireland, and how cycle tourism can generate visitor spend in rural areas. The wider study focuses on a number of areas with particularly high potential for holiday cycling, suggests the development of some longer challenge routes and sketches out the framework for a National Cycle Network.

The purpose of the report for the Cork-Kerry Region was to identify cycling hub towns, greenways and long distance routes within the region. The hub towns are where visitors are expected to base themselves and explore the surrounding countryside using a number of loop routes. The overall proposed network of cycling routes consists of day loops from cycling hubs, together with longer distance routes for the fitter, more experienced touring cyclists. Dingle has been chosen as one of the Category One cycling hub towns. The loop routes from Dingle in the report refer to routes from Dingle to Ventry, to Ballydavid Head, and towards Connor Hill, travelling local and regional roads. In relation to the long distance routes, the report states that, as far as possible, the routes chosen will be along the minor roads, especially those with lower traffic volumes. It is stated that National Roads are not generally recommended as forming part of a National Cycling Network, where traffic levels are higher, with many carrying significant volumes of HGVs and tour coaches, and where they have a default speed limit of 100kph. The report also states that on busy national roads, where space and budget permits, the provision of wide, well surfaced, hard shoulders should be constructed and that these can provide a safe, wide corridor for cyclists out of the path of faster moving traffic. Appendix 4 shows the mapping of long distance routes for the region. This includes a route for the Dingle peninsula. This route follows the route of the Dingle Way from Camp, through Annascaul and Lios Poil and on to Dingle, using the local and regional road network away from the N86. It is notable also that the network in the Fáilte Ireland strategy provides for a continued link on to Tralee and a further link east from Inch back towards Killarney.

It is apparent that the development of a National Cycle Network by Fáilte Ireland is sought by utilising primarily minor roads and developing routes away from busier main routes carrying higher volumes of motorised traffic. This approach is pursued in the Strategy to develop a network within the Dingle peninsula. The N86 is avoided as part of the long distance cycleway. The proposed cycleway before the Board is evidently separate from the Fáilte Ireland national network. The proposed cycleway scheme, however, under this application could be construed as complementary to Fáilte Ireland's National Cycle Network. It is a long distance route that is not intended as a route for wider recreational and general tourism use. It would be a challenging route and for experienced cyclists. In pursuing this cycleway scheme, it could be viewed that expanding cycleways generally in the Dingle peninsula will invariably help support the development of Dingle as a Category One Cycle Hub. In ordering tourism priorities, it is reasonable to anticipate that the development of the Fáilte Ireland long distance route and the various loop routes west of Dingle will likely produce the greater immediate benefits for the region. It is acknowledged that the existing cycle network in the peninsula is notably under-developed at this time. It is my submission that focusing firstly on developing cycleways that could reasonably form key parts of the National Cycle Network to expand Dingle's role and function as a cycling hub, prior to investing in complementary cycleways, could be determined to be more advantageous for the tourism and recreation sectors. It could also be suggested that, based on the considerations of the Strategy, developing any complementary long distance route via the N86 could be undertaken by providing for adequate hard shoulders. I do accept, having reviewed the main Strategy Report of 2007, that it is stated that, in some cases, it may be desirable to construct a well-designed length of cycle track alongside the national roads, separated from traffic by a 1.0m grass strip margin. It remains notable that the proposal before the Board provides greatly in excess of this recommended separation, whereby for the Type 3 single carriageway with a one-way off-road cycleway the separation between traffic lane and cycleway proposed is 3.5m. Solely in the context of isolating the development of a long distance cycle route along the N86, the proposal appears excessive. In addition to the concerns of pursuing the proposed cycleway in the manner proposed as a first scheme for the peninsula, I must note the piecemeal approach that would result, whereby the route is significantly incomplete with no cycleway linkage between the designated Category One Cycling Hub of Dingle and the town of Tralee at the eastern end of the N86. Ultimately, the pursuit of a long distance cycleway that ties into a planned network should be the strategy for developing cycleways within the peninsula. The strategy devised by Fáilte Ireland meets this objective, is more attractive to cyclists and, importantly, is away from the main road.

#### ***National Cycle Policy Framework 2009-2020***

This document from the Department of Transport follows on from *Smarter Travel – A Sustainable Transport Future* and seeks to create a strong cycling culture in the country. It considers the planning and infrastructure / communication and education intervention measures necessary to encourage cycling. On the issue of infrastructure, emphasis is

placed on transportation infrastructural designs being cycling friendly by producing safe, direct, coherent, attractive and comfortable routes. While many of the measures referred to focus on urban cycling there is support for the provision of dedicated signed rural cycling networks to cater for recreational cyclists and visitors. Indeed, it is a specific objective to provide such dedicated rural cycle networks. The Framework acknowledges the *Strategy for the Development of Irish Cycle Tourism* and notes that the cycling network identified will mainly use a mix of minor roads and some greenways. It also notes that there is further work to be carried out in identifying which sections of the extensive network of disused rail lines would be suitable to be converted to high quality, traffic-free routes for cyclists. In support of the objective to provide designated rural cycle routes the policies to be pursued are:

- To construct the National Cycle Network as identified in the 2007 Strategy.
- To carry out further research and surveying work in order to expand the network, with special attention paid to the opportunities of using both the extensive disused rail network and canal / river tow-path networks.
- To examine the using of hard shoulders and contiguous space of roads with an arterial character as part of the National Cycle Network.
- To ensure that the upgrading of national roads do not impact negatively on the safety and perceived safety of the roads for cyclists.

The proposed scheme before the Board, in expanding the cycleway network within a rural area, is generally complementary to the objective and policies espoused in this framework document. However, what is a constant policy consideration as can be seen from this key report and others on the development of cycling and a network of cycleways is the utilisation of disused railways and other routes as part of the network. This is an issue that will be addressed later in this assessment. Ultimately, the development of safe cycling routes is a prime consideration in the development of a network such that these facilities can and will be used. Within the Dingle peninsula the promotion and development of cycleways must be premised upon such a prerequisite. Therefore, the development of cycleways, in accordance with the principles espoused in the key policy documents, must be the base from which provision for cyclists is made. The issue of seeking to develop a cycleway along a national road in contrast to developing the existing disused railway line or alternative routes, such as established walking routes, through this area is a significant issue and failing to pursue the latter could prove a missed opportunity if the development of the former precedes any consideration of this other option.

#### *National Cycle Network Scoping Study 2010*

This Study follows on from *Smarter Travel: A Sustainable Transport Future* and the *National Cycling Policy Framework* and was undertaken by the Department of Transport, the NRA and Smarter Travel. It focuses on the objective from the Policy Framework

relating to the development of the National Cycle Network (NCN) to include rural recreational routes around urban areas and connecting with major urban areas. The Scoping Study aims to outline the route corridors proposed for the NCN. The terms of reference for the study included:

- The network should attract as many users as possible by linking into the main urban centres and it should form the basis for linkages to both local rural cycle routes and urban networks. The network should cover all parts of the country and align with tourism and economic development.
- The length of the network that is off road or of greenway standard should be maximised with the aim of minimising the interaction with motorized vehicles. The network should use existing cycle routes if appropriate. Special attention should be given to the opportunities of using both the disused rail network and canal / river tow-path networks as cycling / walking routes.
- The cycling networks should be integrated with public transport modes.
- It should ensure that routes are provided in a manner that will allow cycling to develop as a viable mode for people's transport and commuter needs, as well as ensuring development of recreational / leisure and tourist cycling.

The criteria used when testing the various route options being considered for inclusion in the proposed National Cycle Network included a criterion that the route network should be located in or connect to the proposed Fáilte Ireland network. The mapped NCN resulting from the Study outlined details of proposed strategic inter-urban corridors which connects cities and urban centres with populations greater than 10,000. The Network does not extend from Tralee to Dingle and, therefore, the N86 does not form part of it.

Having regard to this Study, it is clear that a distinction must be made between the Department of Transport / NRA National Cycle Network and the National Cycle Network promoted by Fáilte Ireland. They are clearly two separate networks and, while having some common themes, they have other notable different objectives and purposes. The Fáilte Ireland cycle network derived from its 2007 Strategy is not reflected in the NCN devised by the Department of Transport / NRA. It relates to it in that there is some overlap between routes and corridors and in that remoter routes such as the Dingle peninsula route can avail of an opportunity to tie-in to the proposed nearest corridor. It is, thus, apparent that the proposed scheme before the Board would complement the proposed NCN promoted in the Scoping Study. The purpose of the Dingle peninsula route within the Fáilte Ireland network is evidently for tourism purposes and developing a route which maximises the aim of developing tourism cycling demands pursuing a facility that will provide the most attractive, comfortable and safe route. The proposal of tagging on a cycleway to the proposed road improvement scheme must, therefore, be examined against developing a cycleway that will maximise the tourism product in the peninsula.

## *B. Regional Policy*

### **South West Regional Planning Guidelines 2010-2022**

The Guidelines note that significant investments in public transport and infrastructure within the region have been made. It is also noted that cycling facilities throughout the region are still only nominal in their extent and nature and that continued investment is required. Key issues identified for the region include a need to prioritise investment in both intra and inter regional integrated transport links to improve regional connectivity and cohesiveness in a sustainable manner. The Guidelines divide the region into four main planning areas, with the Dingle peninsula falling within the Western Area. The peripherality of this area is noted and one of the needs identified to reduce this impact includes improvements to public transport and infrastructure. In considering the Economic Development Strategy for the region, the upgrading of the National Secondary Road network is seen as critical in reducing peripherality within the region and maximizing access throughout the region. The Guidelines also note the importance of tourism within the region and the need to improve public transport access, related facilities and the level of service to tourism locations. Furthermore, reference is made to planning for associated tourism transport access needs to take account of disturbance to important habitats and species and internationally designated sites of nature conservation importance. In considering the Transport and Infrastructure Strategy for the region, it is stated that the main aim is to encourage improvements of inter and intra regional cohesiveness and that an increased emphasis needs to be placed on developing more public transport, walking and cycling facilities to reduce dependency on car use. It is an objective to encourage the development of strategies for walking and cycling that promote the goals and aspirations of Smarter Travel and the National Cycle Policy Framework. With regard to roads infrastructure, Table 5.1 details the strategic road investments in the region of significance. This includes the N86 and its linking of the Dingle peninsula with the Tralee-Killarney Hub.

The proposed road improvement scheme is clearly in keeping with the provisions of these Guidelines. Its development will reduce the peripherality of the peninsula and will significantly improve accessibility to the Tralee-Killarney Hub. It will aid the further development of public transport services within the peninsula by upgrading its key road infrastructure and will be compatible with the aims of improving tourism transport access. The principle of improving walking and cycling facilities is also compatible with the provisions of the Guidelines.

## *C. Local Policy*

In addressing this issue, it should be noted that at this time it is intended to focus on the relevant transportation policies and objectives at local plan level. Compliance with



policies relating to amenity, conservation, etc. will be considered later in this assessment under matters relating to landscape and visual amenity, conservation impact, etc.

My considerations on the relevant plans and policies are as follows:

**Kerry County Development Plan 2009-2015**

The specific objectives on transport and infrastructure are set out in Chapter 8 of the Plan.

It is an objective of the Council to:

- INF 8-4: Reduce the effects of peripherality by providing the necessary infrastructural linkages to external networks.
- INF 8-6: ... c) Facilitate the provision of an improved rural transport network.
- INF 8-7: Provide good access to all main settlements so that people and goods can be transported in a safe and efficient manner.
- INF 8-10: a) Improve the road network through the construction and maintenance of both national and non-national roads to the highest standard in an environmentally sensitive manner.
- b) Upgrade and improve the road network linking the smaller settlements throughout the county with their principal towns as identified in the settlement hierarchy for the county.
- INF 8-18: Achieve an average inter-urban speed of 80 km/hr on all national routes, where resources permit, by continuing to upgrade them to best modern standards and to maintain that standard thereafter.
- INF 8-19: Improve the surface and horizontal and vertical alignment of the National Secondary Routes throughout the county.
- INF 8-30: ... c) Facilitate the provision of recreational pedestrian and cycle routes throughout the county.

It is my submission to the Board that the principle of the proposed road improvement scheme is wholly compatible with the above transportation objectives. The proposed road improvements can be seen as improving the national road network, facilitating access to a peripheral area, and facilitating the alternative transport modes of walking and cycling,

I note that the EIS refers to the relevance of Objective INF 8-29. This objective is to upgrade and improve the major tourist routes within the county. Improvements are to include the provision of lay-bys, viewing areas, picnic areas and the improvement of

finger-posting and access ways to points of interest along such routes. This directly relates to those tourist routes identified in Map 8.1. The N86 is not a designated ‘Tourist Route’ in the Development Plan. Within the Dingle peninsula the two local roads comprising the Connor Pass and that leading to Ballydavid Head from Dingle comprise the designated ‘Tourist Routes’ for the purposes of this objective. Acknowledging this, I must further note that the proposed scheme is being promoted as one of four Tourist Route Pilot Schemes in Ireland. In the context of its selection and its importance as the key route through Dingle peninsula, one of the key tourism destinations in the country, it is reasonable to conclude this route is an acknowledged ‘Tourist Route’.

#### **East Dingle Peninsula Settlements Local Area Plan 2008-2014**

The overall aim of this Plan is to provide a comprehensive local planning framework for the settlements listed. The settlements include the villages of Camp, Annascaul and Lispolé. The plans are relevant as the proposed improvement works make provisions with these settlements.

##### *Camp*

The Plan refers to Camp experiencing a large amount of through traffic due to its location on the main Tralee to Dingle route, particularly in the tourist season. It is also noted that the footpath network has been recently upgraded along the northern side of the N86 along with resurfacing.

Specific vehicular and pedestrian traffic objectives include:

- T-1: To improve pedestrian connectivity within the village by providing pedestrian access which is sensitive to the character of the village, where necessary.
- T-3: To facilitate enhanced traffic calming on the N86 National Secondary Route.

##### *Annascaul*

With reference to vehicular and pedestrian traffic, it is noted that the village is located on a busy tourist route and that traffic calming measures are required at the village’s main entrances due to speeding.

Specific vehicular and pedestrian traffic objectives include:

- T-6: Ensure that new developments will include provision for pedestrian movement and connectivity throughout the village.
- T-9: Facilitate traffic calming measures throughout the village as required.

In the context of vehicular and pedestrian traffic, the function of the N86 as a tourist route and important link between the peninsula and the rest of the county is noted.

Specific vehicular and pedestrian traffic objectives include:

- T-1: To improve pedestrian connectivity within the village by providing pedestrian access which is sensitive to the character of the village, where necessary.
- T-2: To facilitate improvement of the junction of the L-12241 road with the N86.
- T-4: To facilitate enhanced traffic calming on the N86 national secondary road.
- T-10: To facilitate the provision of public footpaths on the public road network within the development area, particularly in the vicinity of the church.

It is my submission that the improvement and enhancement of roads infrastructure for the villages arising from the proposed scheme is wholly compatible with the relevant transportation objectives of each of the settlements within the East Dingle Peninsula Settlements Local Area Plan.

#### **An Daingean Local Area Plan 2006-2012**

While many of the specific vehicular and pedestrian traffic objectives relate to provisions outside the area affected by the proposed road improvement scheme and reference is not specifically made to upgrading of the N86, it is noted that Objective T-22 seeks to promote and facilitate the provision of the necessary infrastructure to facilitate the use of the bicycle as a mode of transport throughout the town. The proposed scheme with its associated cycleway could be viewed as an extension to such infrastructures and is evidently complementary to this objective.

#### **4.7 Impact on Natura 2000 Sites and Overall Ecological Impact**

One of the most significant potential environmental impacts arising from the proposed road improvement scheme is the ecological impact, and the impact on Natura 2000 sites in particular. The potential effects result from both direct and indirect impacts, arising from routing in the vicinity of Special Areas of Conservation, a Special Protection Area, a proposed Natural Heritage Area, and from impacts on drainage, hydrology and soils over the scheme corridor as a whole.

## Overview of Potential Impacts Identified for Natura 2000 Sites in the Vicinity of the Scheme

As part of the overall application submission to the Board the applicant submitted a Natura Impact Statement. The Board is informed that the Stage 1 Screening Assessment undertaken concluded that the proposed scheme may potentially result in indirect significant negative impacts on Tralee Bay and Magharees Peninsula, West to Cloghane cSAC, Castlemaine Harbour cSAC and Castlemaine Harbour SPA. The potential adverse effects were identified with regard to water quality impacts and indirect impacts affecting water-dependant Annex I habitats and Annex II species. Potential indirect impacts for the two cSACs were seen to arise where the proposed road development crosses watercourses which form part of river catchment areas with connections to these SACs. An impact on the Annex I habitat 'Estuaries' within the Castlemaine Harbour cSAC was also seen to potentially constitute an impact on a key habitat element within the SPA. No further impacts on the SPA were anticipated.

The potential indirect impacts identified are:

- Contaminants entering the cSACs and SPA via discharges from watercourses;
- Impacts on Annex II fish species Atlantic salmon, sea lamprey and river lamprey and otter in watercourses that run between the proposed works and Castlemaine Harbour cSAC; and
- Construction works in the vicinity of Curraduff Bridge on the Finglas River potentially resulting in disturbance to the Annex II species otter within the boundary of the Tralee Bay and Magharees Peninsula, West to Cloghane cSAC.

## The Natura 2000 Sites and the Proposed Scheme

### *Tralee Bay and Magharees Peninsula, West to Cloghane cSAC*

This site lies mainly to the north of Dingle peninsula. Small sections of it include terrestrial habitats inland from the coast and the site extends along an area of the River Finglas as far as Curraduff Bridge over which the N86 traverses. Sixteen Annex I habitats are listed as Qualifying Interests of this cSAC. The majority of these are associated with the upper shoreline and dune systems within the site and no connection exists between these and the River Finglas. The Qualifying Features of the site that occur away from the coastal and marine environment are the Annex I habitats 'Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*' and 'Molinea meadows'. Annex I habitats of the lower shore, namely 'Estuaries' are considered to be indirectly connected to the proposed scheme via the River Finglas and minor watercourses which discharge to the sea at Tralee Bay.

The species listed on Annex II of the Habitats Directive and included as Qualifying Interests for the cSAC include otter and Petalwort. The conservation status of the former

within the cSAC is not currently available but the Finglas River in the vicinity of Curraduff Bridge is regarded as highly suitable for otter. Petalwort occurs in sand dune systems within the cSAC and there are no pathways by which its habitat can be affected by the scheme.

Deterioration in water quality is seen to potentially directly interfere with the structure and function of the cSAC, where the Conservation Objectives of the site are focused on maintaining the aquatic Annex I habitats and Annex II species at favourable conservation status. It is considered that the conservation status of these Qualifying Interests may be directly affected by significant water quality impacts as the proposed scheme will require a crossing of the Finglas River at Curraduff Bridge and crosses over a number of minor watercourses east of the River Finglas. As a result, there is potential for indirect effects where the Finglas River may act as a vector for suspended solids, biotic contaminants and pollutants which may result in adverse effects on aquatic habitats and species.

### *Castlemaine Harbour cSAC*

This site consists of the whole inner section of Dingle Bay. It is designated on the basis of the presence of 13 Annex I habitats. It also supports the Annex II species sea lamprey, river lamprey, Atlantic salmon, otter and the liverwort Petalwort. Five plants listed in the Irish Red Data Book have been recorded at the site. Castlemaine Harbour is important for passage and wintering waterfowl. Brent Goose occurs here in internationally important numbers. The vicinity of the harbour is also important as an area where the Natterjack Toad occurs. The site also supports a small colony of Common Seal. Part of the harbour is a Statutory Nature Reserve, while Inch and Rosbehy are Wildfowl Sanctuaries.

The cSAC is located 1.2km to the south of the proposed road development.

Water quality is a key indicator of conservation value for the cSAC. Deterioration in water quality may directly interfere with the structure and function of the cSAC, where the Conservation Objectives of the site are focused on maintaining the aquatic Annex I habitats and Annex II species at favourable conservation status. It is considered that the conservation status of these Qualifying Interests may be directly affected by significant water quality impacts.

At the coast, of the Annex I habitats of the lower shore associated with the inner bay, only 'Estuaries' are considered to be indirectly connected to the proposed road development via the Owenascaul River catchment which discharges to the northern shore of Castlemaine Harbour approximately 2km south of Annascaul village. In addition to this river, tributaries of the River Emlagh including Knockbeg Stream, the River Owenalondrig at Lispole, the Reenboy Stream, the Mall Stream and the River Garfinny at Ballyneetig are crossed by the proposal and flow in a north/south direction into the cSAC.

With regard to the Annex II species the following is noted:

**Atlantic Salmon** - The Owenascul River is found to contain suitable habitat for salmonids but is not referenced in the cSAC's site synopsis as being of importance for salmon. Four minor tributaries that intersect the proposed N86 are regarded as likely to contain brown trout and juvenile salmon in their lower reaches. Salmon are found in the Emlagh River and there is potential in the lower reaches of its tributary the Knockbeg Stream. Reenboy Stream is also seen to have potential.

**Otter** – This species is widespread within the cSAC. It has been recorded from the Owenascul River upstream of the cSAC and it is considered likely to occur in the Ballyandreen River. It was also recorded from the Owenalondrig and Garfinny Rivers and there is seen to be potential in the Reenboy Stream.

**Sea and River lamprey** – These species were not recorded from within the Owenascul River catchment during survey work. Spawning habitat was considered plentiful and suitable habitat for juvenile River lamprey was recorded from the Knockbeg and Reenboy Streams.

**Petalwort** – This is not considered in the assessment due to its current distribution, which is limited to the Inch Spit dune system. There are no pathways by which they can be affected by the proposal.

#### *Castlemaine Harbour SPA*

This site is a large coastal site occupying the innermost part of Dingle Bay and is a SPA under the Birds Directive. Castlemaine Harbour is one of the most important sites for wintering waterfowl in the south-west. It is of international importance for its Light-bellied Brent Goose population.

The SPA is 1.5km south-east of the proposed development.

The Stage 1 Appropriate Assessment Screening Report identified the possibility that there may be impacts associated with the feeding habitat of estuarine birds within the SPA in the vicinity of the discharge points of the Owenascul River, the Owenalondrig River, the River Emlagh and the River Garfinny and associated minor watercourses into the SPA. It is noted that the Conservation Objectives of the SPA are fully encompassed within the Conservation Objectives of the cSAC described for the Annex I habitat 'Estuaries'. Avoidance of impact on this habitat is seen to ensure avoidance of impacts on the SPA's estuarine birds and their habitats.

#### Predicted Impacts for Natura 2000 Sites

### *Annex I Habitats*

The proposed road scheme involves mainly on-line improvement works. It entails the crossing of four rivers and 22 other minor watercourse crossings. It is located approximately 5km upstream of the mouth of the Owenascaul River just east of Annascaul, 7km upstream of the mouth of the River Emlagh at Inch, 3km upstream of the mouth of the River Owenalondrig at Lispole, and 7km upstream of the mouth of the River Garfinny at Ballyneetig where the river enters Castlemaine Harbour cSAC and Dingle Bay and 0.4km upstream of the mouth of the River Finglas where it enters Tralee Bay to Magharees Peninsula, West to Cloghane cSAC.

None of the Annex I habitats for which either of the two cSACs has been designated lie within the land take of the proposed scheme. The potential impacts affecting these sites can only be indirect. It is noted and accepted that, with the exception of 'Estuaries', there are no pathways for the transmission of indirect impacts for the coastal Annex I habitats. The potential for indirect impacts could only result from water quality impacts at the construction or operational phases affecting the River Finglas at Curraduff Bridge and the Owenascaul, Emlagh, Owenalondrig and Garfinny River catchments which discharge to Dingle Bay. It is acknowledged by the applicant that Annex I habitats could also potentially be affected by invasive species. Japanese Knotweed is noted as currently present in the study area and it could be dispersed downstream on the rivers and into the cSACs. The applicant also notes that other invasive species could potentially be introduced and spread downstream in the absence of mitigation measures. The risks associated in terms of invasive species are regarded as not being significantly greater than under a 'do nothing' scenario due to distance from the conservation sites and the scale of works proposed.

### *Annex II Species*

The potential impacts for Annex II species, namely Atlantic salmon, otter and river lamprey and their habitat, relate to the potential effects on water quality. While otter is listed as a conservation objective of the two cSACs, Atlantic salmon and river lamprey are listed for Castlemaine Harbour cSAC only. The following is noted:

#### **Atlantic Salmon**

The potential to affect the conservation status of salmon arises for the Owenascaul River and four main tributaries of the Ballyandreen Stream, the Emlagh River, the Owenalondrig River, the Reenboy Stream, and the lower reaches of the Knockbeg Stream. The applicant has noted that salmon do not occur within the minor watercourses at the crossing points of the proposal. The potential water quality impacts arising from construction could include pollution with suspended solids due to runoff and disturbance, pollution with other substances such as lubricants and wash water, permanent loss of aquatic habitat, obstruction of upstream fish movement, and changes in hydrology via

flow rates. The main potential impact at the operational phase would be pollution of watercourses from surface water runoff from the road.

#### **Sea and River Lamprey**

Once again it is noted that lamprey were not recorded by the applicant during surveys. Spawning habitats were found within the Owenascul River catchment and suitable habitat for juvenile River Lamprey was recorded from the Knockbeg and Reenboy Streams.

#### **Otter**

The applicant has submitted that otter are likely to occur on all watercourses within the study area and that they have been recorded from the Owenascul, Owenalondrig and Garfinny Rivers. Suitable otter habitat was also recorded on the River Finglas, Ballyandreen River and Reenboy Stream. Otter activity has not been recorded in the immediate vicinity of the N86. The applicant considers that it is unlikely that otter holts or other key elements in otter territories occur within the footprint of the road outside of the cSAC boundaries. It is, thus, concluded that the species will not be directly affected by the proposed scheme. Potentially, otters may be prone to indirect impacts from construction and operation, including a reduction in habitat quality in watercourses, an increase in disturbance, and an increased risk of traffic collision. On this issue, it is reasonable to concur with the applicant's position that the effects of these impacts are reduced by the fact that the alignment is for the most part on-line with the existing N86 and no increases in traffic volumes are predicted. The scheme also provides for new culverts to be constructed at the three off-line sections. Notwithstanding this, it is noted that there will be no overall increase in the number of culverts or river bridges or any increase in traffic volumes passing over them.

#### *Clarification on Curraduff Bridge and Potential Direct Impacts*

The applicant noted at the Oral Hearing that the AA Screening Report and the EIS stated that two separate areas of overlap occur at Curraduff Bridge (Chainage 40,190) with the Tralee Bay and Magharees Peninsula, West to Cloghane cSAC, totalling an area of 418.5 square metres. It was submitted that this was erroneous and that only one area of overlap occurs, a small triangle of land totalling 41.3 square metres immediately to the west of Curraduff Bridge. It was noted that this is recently disturbed ground which supports scrub and that this does not correspond to any Annex I habitat. The screening concludes that no significant effect on the Conservation Objectives of the cSAC was possible as a result of this habitat loss. It was clarified that the second area described in the AA Screening, i.e. a long strip comprising 377.2 square metres to the east of the Bridge comprising



broadleaved woodland, lies outside of the CPO boundary and that no habitat loss would occur.

The applicant's AA Screening discussed the possibility that disturbance during construction in the vicinity of Curraduff Bridge could occur to the Annex II mammal species otter, which is a Qualifying Feature of the cSAC. It has been concluded that, while there may be some short-term displacement to other sections of their territories, this was not considered a potentially significant adverse effect on the Conservation Objectives of the cSAC.

### Proposed Mitigation relating to Natura 2000 Sites

#### *Annex I Habitats*

A couple of key factors are again noted at this stage. Firstly, no Annex I habitats for which the cSACs have been designated lie within the proposed land take for the scheme. Secondly, the proposed scheme is mainly an on-line road scheme, thus significantly reducing the potential for greater and new impacts. The proposed mitigation measures to protect Annex I habitats relate to water quality mitigation and invasive species management. NRA guidelines are to be followed in relation to the latter. The source location for material to be imported for works is to be subject to suitability assessment and a method statement in relation to biosecurity measures is to be agreed in advance with NPWS and IFI.

#### *Annex II Species*

A number of key factors and mitigation measures require to be noted at the outset when considering mitigation for Annex II species, namely:

For otter:

- The scheme is primarily an on-line project and no increases in traffic volumes are predicted, thus limiting increase in disturbance and collision for otter.
- Disturbance during construction would be short-term and would in the main be expected to be limited to daytime.
- Provision is made for oversized culverts, resulting in otter likely to pass through them and being less likely to cross the road. Particular attention has been paid to culverts close to Emlagh Salt Marshes pNHA and at Curraduff Bridge at the Finglas River.

For Salmon:

- The minor streams crossed by the road are evaluated as being of low importance for salmonids.
- The development is a significant distance from the Castlemaine Harbour cSAC boundaries.
- The huge dilution present within the Harbour and the distance and dispersion factors between any potential pollution event entering the cSAC via rivers and tributaries are acknowledged.

Overall, as has been highlighted earlier, the significant mitigation measures relate to protection of water quality. A comprehensive schedule of mitigation measures has been compiled to address concerns. These mitigation measures relate to avoidance, reduction and remediation of impacts. Some of the primary components of this schedule include:

- Preparation of a detailed Construction Method Statement, with detailed task-specific method statements prepared for each section of works at the final design stage, including specific mitigation measures of ecological interest, such as for the works at Curraduff Bridge;
- Monitoring water quality within affected watercourses during construction works;
- Consultation with IFI and NPWS to agree the provisions for the detailed Construction Method Statement;
- Site specific method statements for stream diversions and in-stream works, agreed in advance with IFI and NPWS.
- Compliance with NRA and IFI guidelines;
- Application of a comprehensive schedule of pollution control measures to protect the rivers from pollution or transportation of polluting substances from tributaries, including interception and management of suspended solids, use of silt traps, sediment ponds, etc; and
- Conveyance of road runoff through a SuDS system to intermittent outfall locations designed to allow natural filtration and sedimentation in grass lined channels and ponds.

#### Natura 2000 Sites and Cumulative Impacts

One project identified with the potential to result in in-combination effects is the Annascaul to Gortbreagoge Road Improvement Scheme. This is seen to have potential effects on the Castlemaine Harbour cSAC. As this scheme is now under construction and has an estimated 10 month construction period, it is noted that there will be no overlap of the construction programmes of both schemes. During the operational phase there is no anticipated significant increase in traffic levels between the two schemes. Both of the schemes are substantially on-line and so operational impacts in terms of noise, wildlife impacts etc. are expected to remain unchanged. Overall, it is reasonable to conclude that cumulative impacts for Castlemaine Harbour cSAC are likely to not be of significance. I tentatively draw this conclusion although the concern about project splitting and the need for a comprehensive assessment of the overall development, to include the Annascaul to

Gortbreagoge section, remains in order that a proper environmental assessment can be completed. Finally, it should be noted that the cumulative impacts of the effects of this route and the proposed scheme are considered further beyond the impacts on this cSAC later in this assessment.

#### Emlagh East Salt Marsh pNHA

Emlagh East Salt Marsh is a proposed Natural Heritage Area proposed for designation under the Wildlife Act 1976 (as amended). This site of conservation value is located in the Ballineetig area close to the western end of the proposed scheme. The pNHA lies immediately to the south of the existing N86 at two locations separated by farmland. The Garfinny River enters Dingle Bay at the western end of the pNHA while the Owenalondrig River enters the bay at the eastern end. Reenboy Stream also enters the bay via the pNHA. The habitats close to the road, dominated by extensive reed and large sedge swamp and freshwater marsh, are strongly influenced by the freshwaters entering the area. The main interest of the site is the estuarine habitats and associated bird life, including the saltmarsh areas to the south.

Looking at the two sections of the pNHA that adjoin the N86, the following is noted:

##### **Western Section**

The pNHA boundary adjoins the N86 for a length of 400m between chainages 4270 and 4600. The CPO boundary coincides with the pNHA boundary and does not overlap the pNHA itself. Thus, there will be no direct impact on this section. This part of the pNHA consists of mainly reed and large sedge swamp.

##### **Eastern Section**

The pNHA boundary adjoins the N86 for a length of 450m between chainages 5270 and 5720. There will be direct impact within the boundary of the pNHA by way of habitat loss as a result of the scheme progressing. This would result in a loss of 0.167 hectares. This part of the pNHA comprises mainly reed and large sedge swamp, with some marsh at the north-easternmost part. There is a Seal and Wildlife Sanctuary immediately to the east of this section.

The potential impacts arising from the proposed scheme for the pNHA have been identified in the EIS and are as follows:

- Direct habitat loss;
- Disruption to the hydrological regime;
- Water quality impacts;
- Increased risk of otter crossing the road due to increased lengths of culverts; and
- Incidental damage from the construction stage.

Looking at each of these, the following is noted:

#### *Direct Habitat Loss*

Along the edge of the road in the eastern section it is proposed that an area of 0.176ha of vegetated ditch is to be removed. The saltmarsh habitats, which comprise the main interest of the pNHA, are located several hundred metres to the south and their structure and function will not be impacted. There is also to be a temporary acquisition of lands for regrading of watercourses, including three that recharge the pNHA. This involves lowering the beds of the watercourses. Lands to be acquired include an area of 84m<sup>2</sup> within the pNHA at the watercourse on the western boundary of the Western Section comprising scrub, an area of 505m<sup>2</sup> at the watercourse located centrally in the Western Section comprising reed and tall sedge swamp, and an area of 693m<sup>2</sup> at the watercourse on the eastern boundary of the Eastern Section comprising marsh.

In total an area of 0.304ha is to be lost and this constitutes 0.26% of the pNHA. Areas where the habitat loss is to occur are infested with Japanese Knotweed and its removal at these locations would be a positive impact. I acknowledge that it may be reasonable to conclude that the overall effect by way of direct impact is not substantive in itself. I further acknowledge that, while the Western Section has been effectively protected by focusing widening on the northern side of the N56, it may not be wholly desirable (if the road design is to be pursued) to seek such widening on the northern side of the road for the Eastern Section as there could be greater direct impacts on residential properties that are sited close to the north of the road at this location. I recognise also that the saltmarsh areas of importance are located closer to the bay and significantly further south and away from the proposed scheme. However, in my opinion, it is important to acknowledge the role of buffer zones comprising freshwater-dependant habitats between the road scheme and these “more important” habitats further south. While the direct loss can be viewed as minimal and constituting loss of “less important” habitats, such habitats are an integral part of the overall pNHA and their loss can certainly create a vulnerability for those demanding most protection away from the road. Therefore, encroachment on these buffer areas demands assured controls to protect against impacts on the balance of the important hydrological regime and on water quality. I acknowledge that strict construction measures are to apply at this location as scheduled in Section 7.6.1 of the EIS and these can aid in limiting the extent of effects beyond the specific work areas.

#### *Disruption to Hydrological Regime*

Evidently, the proposed construction works could affect the flow of waters into the pNHA and the installation of new culverts can disrupt flow. The regrading of watercourses referred to above would result in the removal of materials from the beds of those affected so that culverts can be installed. Drawing details of the proposed culverts at this location were submitted to the Oral Hearing by the applicant. Levels will be

lowered by between 0.32m and 0.58m and these will obviously be reduced to zero downstream at the limit of the proposed works.

I note that the proposed culverts will replace existing structures. It is reasonable to acknowledge that the effects are likely to be greatest at the works locations and will lessen as one moves further south and away from the works. The watertable in the soils and substrates in the vicinity will be lowered and will result in some localised changes to species composition. Overall, it can be concluded that it is reasonable to determine that effects are not likely to be significant for the saltmarshes at the southern end of the pNHA as these are not dependent on the freshwater supply nor will there be any notable impacts for intertidal habitat.

### *Water Quality*

The potential adverse effects on water quality are most likely derived from contaminants entering watercourses at the construction stage and from accidental spillages at the operational stage.

Clearly the N86 has been sited alongside the pNHA and the latter has continually been exposed to the functioning road by way of sediment release and some inert fines derived from this road. The extent of pollution control impacts for the construction and operational phases has been referred to above in relation to impacts on Natura 2000 sites. The construction management procedures to be followed will significantly minimise potential adverse effects. Agreed procedures with IFI and NPWS will ensure a consistency of approach to the programme of works. Regarding operational phase impacts, I accept that the risk to the pNHA from accidental spillages would likely be the same as for the existing road and there is no reason to conclude that the risk would be substantively increased. A sealed drainage system with oil interceptors to operate in the vicinity should enhance protection for the habitats.

### *Impact on Otters*

The potential for adverse effects for otter centres on an increased risk of otters crossing the road carriageway due to an increased length of culverts at this location which discourages them to pass through.

I note that this is an issue that has been addressed at the pNHA with the mitigation measures to be applied following particular concerns raised by NPWS. The culverts are proposed to be oversized to avoid flood risk. While this is the principal intent the consequence is that it alleviates the concerns in relation to otter crossings.

### *Incidental Damage*

The incidental damage that could result from the scheme relates to the construction stage whereby there could be accidental spillages of toxins, dumping of spoil, intrusion directly on the pNHA by workers, etc.

In response to this, obviously construction management is the key to avoiding such impacts. A devised construction methodology agreed with NPWS and IFI and a strict definition of works areas will satisfactorily address the concerns of such adverse impacts arising.

In conclusion on the impacts on Emlagh East Salt Marsh pNHA, I note Chapter 8 of the EIS deals with the aquatic environment. The impacts at construction and operational phases have been identified and extensive schedules of mitigation measures have been proposed, ultimately to provide for pollution control. The application of these measures and the proposed monitoring programme to apply following agreement with NPWS and IFI will aid in the avoidance of impacts on water quality and control of invasive species. It is, therefore, concluded that the likely residual impact for the pNHA will not be significant.

### Glanmore

Glanmore is a location where it is proposed to realign the road to bypass an existing hairpin bend. The impact of the proposed scheme at this location on ecology has been raised by a number of Objectors to the scheme. The valley at Glanmore is not a designated conservation site. However, it is acknowledged as having significant ecological value. The valley is dominated by an area of wet willow-alder-ash woodland which supports a substantial population of the Red Data Book plant species 'Cornish Moneywort'. The applicant has noted that the population here comprises twelve discrete patches and that this population represents in excess of 1% of the national population of the species. The applicant considers this habitat at this location as being of national importance.

The applicant has submitted in the EIS and through submissions to the Hearing that the potential impacts on this protected flora were identified at an early stage of the road design process and measures have been devised to avoid potential impacts. It has been submitted that the proposed route was redesigned to avoid any direct impact on the plant species or its habitat. With the species located to the south of the existing railway viaduct, the routing option to the south was not selected. Cornish Moneywort has not been found to the north of the viaduct and the applicant has queried the suitability of the habitat to support this species there. The potential for construction works and associated activities impacting on this species is proposed to be addressed by appropriate site management, with works areas being clearly fenced and signed, controls being applied over spoil containment and toxic material storage, etc. It is furthermore intended that the design of the road at the bridging point of the river upstream of the viaduct will result in no change

to the current flooding regime south of the viaduct. Drawing details of the proposed crossing at this location were submitted to the Hearing (see Drawing entitled “Knockbeg South Bridge Structure NR. 7”).

Otter is known to occur throughout the study corridor relating to the proposed scheme. While the submitted NIS states that otter activity has not been recorded in the immediate vicinity of the proposed road scheme, it was clarified at the Oral Hearing that during 2010 spraints were found at three watercourses which confirm the presence of the species. These were found at Emlagh East Salt Marshes at the Garfinny River, at the Owenalondrig River in Lispole, and, notably in the context of considerations here, at the watercourse in Glanmore. The potential for impact on this mammal protected under the Wildlife Act derives from disturbance at construction stage and an increased risk of collision with traffic during the operational phase. There is the potential for impacts on water quality also.

In considering the impact of the proposed scheme at Glanmore it must be acknowledged firstly that this is a very sensitive area in ecological terms. It is one of the most sensitive locations along the entire route because of the potential adverse impacts for species of notable conservation value by introducing a realigned roadway close to relatively undisturbed habitat for Cornish Moneywort and otter. Achieving a balance between route development and protecting biodiversity is pivotal to the acceptability of the scheme.

A casual observation of this location would determine that the existing N86, and the hairpin bend itself, is well set back from woodland and that much of what extends from the woodland towards the roadway comprises scrubland. Thus, altering the route and realigning it southwards beyond that which is proposed brings the impact closer and, indeed, into the woodland. It is reasonable to adjudge that this woodland more or less commences in the vicinity of the old railway viaduct.

The choice of alignment unquestionably brings with it an increased risk to the ecological value of this location. The EIS will show that three options were considered for the Glanmore alignment. Option A, comprising an off-line straight section, was the least preferred for agriculture, landscape and visual, flora and fauna, and human impacts. Option B was a proposal that sought to effectively follow the alignment of the existing road. Significantly, this was found to be the preferred option for most environmental topics. Option C was an offline section immediately south of the selected route and was seen to be the least preferred as it would have the most adverse impact on woodland habitat and the rare plant species existing here. In the context of what is being discussed here, the de-selection of this latter option is clearly merited. What the applicant proceeded to do then was to devise a further alternative just north of Option C to avoid the substantive impact on woodland and to avoid impacts on the Cornish Moneywort. From an ecological perspective it is apparent that Option B is the most desirable choice at this location as it minimises any impact. The reality, however, of determining that the route should be revised at this location to meet with this alignment would then result in

continuing with a substandard road that is deficient in alignment, stopping distance, etc. and curtailment of route design speed. In relation to the latter, however, I must note that the applicant, even with its chosen realignment option, is proposing that a restricted speed limit be applied here in the form of an advisory speed limit of 55kph. The decision to improve traffic conditions at this location will inevitably result in an encroachment of lands south of the existing hairpin bend. The applicant's chosen routing could, in my opinion, be determined to be a balanced route choice which seeks to improve traffic conditions while avoiding significant impact on protected flora and fauna species and limiting the extent of intrusion into the existing woodland. Furthermore, a welcome outcome of the route selection, in my opinion, is the proposal to reintroduce a traffic use for the old railway bridge at this location, which is of historical value, by its use as a cycleway. This is a desirable use for the old railway line and improvement works will require the structure to be upgraded, with positive landscape, visual and amenity impacts resulting.

The alignment option proposed here, including the provision of embankments and the new structure across the valley and over the watercourse, will require removal of mainly scrubland and some alder, ash and sycamore trees immediately north of the railway bridge. The scrubland is not of significant habitat value in itself. I note the proposed mitigation measures to apply at this location in relation to woodland loss. Equivalent tree planting of native species is to occur. This will be discussed later in this part of the assessment.

Returning to the most important issue for this location, namely protected flora and fauna, I acknowledge that suitable measures through the realignment choice leads one to reasonably conclude that Cornish Moneywort will not be directly impacted by the scheme and that adequate mitigation in design and water quality controls are being applied to avoid adverse impacts on the hydrological regime at this location. With regard to potential impacts on otter, in relation to disturbance it is again noted that the construction phase will be short-term and will, for the most part, occur during the daytime, thus significantly limiting the extent of impact. As for potential traffic collision, I note again the proposed design at this location. The structure here is oversized with a substantial span in the form of a concrete arch. It is also proposed to include an underbridge access track that can be used by otters. The impacts for otters have been substantially minimised by design.

Overall, it can be concluded that if the proposed scheme design is to be pursued at this location the design and mitigation measures to be applied will minimise adverse impact on Cornish Moneywort and otter.

#### Impact on Other Sensitive Terrestrial Habitats

Having considered some of the most significant individual sites of conservation value, there remains a requirement to give an overview of some of the remaining sensitive



habitats that prevail in the vicinity of the proposed route and to identify the potential impacts thereon.

My considerations are as follows:

#### **Woodland**

There are a number of woodland areas along the route that would potentially be affected by the proposed scheme.

Oak-ash-hazel woodland occurs at two locations in the vicinity of the route – downstream of Curraduff Bridge and at Farrannnacarriga. This is a habitat that is scarce in Ireland and is considered to be of conservation importance. The woodland downstream of Curraduff Bridge is a dense mix of mature deciduous woodland that flanks the fast flowing Finglas River. The woodland on the west bank in particular contains the scarce habitat. While the applicant considers that it should be regarded as being of international importance due to its inclusion within the Tralee Bay and Magharees Peninsula West to Cloghane cSAC, I note that it does not correspond to any Annex I habitat type that forms a Qualifying Interest for the cSAC. I note that there will be no loss of this habitat at this location due to the scheme avoiding this woodland. With regard to the woodland at Farrannnacarriga, it is located in an area east of the hairpin bend and to the north of the N86. The applicant considers the woodland to be small in area, isolated, of poor quality and of local importance. 0.9ha. of this woodland would be lost as a consequence of the proposed widening. In addition to this a barrier drain is to be installed up-slope of the woodland. To address the woodland loss here one of the mitigation measures is to plant native tree species at suitable locations. Two important observations need to be made when considering the impact at Farrannnacarriga. Firstly, it is accepted by the applicant that the woodland that eventually develops from the replacement planting will not be of a similar semi-natural character to that which would be lost. Secondly, and more importantly, the proposed installation of a barrier drain up-slope of the woodland would likely substantially reduce surface water recharge of the woodland soils. This would have a significant negative impact on the function of the wood's systems. This is accepted by the applicant as a consequence of this development at this location. It is my submission to the Board that this constitutes a significant adverse impact at this location which cannot be addressed by mitigation measures. The applicant considers this impact to be significant at a local level.

Wet pedunculate oak-ash woodland is found at Gortacurraun contained within the area bounded by the hairpin bend at this location and through which it is proposed to provide a new section of road. This section of woodland is regarded as being of significance as it is well connected to other areas of semi-natural habitat such as wetland and riparian woodland habitats along the Emlagh river corridor. 0.71ha of the woodland would be lost as a consequence of the development. Once again the main mitigation measure here is to replace lost woodland with replacement planting. It is accepted that the planting that will ultimately develop will not be of a similar semi-natural character to that which exists. It is

again concluded and accepted that the residual impact will be significant. The applicant considers this impact to be significant at a local level.

In conclusion, it can be observed that woodland is most adversely impacted where realignment is proposed, i.e. at Ballinsare (Oak-ash-hazel woodland), Gortacurraun, Farrannacarriga, and Glanmore (Oak-ash-hazel and Wet willow-alder-ash woodlands). While each can be construed as resulting in localised impacts arising from the proposed scheme and, thus, giving an impression of isolated impacts, one cannot but step back from such a conclusion to consider the overall impact, the essential contribution these relatively unaffected natural woodland types make to the conservation value of the corridor, and invariably to an appreciation of ecological value.

### **Hedgerows and Tree Lines**

The proposed road improvement scheme, by providing for a corridor width of 28m on average, will result in a very substantial loss of hedgerow and tree lines on both sides of the existing road to make way for improved carriageway width and a cycleway. While they can be viewed as making a valuable contribution to the visual amenity value of the existing road, from an ecological perspective they are important because of the linkage and connectivity they provide between habitats and because of the shelter they provide for fauna. While not compartmentalised into a definitive habitat easily isolated for assessment, the contribution made by the extent of trees and hedgerows bounding the existing road that are due to be lost requires review.

In total 7,844m of hedgerow would be lost as a result of the proposed scheme and this comprises 61 separate stretches of hedgerow. This is a substantial length of roadside boundary to be removed. Much of this is determined by the applicant to be of low quality. It also contains high proportions of non-native Fuchsia. While the latter can be considered of low ecological value and of high prevalence in the wider area, on a separate issue its contribution to the visual character of the existing road is argued by many Objectors to be valuable. Overall, the loss of low quality hedgerow can be readily accepted as being a relatively minor impact in biodiversity terms. Mitigation in the form of replacement planting for equivalent lengths of hedgerow is proposed and can to some degree redress the loss. The removal of substantial hedgerow constitutes a notable loss. This hedgerow is less prevalent along the route but again I note that such hedgerow to be lost prevails most frequently on the approaches to Dingle and Lispole, north of Emlagh River, and importantly in the vicinity of the woodland affected by the route corridor where realignment is greatest, i.e. Ballinsare, Gortacurraun and Glanmore. The effect of the latter is, in my opinion, to compound the loss of biodiversity value at these locations and they increase the effects determined as 'localised'.

The applicant observes that ten tree lines will be impacted directly by the scheme and that these total 1,420m in length. Table 7.17 of the EIS details where the direct tree line

impacts would occur. They are accepted as generally being of good quality and include a high proportion of native species. In response to their loss mitigation is again to take the form of replacement planting. It is intended to plant where possible in a way that there is connection to existing retained hedgerows and tree lines. I note that these tree lines coincide with some of the best hedgerow and can constitute substantial lengths such as at the western approach to Lispole (250m) and at Slieve West in the vicinity of the Emlagh River (400m). Other lengths, such as at Slieve East / Slieve West and north of Curraduff Bridge, while disconnected, are in close proximity to other tree lines and continue to produce a degree of continuity. Again at a 'localised' level it can be determined that an adverse impact results from the production of a wide road corridor and the removal of such roadside vegetation.

In drawing conclusions to a review of the impact by the scheme on tree lines and hedgerows, it is noted that up to 9 kilometres of trees and hedgerow is intended to be lost. This, in my opinion, can only be determined to be a significant change. It does affect the biodiversity value of the established route corridor. Significantly, it affects some of the more sensitive habitats that exist within and adjoining the woodland where realignment and bypassing of the poorer stretches of road are proposed. The importance of these corridors for connectivity and as contributors to the biodiversity value of the woodland habitats should not be under-estimated. They cannot reasonably be isolated and be determined in their separate way as being 'localised' in impact. In my opinion, the same conclusion keeps arising from the effects of the proposed scheme, that being that the production of a wide route corridor of some 28 metres produces a significant loss of biodiversity value in total and this loss is not readily replaceable and certainly is not recoverable to the extent that the natural or semi-natural qualities are repeated into the future.

#### **Other Habitats**

There are a range of other habitats that are of importance at 'local' level and which again ultimately contribute towards the biodiversity value of some of the areas referred to above of ecological value but lying outside of any designated conservation site. Examples include marsh and scrub mosaic at Farrannacarriga, wet grassland / scrub mosaic at Banoge South (i.e. the new alignment at Ballinasare), and extensive wet heath in the Doonore and Mountovens areas. In total almost 25 hectares of habitat loss is predicted in areas of semi-natural habitat. While I note and accept some critical factors, i.e. that the routing effectively is an on-line road scheme and that the land take erodes the outer edges of such habitats where they adjoin the existing road, that there is a prevalence of such habitat types in the wider area, and that habitat types to be affected can be degraded in parts, it would be disingenuous to conclude that the role played in connectivity can be undervalued between these habitats viewed as being of lesser value and those deemed of greater value.

#### **Conclusions on Terrestrial Habitats outside of Conservation Sites**

My overall conclusions on those areas deemed to be of lesser significance in biodiversity terms is that there must be a realisation of an obvious wider scale impact for the ecological sensitivity of those areas targeted for new stretches of roadway. They are more than a sensitive watercourse running through each of the valleys affected. They are more than these and the woodland that flanks them. The biodiversity value of such specific locations must clearly extend to result in some significant impacts from the scheme. Furthermore, acceptance of this observation proves it is not an acceptable position to compartmentalise habitats, separate them, and assess them in terms of impact individually. There is a demand for a comprehensive and holistic perspective. Evidently the development of the route corridor as proposed brings significant change to particular locations. To term the effects as 'localised' is lacking in assessment. As one can clearly observe, the impacts for a complex mix of habitats that create and allow for biodiversity value over substantial lengths of the route corridor are beyond what can readily be viewed as 'local'. It is very difficult to conclude that the proposed scheme has only an array of localised impacts outside of designated Natura 2000 sites when evidently it has significant adverse habitat impacts for reed and large sedge swamps and marsh at Ballineestig, wetlands and woodlands at Ballinasare, woodland at and in the vicinity of Farrannacarriga, woodlands at Glanmore, extensive tree lines and hedgerow within and on the approaches to these areas and for extensive lengths elsewhere, and for other semi-natural habitats throughout the route corridor. The destructive characteristics of the development of a 28m corridor are evident from the road development underway between Annascaul and Gortbreagoge over a 4km stretch. To produce the same effects over a further 28km of roadway will produce significant change to what is understood as a mosaic of habitat types that creates such an array of variety presently experienced along the route. Invariably there is a fear that the intrusion, fragmentation and destruction of habitats will not be reversed by the mitigation measures to be employed.

### Impacts on the Aquatic Environment

Much has already been considered above in relation to impacts resulting from the scheme on the aquatic environment. The primary watercourses potentially affected include the Finglas River within the Tralee Bay and Magharees Peninsula, West to Cloghane cSAC and the Garfinny River at Emlagh East Salt Marsh pNHA. It remains here to give an overview of the waterbodies potentially affected by the proposed scheme, to consider the mitigation measures proposed to alleviate any impacts, and to assess the residual impacts remaining.

Other primary watercourses potentially affected include tributaries of the Emlagh, and the Owenascaul and Owenalondrig rivers. I note that all primary watercourses were subject to detailed aquatic surveys. The Emlagh River contains salmon, otter and sea trout. Its tributaries which fall within the study area were found by the applicant to be of insignificant fisheries importance. The Owenascaul was found to contain sea trout and

salmon. The Owenalondrig was found to contain sea trout and the applicant considers it probably contains salmon. Very good water quality prevails throughout.

The potential significant impacts for these waterbodies would be common with other national road schemes, with pollution from suspended solids from runoff and other substances, loss of habitat close to watercourses, obstruction of fish movement, and changes in hydrology representing the more relevant potential effects.

Mitigation measures to be employed are generally to follow NRA and IFI published guidance. A detailed method statement is to be prepared for construction works in consultation with IFI and NPWS and site consultation with these bodies during the construction phase would be ongoing. Monitoring of works is proposed to be undertaken by a suitably qualified aquatic / fisheries ecologist. A detailed schedule of pollution control measures to be employed in and near waterbodies where works are to occur is provided for in the EIS. With regard to drainage design, road runoff is to primarily be conveyed through a SuDS system. It also provides for the potential for sealing off of outfalls and the containment of serious pollutants in case of major accidental spillages. Reinstatement works are to have due regard to avoiding effects for free movement of fish and other aquatic organisms. The applicant has concluded that residual impacts would be imperceptible negative for water quality and aquatic ecology.

### Impacts on Sensitive Fauna

The impacts for Annex II species have been considered in some detail above when assessment was undertaken of the impacts on designated conservation sites. It is proposed at this stage to review the potential impact for sensitive fauna arising from the development of the overall scheme.

Firstly, with regard to invertebrates, amphibians, reptiles, and breeding and non-breeding birds, it can generally be concluded that protected species or endangered species are not known to occur within the corridor studied for the scheme (with the exception of the common frog) and, thus, it is not likely that there will be significant adverse impacts for such species. I note that it has been determined that suitable spawning sites for the common frog are not found within the land take and the impacts are therefore deemed to be negligible. The focus in this assessment, therefore, relates to impacts on mammals and bats, otter and badgers in particular.

My considerations are as follows:

#### **Bats**

The applicant's surveys determine that a diverse range of bat species use the landscape within the study area associated with the route corridor. The main impacts from the scheme for bats relate to roost loss, loss of feeding areas, and disruption of commuting

routes. I note that the most favourable habitats for bats of mixed woodland and associated scrub correlate with some of the more sensitive habitats identified above to be affected by the scheme, namely at Ballinasare, Curraduff, Slieve West, Farranacarriga, and Lispole, and also along the Owenascaul, Owenalondrig and Emlagh rivers. The main impact anticipated for bats is the loss of woodland at these locations and from the loss of mature hedgerow and tree lines. The mitigation measures to be employed are standard measures relating to limiting the season of disturbance, provision of habitat replacement, controls on impacts on waterbodies, pre-demolition survey where structures with potential for use are proposed to be demolished, provision of artificial bat roosts, and suitable replacement tree and hedgerow planting. The measures would be in line with NRA guidelines. Without pollution incidents and with suitable mitigation and remedial measures, it is concluded by the applicant that the impact of the scheme will be neutral or a minor negative impact.

While it is reasonable to concur with the applicant's conclusions, I again observe that the proposed bypassing elements of the scheme, such as at Aghnalack Wood in Ballinsare Lower, affect those most sensitive habitats outside of designated conservation sites along the route.

#### **Otter**

The applicant acknowledges that otter is likely to occur throughout the study area. As was noted earlier, spraints were found at the watercourse at Glanmore, at the Garfinny River at Emlagh East Salt Marsh and at the Owenalondrig River at Lispole. The potential impacts generally relate to reduction in habitat, disturbance and an increased risk of collision with traffic. It is noted that the proposed scheme is primarily an on-line road scheme and that traffic volumes are not expected to increase. Oversizing of new culverts is widely proposed to address the limiting of otter movement. Larger structures also include underbridge access. Significant mitigation measures are to be employed to address the potential deterioration of water quality. Finally, with regard to potential disturbance, it is acknowledged that the proposed works would be short-term and would occur principally during daytime. Overall, it is concluded that the likely impact on otter would not be significant throughout the scheme.

#### **Badgers**

From the survey work undertaken and reference to local NPWS knowledge of the species in the area, it can be determined that, where badgers are present in the study corridor, they are certainly of low density and remote from the proposed scheme. The likely impacts from any road works associated with the proposed scheme would be negligible. I note that it is proposed that further survey work would be undertaken prior to the commencement of any works and appropriate mitigation measures would then be employed if required in relation to badgers.

## Conclusions

My conclusions on the ecological impact of the proposed scheme are as follows:

In relation to Natura 2000 sites, it is noted that there will be no direct impacts on protected habitats and species within the three sites in the vicinity resulting from the proposed road improvement scheme. Indirect impacts relate to water quality impacts and alien invasive species. The scale of the works, distance from the Natura 2000 sites and the Annex I habitats therein, and the significant range of mitigation measures to be employed can reasonably be determined to result in no significant impacts affecting the conservation objectives of the cSACs and the proposals will ensure the avoidance of impacts on the SPA. It is thereby concluded that the integrity of these conservation sites will not be adversely affected. Overall, it is not predicted that the conservation status of otter or salmon and other conservation interests of the sites or the bird species of the SPA would be significantly affected by the proposal taking account of the proposed mitigation measures.

On the impacts on Emlagh East Salt Marsh pNHA, I note the direct loss of habitat on the Eastern Section. I submit that the reed and sedge swamp and marsh is an important element of the pNHA and note that this is dependent on freshwater supply, requiring protection of water quality to be paramount. While the estuarine habitats are regarded as the important habitats within this pNHA, the habitats affected by the land take and the culverting works are evidently important components of the conservation site and form an integral part thereof. Thus, the loss and damage caused is a notable adverse effect. Chapter 8 of the EIS deals with the aquatic environment and the impacts at construction and operational phases have been identified. Extensive schedules of mitigation measures have been proposed, ultimately to provide for pollution control. The application of these measures and the proposed monitoring programme to apply following agreement with NPWS and IFI will aid in the avoidance of impacts on water quality and control of invasive species. It is, therefore, concluded that the likely residual impact for the pNHA will not be significant, although the direct loss of habitat is regrettable.

With regard to Glanmore, it should be acknowledged that it is an important and ecologically sensitive location, albeit that it is not a designated conservation site. Overall, it can be concluded that, if the proposed scheme design is to be pursued at this location, the design and mitigation measures to be applied will minimise adverse impact on Cornish Moneywort and otter. The routing of the proposed scheme at this location will, however, result in loss of important woodland that will not adequately be replaced by mitigation measures to be employed.

In relation to other habitats, it can be observed that woodland is most adversely impacted where realignment is proposed, i.e. at Ballinsare, Gortacurraun, Farrannacarriga, and Glanmore. The overall effects should not be viewed as individualised, isolated impacts. These woodlands make an important contribution to the conservation value of the route corridor and beyond and are critical linkages with other important habitats in the vicinity.

Their loss is an erosion of biodiversity value and the semi-natural conditions cannot be readily repeated by the mitigation measures proposed.

When considering the loss of tree lines and hedgerows one must acknowledge that what makes this scheme somewhat different from other new national route development is the fact that so much of it is an on-line road improvement scheme. It is not a scheme, like a new road scheme, that is puncturing hedgerows to create gaps to provide a road corridor. The consequence of following an established route for much of its length is that significant linear sections of established tree lines and hedgerows are lost by the development of a wide route corridor. Coincidentally, and importantly, much of that to be lost is established in the vicinity of the more important woodlands affected by the route corridor where realignment is greatest, i.e. Ballinasare, Gortacurraun and Glanmore. The effect of this is, in my opinion, to compound the loss of biodiversity value at these locations. Ultimately, they increase the adverse impact and question the degree to which one can conclude the effects are 'localised'. Close on 9 kilometres of trees and hedgerow is intended to be lost and this, in my opinion, can only be determined to be a significant change. It does affect the biodiversity value of the established route corridor and this is not positive.

In relation to impact on watercourses, I accept that measures to protect water quality and the aquatic environment in general will adequately meet objectives through the application of tried and tested measures that have proved successful for other road schemes.

Further to the above, I have seen at firsthand the effects of a similar scheme, that being the 4km route length into Annascaul from Gortbreagoge. This too is following an on-line route. The distinctive destructive characteristics of such a development along an additional 28km of roadway will be significant in overall terms because there is such an expansive loss of mature flanking roadside boundaries and semi-natural lands. What is understood when travelling this road as being a mosaic of habitat types (many of which are to some degree semi-natural) will be greatly changed by the proposed scheme. Certainly the array of habitat types will be distorted by the imposition of the road corridor and the mitigation in the form of replanting to be provided. Invariably I have a genuine concern that the intrusion, fragmentation and destruction of important habitats directly affected will not be reversed by the mitigation measures to be employed. The character of the route will be substantively altered by these changes. To accept the proposed route is to accept a substantial loss of important semi-natural habitat and this loss should not be reduced to being termed 'localised' in the context of reviewing the scheme as a whole.

In conclusion, when looking to the Kerry County Development Plan for guidance, I note that acknowledgement is made of much biodiversity occurring outside sites which are subject to legal protection under national or EU law and reference is made to many habitats and features which are of particular importance for biodiversity, including woodlands, hedgerows and other field boundary types such as stone walls, earthen embankments and ditches, salt marshes, freshwater wetlands, etc. It is noted that there



must be a network of protected areas, ecological corridors and ecological ‘stepping stones’ available to support the movement of species and to sustain the habitats, ecological processes and functions necessary to maintain biodiversity. It is submitted that key elements in this ‘Ecological Network’ need to be identified, protected and enhanced. Further to this, Objective EN 11-29 states the following:

*“Ensure that proposals for development protect and enhance biodiversity wherever possible, by minimising adverse impacts on existing habitats and by including mitigation and/or compensation measures, as appropriate, which ensure that biodiversity and landscape character is maintained.”*

From an ecological perspective, the transport corridor being radically changed by the proposed development is in many ways a notable component of an ‘ecological network’ through the peninsula. Many of the habitats and features within the corridor to be damaged, distorted and fragmented by the proposed scheme are those identified above in the Plan. The effect of the scheme results in it sitting somewhat uneasy with these provisions of the Plan.

## **4.8 Landscape and Visual Impact**

### **Introduction**

Along with the ecological impact, the landscape and visual impact changes are perhaps the most tangible alterations arising from the proposed scheme. It is worth repeating that the nature and extent of the proposed scheme, by primarily focusing on the widening of an existing route, has a profoundly different impact from the development of a wholly new route. A new route tends to puncture openings through established hedgerows and walls in the rural environment and, indeed, exposes the traveller to previously unseen local landscapes. A lengthy road widening scheme, on the other hand, retains the route corridor but ultimately distorts the context by removing the established framing of the route and then by replacing the framing with new treatment, frequently with a degree of uniformity. With a new road, the experience for the traveller of long straight stretches or horizontal alignment that allows for maximum stopping sight distance, visibility, etc. is what is known from the outset. Seeking to straighten out a substantial length of established road evidently culminates in a wholly different experience for those who are established road users. It is these physical changes and the perception of the impact of these changes that require to be considered when assessing the issue of landscape and visual impact.

The issue of greatest significance centres on the debate between amenity and road traffic improvement. Clearly, the development of wider roads, improved stopping sight distance, improved vertical and horizontal alignment, improved overtaking, junction improvements, access improvements, etc. will make this road safer to drive, will shorten the journey length between Tralee and Dingle, and will increase traveller comfort.

However, there can be no doubt that creating the corridor to do this and developing the road will alter the experience of that journey in terms of altering the character of the journey. There are a number of particular conflicting opinions arising from the proposal before the Board. For many, it is a debate over protecting amenity versus improvement of traffic conditions. Unquestionably, having examined the submissions and heard further submissions at the Oral Hearing, it is a debate between commuter and tourist and between those seeking to protect the character of the established road and the NRDO who is seeking to improve driving conditions.

An understanding of why the scheme is being developed should help. However, it is not so clear. This road improvement scheme is one of four Tourist Route Pilot Schemes in Ireland. The objective of the scheme is to achieve 'high impact' road improvements leading to reduced travel times, increased levels of service, reliability, improved safety for all road users, and to encourage use by cyclists. Therefore, there is already confusion. If one takes the high impact road improvements in isolation then determining that widening and straightening the road is appropriate is an easy decision. However, it is a tourist route and because it is such a significant tourist route that is why it has been selected as a route for a pilot project. As a tourist route it is part of the tourist experience and for many this experience is part of the tourism product for Dingle peninsula. The development of a wide corridor, removing boundaries, natural vegetation, and straightening the road is seen to change that tourism product. And undoubtedly it will. So it is the acceptability of this which must be adjudicated on.

In overall terms, it is readily accepted that the landscape in its wider context does not alter. The road remains a route corridor running through the peninsula linking Tralee to Dingle and this route remains flanked by changing landscapes. Having reviewed the submissions from the applicant and heard further submissions at the Hearing, this is a key component of the applicant's position on the impact on landscape and visual impact by the scheme. This is an entirely reasonable position to hold. However, there has been no attempt at any stage to gauge an understanding of the degree of change resulting from the scheme that changes the character of the road itself and changes one's experience of the road.

Evidently, this road is not solely a channel that directs traffic from Tralee to Dingle. That is one purpose and if one is a commuter between these two towns, is a resident of the peninsula who needs to trade away from it or a shopper who wants to visit the county town for greater choice then developing this traffic corridor to achieve the 'high impact' objectives is for you. If one is a tourist then generally it does not matter how quick one travels between Tralee and Dingle and it can, and does, matter if the road journey itself is an experience that one can enjoy. It is, therefore, not necessarily a question of getting from point A to point B as soon as possible. Clearly, the road improvements would improve journey comfort but, in achieving this, the question of what is sacrificed as a result must be raised. There is ultimately a conflict between the two positions.

## Landscape Character

The applicant in the EIS subdivides the distinctiveness of the landscape within the study area into three landscape character areas – Coastal Fringe, Mountainous Rounded Open Moorland, and Undulating Elevated Valleys. From this it is evident that the receiving environment for the scheme is varied and there are profound landscape differences to be experienced. The classification of the landscape areas, in the wider context, is accepted as reasonable. My considerations are as follows:

### **Coastal Fringe**

This is regarded as the northern and southern limits of the study area, with Tralee Bay to the north of the peninsula and Dingle Bay and Castlemaine Harbour to the south. Much of the land use on the fringe is associated with agriculture and there are many one-off houses throughout. The sea dominates the visual character of the area. The applicant notes that the proposed road does not cross into the landscape character area for any significant length, the exception being for Camp village as far as the scheme end at Knockglass. The scheme is seen by the applicant to have a limited impact on this landscape. While the landscape sensitivity is viewed as high, the predicted significance of the impact is seen to be moderate.

While I propose to look in more detail at the road scheme over more manageable lengths of route later in this assessment, I note that much of the area determined to fall within this landscape character area lies within the village of Camp, an area that one could reasonably conclude is due to undergo minor alteration by the scheme. Details of actual impact will be looked at later. However, a number of comments need to be made at this stage. Firstly, this landscape character area is primarily physically removed from the existing road. Notwithstanding this, it is clearly a prominent element of the landscape experience for the N86 traveller. The views from the road towards the coast are variable, can be expansive such as from lay-by areas, or can be defined as distinct due to the framing of views by established roadside boundaries. The landscape character area is an integral part of the picturesque panoramic experience. The coastal fringe has, therefore, a profound impact on the character of the N86 as a tourist route. While the scheme does not greatly physically impact on this landscape character area itself, how the scheme influences the visual impact from the road is highly important.

One could say at this point that I am creating confusion between landscape and visual impacts. However, it is the inseparable link between the two that one must have an understanding of. One cannot simply segregate the two, make determinations on them separately and leave the assessment at that point. In the context of determining the impacts arising from this proposed scheme, I submit there is a need for recognising the inter-changeable nature of the impacts, their inter-dependability, and the changes arising for the route experience.

### **Mountainous Rounded Open Moorland**

This comprises the upland areas of the Slieve Mish Mountains east and south-east of Camp, Stradbally Mountain north of Annascaul, and Brandon Mountain and associated hills north and north-east of Dingle. These upland areas have limited agricultural use, comprise extensive moorland and are sparsely populated. The applicant determines that most of the scheme falls outside of this area, with the exception of a stretch between Gortbreagoge to west of Camp. The road is viewed as upland in character between Gortbreagoge and Glanmore and the development of cuttings and embankments are noted. Vegetation loss between Mountovens and Camp is also noted, as is the requirement for large cuttings up through Doonore, Scrallaghbeg, Mountoven and on towards Camp. The landscape is regarded as highly sensitive to change and the applicant determines that, as the scheme consistently follows the line of the existing N86 and the limited nature of where the proposal crosses this landscape area, the predicted magnitude of change in landscape resource is low and the predicted significance of landscape impact for this area is moderate.

This landscape character area is accepted as falling mainly outside of the proposed route corridor but once again it must be acknowledged that it forms a critical part of the landscape experience from the existing road. It often is the focus of a view from the road, or it can often frame a panoramic view towards the coast or determine the picturesque setting of settlements along this road. I submit that distant views of the elevated stretches of road proposed to be widened would take the form of some scarring during and in the immediate term after the road development, particularly where there is significant cutting, but could be masked in the medium term by extensive planting. Being mainly on-line, it will also mean that minimum new change occurs such that intrusion from distant views will not be perceptible after a short period of time after the works are complete. However, one must return to the impacts from the road itself and these will be reviewed later in some detail.

#### **Undulating Valley Landscape**

These are the broad elevated valleys located between the uplands and hills, centred on rivers such as the Owenascaul, Owenalondrig and the Emlagh. The landscape is undulating and rural housing is prevalent. Managed farmland is more common and with this has come field boundaries with hedgerow and natural stone walls. Woodland is prevalent, either in the form of small semi-natural woods or managed conifer plantations. The applicant considers this landscape as being of medium sensitivity to change. It is noted that most of the proposed scheme crosses this landscape character type. The applicant submits that the off-line sections will be on raised embankments, cuttings or new structures in this area and considers the road design is sympathetic to the landscape by following the existing road corridor. It is considered that there is a low change in landscape resource, the area has a medium sensitivity to change, and the predicted significance of landscape impact is slight/moderate.

Overall, I can concur with the position that the route for the most part traverses this landscape character area. The ability of this area to absorb the road development is improved due to the terrain, the extent of man-made intervention, the established vegetation, and because it follows the established road corridor for much of its length. However, much changes by the introduction of the scheme within this area as the corridor is opened up and boundaries are removed. These changes will be reviewed when looking at the route character in more detail.

In concluding on this issue, I wish it noted that it is the mosaic of landscape types that is particularly important in assessing this scheme. How one landscape character area influences the experience from another and how one experiences the landscape from the road proposed to be altered is a very important component of the assessment process rather than focusing solely on how the proposed scheme physically impacts on the landscape character areas individually. This is a shortcoming in the applicant's considerations and environmental assessment of the proposal.

#### Visual Impact Assessment

The visual impact assessment undertaken by the applicant was extremely limited. It focused primarily on protected views and ultimately concluded that the views are to be maintained and so no significant visual impact will result. This, as with landscape impacts, fails to consider the route corridor development impact on the road itself. Reference was made to views from residential properties being affected. Effect on private views is not a particular concern of environmental impact assessment. It is from the public realm perspective that the appropriate assessment needs to be made and the application details are wanting in this regard.

#### Landscape Designations

The applicant has had regard to the landscape designations set out in the Kerry County Development Plan. I note that when one examines the route within the context of the amenity designation maps of the County Development Plan at Mountovens / Corrin to the south and east of the N86 the landscape is designated Prime Special Amenity. To the north and west of this part of the road the landscape is designated Secondary Special Amenity. The corridor either side of the route from Doonore South onwards is then effectively designated Rural General. At some distance from both sides of the road along this latter general zoned spine the Primary and Secondary Special Amenity designations then return as lands become upland, become particularly remote or come close to the shoreline.

The applicant's considerations focus on a wide study area and not solely the route corridor itself. It is noted that Prime Special Amenity areas are designated at Stradbally

Mountains and Corrin. The need for cuttings at Corrin is seen to have a direct impact on this landscape and substantial landscape impacts are predicted. The Secondary Special Amenity areas at Knockmore, Emlagh, Inch and on to Dingle south of the road are noted, as is the designation at Corrin. It is considered the designation at Corrin is already dominated by the existing N86 and significant embankments and walls and it is estimated that there would be no significant landscape impact as a result. Incorrectly the EIS states that the entire road scheme lies within the area covered by the Rural General landscape where a higher capacity to absorb development is predicted.

It is apparent that there is some confusion over landscape designation as it applies in the Development Plan. Clearly, between Maumahaltora / Doonore South and Camp village the route splits the Prime and Secondary Special Amenity areas and is not within the Rural General area. Clearly, the routing through this area physically affects these designated areas. Significantly, the Development Plan states that in Prime Special Amenity areas all development will be prohibited, other than exempted development. This is a limitation that applies to all development and not to any particular category of development. The development requires approval from the Board, is not exempted, and at the applicant's own admission will result in substantial landscape impacts at Corrin. Notwithstanding any degree of acceptability or otherwise of the physical impacts, it can reasonably be determined that this part of the scheme fails to comply with the Plan provisions for this location because it is not exempted and it has substantial environmental effects. In relation to Secondary Special Amenity areas, development is required to be designed so as to minimise the effect on the landscape and is required to take account of the topography, vegetation, existing boundaries and features of the area. Permission is to be prohibited for development which cannot be integrated into its surroundings. Again in the Corrin / Mountovens location the proposed scheme seems not to sit with the requirements for development in this area or to meet with prerequisites determining acceptability. In reality, the scheme is a development promoted by the NRDO which deviates in a material way from the provisions of Kerry County Development Plan for that area between Doonore South and Camp village.

In addition to the above, I acknowledge that most of the route corridor then passes through areas designated Rural General. The demands on new development evidently lessen within these areas. However, there remains a requirement that development integrates into its surroundings to minimise the effect on the landscape and to maximise the potential for development. The following section of this assessment will consider this issue in more detail.

### The Route Character

In considering the issue of landscape and visual impact, I am of the opinion that suitable assessment of a lengthy linear scheme requires a review of the route in manageable and meaningful sections as broad-brush landscape designations can fail to acknowledge the distinct differences at more localised levels. I have selected the following sub-sections

because of their ability to be reasonably defined and because of the differing and altering landscape and visual characteristics that prevail within them. I acknowledge there is some degree of overlap between such sub-sections. For each sub-section the existing character of the area and route is described, the proposed scheme is detailed, and my considerations on the impacts are then given.

#### **Knockglass More – Camp**

This is the easternmost part of the route. This sub-section effectively comprises three parts. At the north-eastern end where the scheme starts it is defined by the junction of the N86 and R560. The middle part is defined by the woodland and Finglas River along the west side of the N86, by the banks and tree-lined and dense hedgerow of the east side of the road, and by the picturesque Curraduff Bridge setting with the railway viaduct as a backdrop. The third part comprises the village of Camp.

The proposed scheme provides for the improvement of the junction with the regional road, with a new cycleway/footway both sides of the national and regional roads east and west of the junction. The junction itself would be realigned. The road would be widened to T3SC standard and between the junction and Curraduff Bridge a two-way cycleway/footway would be provided along the east side of the road. An existing habitable house on the east side of the road is to be removed as part of the scheme. Curraduff Bridge would be widened on its north side to provide a width of 7.19m. The road would continue to be improved to the eastern end of Camp village, with the two-way cycleway/footway continuing also to the village edge. Through the village itself there would be footpath improvements out as far as the western edge of the village. The scheme provides for junction improvements throughout this section.

My considerations on the overall impacts on this sub-section of the route are as follows:

The scheme has little impact within the village of Camp. The changes proposed are minor.

The proposed junction improvements will introduce a much clearer defined junction with the R560. The existing junction is quite discrete due to its limited scale and the existence of hedgerows and other vegetation bounding it. The provision of a cycleway either side of the road as it runs onto the R560 evidently influences the extent of established vegetation to be removed. This element will not have a significant landscape or visual impact. Planting on the perimeter will be important to soften the scale of works intrusion, notably along the north of the road and west along the R560.

From the junction to Curraduff Bridge the scheme of necessity had to be designed such that the additional land for widening had to come from the east side of the road. The land drops away to the Finglas River sharply from the road on its west side and there is extensive woodland. Avoiding this sensitive location is required. This was a correct choice in prioritising what should be protected while proceeding with this road design. In

pursuing a cycleway, the choice of a two-way facility also was a logical option in order to protect the valuable habitat on the west side of the road. The difficulty from a visual perspective is the removal dense tree lines and hedgerow set on banks and the cutting into banks to achieve the road width. There is a great sense of enclosure created by the mix of woodland on one side and trees, gorse, scrub and mosaic of hedgerow on the opposite side. This frames the approach to Curraduff Bridge. The effect of taking out the bank and vegetation on one side of the road and realigning the road significantly distorts the approach southwards. The scale of the road at this stage substantively removes the feel of a country road and creates an immediate highway impact. It is a stark change to the character of the existing road and its impact is significant.

Curraduff Bridge is proposed to be widened on its northern side. This is a protected structure and appropriate treatment is paramount. The proposed option of widening on its northern side is even more important as this effectively is the publicly viewable side of the bridge, notably as one approaches from Camp village, but clearly distinguishable also on the approach from the north. Details are provided on the proposed changes in Drawing No. 2991/S1/100 submitted at the Oral Hearing. How these changes tie-in with the existing structure and how the setting of the structure is affected by the road works is particularly important. Too frequently with road schemes affecting older bridges it is seen that appropriate treatment of these bridges become the forgotten element of a scheme, whereby the structure is either bypassed by a new alignment, is hidden behind the new route, or is poorly treated to the extent its character is irredeemably changed. The sensitivity of this protected structure is enhanced by its setting. The woodland and associated scrubland in the immediate vicinity, the siting of the existing two-storey dwelling along the road edge to the south east, the existence of the old railway bridge behind this and running parallel to Curraduff Bridge, and the vertical and horizontal alignment of the road at and in the vicinity of the bridge are key components of the setting of this bridge. It is my submission that there will be a very significant and material change to the setting of this structure by the proposed scheme. Clearly the structure is physically impacted on by widening it by over a metre. The character of the bridge is then distorted no matter how well the finishes and new design seek to remediate adverse impacts. Critically important is how the setting is affected by the new road. There can be no doubt but that the sweeping approaches onto the bridge are radically altered. The roadway loses all sense of a countryside road and becomes what can reasonably be viewed as a typical new national route, with common characteristics of standard width, carefully designed alignments, etc. This establishes a sterility to the approaches, a loss of character and with obvious adverse consequences for the setting of the protected structure. Indeed, this perception of the channelling of a carefully designed road (effectively new in terms of character) and subsequent creation of a somewhat sterile corridor could be said to prevail throughout a scheme such as this as the road that exists is removed in truth and is effectively replaced by a new route as new alignment resets the road, as boundaries are removed, and as fresh new boundaries with a similarity, common momentum, and continuity are provided.



Overall, when looking at this section of the road from distant areas, the visual impact is likely to be negligible. However, it is the impact on the visual character of the road itself which is greatest and will prove to be very significant as the wide corridor takes out hedgerow, tree lines, and banks, cuts into the higher ground along the east side of the road, physically changes the protected structure, and notably distorts the approaches to and setting of this structure. In my opinion, it is an inescapable conclusion that the proposed scheme creates a stark change for the character of the N86 at this location.

### **Camp – Scrallaghbeg**

This sub-section comprises the climb westwards out of Camp and on towards Mountovens and the notable viewing area at Scrallaghbeg, with a pinch-point at Ballygarrett Bridge which is more or less centrally located along this sub-section of the road. The land to the south of the road rises away from the road to the high point at Corrin. There is a mix of bogland type lands and conifer plantation on this side of the road, with road edges notably comprising banks with a predominance of gorse. To the north of the road the land falls steeply away in the direction of Tralee Bay. The road edge along its north side comprises low bank in the main, with extensive views available northwards towards the bay. Some young conifer plantation is present in the Mountoven area at this side of the road. At Scrallaghbeg the road sweeps from an east-west direction to a primarily southerly direction and on the west side of this sweeping bend there is a wide lay-by area that allows for panoramic views to be had over Tralee Bay.

The proposed scheme within this sub-section commences on the western edge of the village of Camp. The greatest proportion of land take for this part of the scheme is along the south side of the existing road. To develop the T3SC design and associated cycleway it will require extensive removal of the banks and vegetation and cutting into the hillside to gain the overall width required to fit the proposed design. The road will be realigned to produce ostensibly a continuous and straight section of road. The one-way cycleway/footway will be developed from the western edge of Camp village and will continue throughout this section of the route. Ballygarrett Bridge will be widened to eliminate the pinch-point (see Drawing 2991/S2/100 submitted to the Oral Hearing). The old railway bridge immediately behind and to the south of this bridge will be incorporated within the proposed cycleway on this side of the road. At Scrallaghbeg the land take then primarily moves to the west of the existing road and to the lands that fall sharply away from the road. The viewing area is retained and improved at this location. The scheme provides for junction improvements throughout this section.

When considering this section of the proposed route the immediate questions that come to mind are: Why is this road design being imposed on this section of road? and What is the need for it? The reality about this stretch of road is that it is wide, with some straight stretches between Camp and Corrin, is in good condition, and has a pinch-point at Ballygarrett Bridge. The latter issue is not an insurmountable problem and could easily be

addressed in its own right by minor improvement works. It is noted that the scheme effectively retains the alignment at Scrallaghbeg and the viewing area is in the same location. The need for significant alignment improvements for this stretch of road is difficult to justify as conditions are generally good. The need for a cycleway must, in my opinion, be seriously in question along this section of road. The cycleway is not going to be put to use as a leisure or recreational facility for this stretch due to its unattractiveness resulting from the gradient and it is my submission that true long-distance cyclists proposing to use a long distance route between Camp and Dingle via the N86 would satisfactorily cycle alongside the traffic within the hard shoulder of the road at this location. Needs would be more than adequately met along the road edge. From a visual and landscape impact perspective the intrusion by the works into the two Prime and Secondary Special Amenity areas is unnecessary (notably the Prime Special Amenity area) and the environmental effects are unwarranted. To provide the realignment will require substantial cutting over significant lengths and this will cause significant scarring. In terms of the experience of the road as a tourist route, the development would continue to create the perception of a new highway, unquestionably increasing traffic speeds, particularly in the direction of Camp. I accept that the land take has been selected to minimise impacts on views in the direction of Tralee Bay and that the development of the viewing area will undoubtedly improve and control access. It is clear, however, that viewing area improvements on publicly held lands could be provided in their own right and do not require to be part of this road scheme. In conclusion, I submit that there will be no significant benefits accruing from this part of the proposed scheme that could not be otherwise dealt with adequately by much more minor improvements such as at Ballygarrett Bridge and at the established viewing area. The need to widen the road corridor, to increase the scale of the route, is an unnecessary landscape intrusion in a landscape that appears from considering the Kerry County Development Plan to be the most sensitive stretch of road for the entire length of this project.

#### **Scrallaghbeg – Slieve West**

This lengthy sub-section of the route continues on a south-easterly direction through a relatively remote stretch of road on the western side of Corrin Hill before turning in a south-western direction at Maumnahaltora, with the road at this point running almost parallel with the Emlagh River. In the main, this is an isolated rural area, with few houses, except at its south-western end where one-off houses line both sides of the road. From Scrallaghbeg the land continues to fall sharply away to the west side of the road, with panoramic distant views continuing to be available north-westwards towards Tralee Bay and southwards towards the Slieve Mish Mountains. The foreground is dominated by a patchwork of field systems. To the east of the road the foothills of Corrin continue to limit views and the hillsides comprise a mix of moorland and some conifer plantation. At Doonore there are some remnants of the old railway line system with a footbridge and evidence of the old line immediately to the west of the existing road. The road meanders through this stretch before turning at Maumnahaltora. The existing road corridor from this point is channelled through a distinct valley (lying north-west of the Emlagh River). This is very much a farmland landscape flanking the existing road, with improved

grassland and notably more hedgerow and boundary vegetation. Views south-westwards are more enclosed by the valley context and screened boundaries but are defined by a terminal view of a mountainous landscape in the distance. Views in a north-easterly direction from Slieve West are very much contained by the topography and roadside screening, with the exception of the approach to Maumnahaltora where there are extensive views towards the Slieve Mish Mountains.

The proposed land take for the scheme tends to focus on the east side of the road for this sub-section of the route between Scrallaghbeg and Maumnahaltora. Through Slieve East and Slieve West the take is primarily focused on both sides of the existing road, with consideration of limiting impact on residential properties. There is extensive realignment resulting from the proposed works through Doonore to address the meandering nature of the road. This will require extensive cutting in parts. Hedgerow and tree removal along both sides of the road would prevail through Slieve East and Slieve West. An old railway footbridge would be removed at Doonore. A number of bridge structures over streams feeding into the Emlagh River would be improved to accommodate the new road scheme. Retaining walls to the front of two residential properties on the north side of the road would be provided in Slieve East. The scheme provides for a one-way cycleway/footway through this part of the route. The scheme provides for junction improvements throughout this section.

The existing road for this part of the route is poor in alignment and overtaking is extremely limited. The provision of straighter sections of road will significantly improve overtaking opportunities. From a visual and landscape perspective, the provision of the wide corridor with flanking cycleways will produce a highway effect through this mosaic of landscape types, significantly altering the feeling of the road having a purpose of serving the area through which it travels to a road serving those who wish to escape from it. This section of road exemplifies the radical choices to be made for the N86. It is very much a meandering country road (remote for this part of the scheme), with each bend in the road opening up differing views of differing landscapes. Is the aim of improving journey time and widening the route justified? I must keep returning to the perspective that the effect of this scheme is to create a new, much larger scale road through a similar corridor but producing a wholly different experience. I must also keep asking the question of whom the scheme is intended to serve. Selected because it is a significant tourist route, this proposed scheme seriously distorts the character of the road and gravely affects the quality of the tourist experience. The commuter is greatly served by the scheme. The tourist undoubtedly loses out. For this part of the route the landscape and visual impacts resulting from the works when viewed from outside of the corridor may not be seen to be significant in themselves because of the continuity of this established route corridor. Once again it is the experience of travelling the road itself that is significantly altered.

**Slieve West – Rathmalode**

This comprises the final stretch of road before it reaches the Gortbreagoge – Annascaul road improvement scheme. The road continues through the undulating farmland landscape of Slieve West, dotted with some one-off houses and farm buildings before reaching Glanmore. For this stretch there is extensive dense hedgerow and tree lines defining the roadside boundaries. Once again there are wide open views to the western end of the Slieve Mish Mountains from both approaches in this area. At Glanmore there are wide sweeping bends in the road on both approaches to the hairpin bend and crossing over Knockbeg Stream. Here the sharp valley running north-south and the associated hairpin bend are not visually detectable due to hedgerow and topography until one is close when approaching from both east and west. An undulating farmland landscape prevails until this valley where the woodland and scrub in the foreground introduce a semi-natural landscape to the south of the road. Views of the mountains dominate the background. The route then enters into a narrow channel of roadway flanked by residential properties before exiting at Lougher where it is exposed to open, rolling countryside and then it rises to Rathmalode. Wide expansive views are provided south-westwards in the direction of the uplands north of Inch. From Lougher to Rathmalode the undulating countryside comprises a lush pastureland flanking both sides of the road. Panoramic views are available throughout this section and in both directions.

The proposed route from Slieve West follows the existing road as far as Glanmore and land take is from both sides of the road. At Glanmore a new section of road crosses the valley alongside the old railway bridge. A new bridge structure is to be provided at this location (see Drawing 2991-S7-100 submitted at the Oral Hearing). The route continues following the path of the existing road with some realignment at Lougher west of the junction with a local road to Inch. There is no significant cutting along any part of this stretch of roadway. The local road junction and the approaches to it are to be improved and there is a notable land take to accommodate these changes. A short distance to the east of this junction a viewing area is to be provided offering panoramic views across an expansive landscape. A couple of bridge structures over minor streams are proposed to be improved as part of the scheme at Lougher. The one-way cycleway/footway is proposed to continue throughout this section of road. The scheme provides for junction improvements throughout this section.

This is a stretch of route where one senses an inhabited landscape due to the propensity of one-off housing and the extensive managed farmland. Notwithstanding this, it is apparent that some of the widest, most open and expansive views are available to the mountains, notably from the elevated sections at Rathmalode, on the western approach from Lougher and across the Slieve Mish Mountains east of Glanmore. It is a very distinct section of the road as the mountains north and south dominate views. There are some reasonably straight stretches of road with good surfaces between Glanmore and Slieve West, which could be seen to call into question the need for substantial road improvements here. Setting this aside, I am of the opinion that for much of this stretch the road widening would not significantly impact on the visual character of the road, with the exception of the impact on Glanmore. The latter is a unique feature with an adjoining landscape of unique characteristics. The new alignment evidently intrudes on the semi-natural

character of this area. Leaving the latter aside, the proposed road follows closely to the existing road and it is notable how little cutting is intended, with several opportunities to utilise wide margins to incorporate the scheme, notably between Rathmalode and Lougher. With the exception of the works proposed for Glanmore, the widening of the road carriageway would not have a significant impact on the experience of the character of the road for the traveller.

#### **Annascaul**

There are no significant changes for the village of Annascaul arising from the proposed scheme. Footpaths are proposed to be improved. There will be no significant change to the character of the route resulting in visual and landscape terms.

#### **Gurteen – Garrynadur**

Leaving Annascaul one then enters a most distinctive and notorious stretch of road, notable for a series of hairpin bends at Farrannacarriga, Ballinasare, and An Bhánóg Bheag. The road turns west out of Annascaul past the junction with the regional road to Castlemaine (R561), past the rural graveyard on the north side of the road and through a cutting, all the time bounded by hillside farmland, edged mainly by banks with hedgerow. The road then starts to climb on towards Farrannacarriga, with rising hills on the north side of the road and lands falling away from the road to the south. There is a notable corridor of woodland along the lower land to the south of the existing road. There is then a wide sweeping hairpin bend at Farrannacarriga rising steeply on the approach from the east. The road then proceeds on to a series of bends, continuing to rise, bounded to the north by hills and falling away to the south. This then leads immediately into another hairpin bend at Ballinasare. The elevated approach from the west exposes the mosaic of landscape types at this location, with distant views of mountains, the patchwork of fields to the south of the road, gorse-capped hills to the north, woodland and scrubland edging to these hills, and prominent woodland in the valley immediately south of the hairpin bend. The road then continues to climb, with distant coastal views available, proceeding through another managed farmland landscape, with tree and hedgerow roadside boundaries again becoming common and a greater preponderance of one-off houses close to the road. The road then enters a series of bends on the approach to another hairpin bend at An Bhánóg Bheag, past farm complexes and a mix of semi-natural landscape to the north of the road and rolling farmland to the south. The significant hairpin bend at An Bhánóg Bheag rises steeply, dissecting farmland on both sides and the road then moves on towards Garrynadur.

As the proposed scheme emerges from Annascaul there is a significant land take to the north of the road at the junction with the R561 to accommodate junction improvements. Proceeding westwards the land take is along both sides of the road until Farrannacarriga and the road is realigned to produce a long straight stretch. Provision is made for parking

at the graveyard. On the approach to the bend at Farrannacarriga there is a substantial take of woodland to the north side of the road as the road continues to be realigned to address the series of bends at this point. The road then proceeds straight across the valley in a new stretch bypassing the hairpin bend, providing a substantive bridge structure (see Drawings 2991-S13-200 and 2991-S13-201 submitted to the Oral Hearing). There would be a new masonry arch structure over the realigned stream over which would be a substantially filled area and the new road. Between here and Gortacurraun there is again notable land take to the north of the existing road to again provide for a realignment of the road to address a series of bends on the approach to the next hairpin bend. At Gortacurraun the road again directly crosses the valley to bypass the existing sharp bend. The crossing provides for a new substantive bridge structure, detailed in Drawings 2991-S14-200 and 2991-S14-201 submitted to the Oral Hearing. It follows a similar pattern of construction to that at Farrannacarriga. Proceeding westwards the land take is primarily to the south of the existing road to accommodate realignment. A new viewing area to the south of the road is to be provided just west of the valley. Retaining walls are provided to the north of the road to the front of two residential properties close to a local road junction. Just west of this crossroads at Ballinasare, there is a new stretch of road as the route progresses north-westwards to bypass the hairpin bend which lies to the north. The road is raised through this lowlying stretch and machinery underpasses are provided at either end of the raised stretch. The road then moves on up towards Garrynadur having been realigned to the south of the existing road. The one-way cycleway/footway continues through this section of the route and the scheme provides for the upgrading of junctions with other roads throughout.

This section of the route is notorious for its series of hairpins bends and meandering nature of remaining road as it winds through the hilly landscape and over severe natural valleys running perpendicular to the road. This is where the scheme undergoes its most change and yet it is the section of road that produces the character of tourist route probably most desired and most recognised because of the natural terrain. It is not anticipated to be a dangerous stretch of road as traffic speeds are required to be low. If one accepts the changes being proposed by the scheme for this stretch as being merited then, in my opinion, the impacts of the remainder of the scheme can only be viewed as tolerable, in the context of accepting a wholly changed character to the road. The turns and twists in the road and the hilly nature of it allows for a multiplicity of views and prospects to be had. The provision of the new scheme will not diminish distant views of the coast and the mountains. However, in my opinion, if one is talking of protecting great tourist driving routes then the loss of the existing road by removing these hairpin bends, filling and traversing areas of deep valley, losing woodland, and creating straight wide roads will, eliminate what is best about this road in terms of its character. This stretch of route is a unique element of it. Its contribution to the tourist driving experience is worthy of retention. Perhaps there could be an opportunity for minor improvements through some of the more minor bends or an opportunity to develop a more orderly viewing area within this section. But running with the proposed design, the wide necessary corridor for it and substantive land takes along parts of this road makes this road unrecognisable for this section. In my opinion, the amenity value of this existing road is lost by the scheme.

### **Garrynadur – Churchfield**

At Garrynadur the road enters the western end of Lispole village, proceeding past a public house, a shop and houses grouped around a crossroads. The road then sweeps out into open countryside, with lands rising to the south and falling away to the north, allowing for expansive views westwards with residential development prevalent in the foreground and expansive mountain views to the north and west. At this stage the road enters a semi-urban / semi-rural area with a grouping of houses and community facilities to the south of the road and farm lands falling away to the north in the direction of the Owenalondrig River. The road is bounded by an array of boundary types, including timber fencing, low banks, evergreen tree lines, and hedgerow. The road then enters Lispole village and winds its way through the village, flanked by the church and commercial property before reaching the bridge over the Owenalondrig River.

The proposed scheme enters Garrynadur and follows the route of the existing road between houses and other properties, with land take either side of the road to provide for the road widening and cycleway. A small inhabited cottage to the north of the road is to be acquired as part of the scheme to accommodate the widening. The road continues westwards and is then realigned on the eastern approach to the village of Lispole. With the exception of footpath improvements and minor boundary wall alterations at the church there are no notable changes within the village as far as the bridge over the Owenalondrig river on the west side of the village. The one-way cycleway/footway continues through this section of the route, with the exception of Lispole village core, and the scheme provides for the upgrading of junctions with other roads throughout.

The effects of the scheme on this stretch of road from a landscape and visual impact is not significant in my opinion as the context for the open nature of the road and the extent of housing throughout will not be gravely affected by the proposed widening. The loss of a small cottage along the road edge is unfortunate, with it being one of the longer established houses in the immediate vicinity, with its setting allowing for panoramic views over the Owenalondrig River valley and on towards the mountains behind. There will be no notable changes in the character of the routing through Lispole village.

### **Churchfield – Ballineetig**

On leaving Lispole the road crosses the Owenalondrig River, rising out of the village, flanked by hedgerow, with linear housing to the north and farm land falling away from the road to the south. A retaining wall is provided along the north side of the road and the road then passes between two farm complexes, levels out and enters into a long straight stretch of road with dense hedgerow flanking the road behind which lies extensive farm land. The road continues straight through this area on the approach to Emlagh East Salt Marsh proposed Natural Heritage Area. There is extensive scrubland on this approach as the road passes a seal sanctuary before the pNHA comes into view immediately to the south of the road. The notable marshland to the south adjoins the road for just less than

half a kilometre before land conditions improve and a few houses then flank the road close to this easternmost section of the pNHA. Marginal grasslands prevail along the northern side of the road at this location. The western section of the pNHA then adjoins the road to the south, with the Reenboy Stream and Garfinny River crossing the road from the north to enter the marsh. At this location the road passes between a recycling centre and vehicle repair outlet and a small grouping of houses, continuing as a straight stretch of road flanked by hedgerow and low banks as the road exits to open countryside. It is flanked by a mix of scrub and marginal grassland to the south and lowlying marginal grassland to the north. The road progresses as a straight stretch to Ballineetig.

Emerging out of the village the scheme follows the established alignment and provides for the widening by land take along both sides of the road. For a short distance west of the river the cycleway is one-way and then just west of the former Lispolle railway station the cycleway becomes two-way on the southern side of the road along a continuous straight stretch past Emlagh East Salt Marsh pNHA and on as far as Ballineetig. There are bridge and culvert improvements throughout this section of road, with notable provisions over the Reenboy Stream and Garfinny River (see Drawings 2991/S19/100 and 2991/S21/100 submitted to the Oral Hearing). The scheme provides for the upgrading of junctions with other roads throughout this section.

What is notable about this stretch of road is the long straight roadway that prevails. The option of providing a two-way cycleway, in my opinion, is a poor choice along the south side of the road as it results in direct intrusion into the pNHA. Certainly through this location there is ample opportunity to have acquired lands to the north of the existing road and avoided such direct adverse impact. This is perhaps the most negative impact on a very sensitive landscape and is unnecessary both in its scale and in the cycleway option. From a traffic perspective there is little need to proceed with extensive road improvements as the road condition is good and this is one stretch where overtaking opportunities prevail almost throughout. This then calls into question a need to intrude on the dense hedgerow edging along the road and the take of more semi-natural lands as the route heads towards Ballineetig. Any necessary minor improvements to the carriageway could readily be undertaken to facilitate achievement of a higher standard of road without such extensive impact. While not having a significant visual impact in overall terms for this stretch, the need to eliminate the roadside boundaries and to intrude into the flanking lands is called into question.

#### **Ballineetig – Dingle**

At Ballineetig the road swings south-westwards, rising out between rolling countryside and up past a linear grouping of detached houses before turning west then north-west in the direction of Dingle. At Ballinsaggart the road opens up panoramic views in the direction of Dingle Bay, preceded by a wide expanse of roadside edge to the north of the road at the bend. It is at this point that a series of stone walls flank the approach for some distance towards the town of Dingle. Some tree lines are sporadically backplanted behind the walls throughout this stretch. Views continue to open up towards the town, the bay



and the mountains which form the backdrop to the town. The low banks to the southern side of the road edging the farmland at the westernmost part of the road allow a continuity of views. Finally, the road ends at the suburban edge of Dingle as it meets a roundabout, flanked by community facilities to the north and a range of commercial premises to the south.

The scheme proceeds southwest and the road is realigned resulting from land take along both sides of the existing road. At Ballinsaggart the road turns north-west and there is a new realigned section over the existing wide grass margin. A new viewing area is provided to the south of the road at this location. The road continues north-westwards with land take primarily from the south, then north and back to the south of the existing road before reaching Dingle. The one-way cycleway/footway is provided from the start of this section and continues through to the end of the route. The scheme provides for the upgrading of junctions with other roads throughout.

From Ballineetig to Ballinsaggart the proposed scheme will not have any significant landscape or visual impacts resulting in any significant change in character of the road and the views gauged from it. A new viewing area at Ballinsaggart will allow for panoramic views to be had over Dingle Bay and will be a welcome addition on the approach to the town. Unfortunately, the scale of the new road is again called into question as the long established stone walls flanking the existing road are to be removed, as well as tree lines and other vegetation. Notwithstanding the replacement of stone walls, the character of this entrance to the town will be distorted by the likely uniformity of treatment and use of materials which will not repeat that which exists at present. Emerging from Dingle through the roundabout and heading west onto this scheme, with the wider realigned road and flanking cycleways, the feeling of entering onto a new main road of highway character and increased speed will prevail, changing the perception of leaving the town onto a country road that prevails at present.

#### **Conclusion on Route Character**

This is an issue that has not been addressed by the applicant in any of its submissions making up this application and yet it is the one issue that is the most critical in terms of public perception of the value of what exists, what is proposed to be done, and how one considers the changes to the road experience travelling through Dingle peninsula. While it could be determined that there is a huge degree of subjectivity in expressing opinions on this issue, this is not necessarily so in the context of this tourist route because one knows of the notoriety of the road's character. For a road scheme that is not necessary on the basis of predicted increased volumes of traffic, is well down the order of priority in terms of sections of National Secondary Roads requiring upgrading, and is being developed because it is a notable tourist route effectively of national importance, the effects on its character are, in my opinion, a most important consideration in determining whether the scheme should proceed or not.

In my opinion, the scheme has profound impacts on the character of this tourist route and these are not positive impacts overall. Most of this section of the N86's idiosyncrasies are either its jewels as a road of significant tourist character, while being its nemesis from the perspective of wanting to overhaul its engineering deficiencies. Herein lies the quandary. In my opinion, it is a stark choice between the two. It would be illogical to proceed with a bit of the design on some short stretches, alter the design on others, and leave the road as is elsewhere. One either chooses to remove the character of the road for traffic engineering reasons or protects it for its inherent value as a recognisable part of tourism infrastructure for the peninsula. This may be perceived as emotive, sentimental or fickle. However, an examination of this issue cannot be detached from the environmental assessment of the impact of this scheme as it is the essence of the road (i.e. its identity) that is to be irrevocably changed.

#### **4.9 The Development in the Context of the Tourism Provisions of the Kerry County Development Plan**

Considerations on how the proposal meets with transportation provisions set out in the Kerry County Development Plan have been offered earlier. Also, considerations on the visual and landscape impacts have been given and comment was made on the provisions applicable in the current Plan. It is proposed now to consider the proposed development in the context of the tourism provisions of the Plan.

In seeking to be comprehensive in considering this issue, it is important to focus on the relevant objectives of the Plan. The relevant objectives of the Plan include:

- T 6-2: To protect and conserve those natural, built and cultural heritage features that form the basis of the County's tourism industry, including areas of important landscape, coastal scenery, areas of important wildlife interest, historic buildings and structures and the traditional form and general appearance of towns and villages.
- T 6-3: To promote the sustainable growth of the Tralee-Killarney Hub, the Ring of Kerry and the Dingle Peninsula as the primary tourism hubs.
- T 6-6: To promote the development of tourist related infrastructure such as transport, access and high-quality tourist accommodation, where proposals are in accordance with the provisions of this plan.
- T 6-12: To ensure that built development and other activities associated with tourism shall in all respects be appropriate to the character of the place in which they are situated. This applies to the scale, design and nature of the place as well as to the particular land use, economic and social requirements of the place and its surroundings.

T 6-37: To seek the best balance between permitting developments which facilitate the expansion of the tourist industry and protecting the ecosystems and cultural ethos which form part of the heritage values unique to the area, and which are attractive to visitors.

T 6-53: To facilitate the provision of infrastructure required by those engaged in walking, cycling and mountaineering activities.

T 6-58: To promote the improvement of roads, existing amenity and viewing areas on tourist routes, and provide for car parking, local name signage, public facilities and access in scenic areas in accordance with the requirements of this plan and relevant legislation.

In the first instance it could readily be determined that the principle of the proposed road improvement scheme sits very comfortably with a number of the above objectives, such as T 6-6, T 6-53 and T 6-58. However, it is my submission that the proposed development's compatibility with many of the Development Plan's other tourism objectives can produce an altogether alternative conclusion. Ultimately, this demands a rethink on what the existing road is and what it encapsulates for the tourist and visitor. Examples are as follows:

In the context of Objective T 6-2, it could be construed that the existing road comprises a feature that forms part of the basis of the county's tourism product and is a feature deserving of protection and conservation. Indeed, this is effectively what Objectors are portraying in their arguments against the principle of the development. The unique form and character of this road network, which has been dictated by the natural environmental constraints prevailing along its course, could be viewed as part of the tourism product that is the Dingle peninsula. If one accepts this position then to radically alter the route could be viewed as an infrastructural change that undermines the tourism product.

In the context of Objective T 6-3, the question must be asked: Is it sustainable to significantly alter a notable infrastructural feature that contributes to making the Dingle peninsula one of the key attractive tourism hubs in the county and perhaps in the country? From a tourism perspective, one is required to decide if the peninsula is better off with or without the road improvement scheme. Certainly, one will travel quicker between Tralee and Dingle but is the tourist experience of the peninsula improved or adversely affected by the new scheme? It can easily be argued by many (and is argued) that travelling through the peninsula along the existing road is what forms an integral part of the tourist experience of the peninsula. The tourist is not necessarily rushing from one end of the peninsula to the other, albeit that may be desired by some. The questions that need to be determined, if one accepts the existing road as such an integral feature, are:

(a) is an improvement scheme needed at all?

- (b) if road improvement is considered necessary, then to what standard is it needed? and
- (c) how can it be carried out with minimal intrusion so as to protect the character of the existing road?

Accepting the character of the existing road as an integral tourism feature, then the conclusion on the proposed scheme design could only be made that it is over-scaled and that there are several alternatives which can retain the character of the road while making improvements to the tourist's journey (see assessment of Alternatives).

With regard to Objective T 6-12, it is apparent that this is at the heart of the Objectors main concerns relating to the proposed development. If the proposed road scheme is a tourist-related development then its scale and design in a highly scenic, rural location radically changes the character of the route and the tourist experience. Its designed scale could easily be determined to be inappropriate to the character of the place in which it is set. This is particularly so when other options to maintain its character can be comfortably pursued. This perspective on this objective requires a rethink on what a tourist road is and acknowledges its contribution to the tourism qualities of an area.

Finally on Objective T 6-37, the question can be asked: Do the changes brought about by the proposed scheme protect the uniqueness of a tourist channel through one of the county's most important tourist destinations, a corridor widely considered to be attractive to tourists and visitors?

Overall, it is all too easy to point to the objectives which promote the development of road infrastructure under the heading of 'Tourism' in the County Development Plan while missing the order of priorities and understanding the critical point about what is worth protecting when significant change is promoted.

#### **4.10 Alternatives**

The EIS informs the Board that the issue of alternatives was considered in the form of the development of preliminary alignments. This comprised a primary alignment and additional alignment options at three locations where there were hairpin bends, namely at Gortacurraun, Glanmore and Mountoven. The alignment options for each of the hairpin bend locations were shown and a short overview for each was given. At the Oral Hearing the design process was described and the choices were again reviewed at the three hairpin bend locations.

In the context of what is proposed, it is my submission that there was a minimalistic approach to the issue of alternatives to the scheme. This has resulted in no helpful assessment of the other development options that allows for a reasonable and balanced comparative process. In my opinion, the range of alternatives that should have been

considered includes alternative road development options and alternative cycleway options.

The applicant submitted at the Oral Hearing that cycleway options were considered when rebutting arguments for alternatives and stated they were rejected for various reasons. However, no details were submitted on previous consideration of alternatives and at no time was any previously documented assessment provided which demonstrated that such alternatives had been assessed, rejected, and reasons given for the rejection. I acknowledge that two of the final few submissions from the applicant, arising from the debate at the Hearing on cycleways, referred to the existence of the old Tralee-Dingle railway line and its availability as a cycleway alternative route (Submission 17) and an identification of areas along the route considered suitable for hedging in the intermediate verge separating road traffic from the cycleway (Submission 20).

My considerations on some alternatives that should have been assessed are as follows:

### Road Development

It is noted from the outset that this section of road between the junction of the N86 and the R560 and An Daingean is not a top priority route for improvement arising from the National Secondary Road Needs Study. It carries low volumes of traffic. It does not have accident rate characteristics that determine it a most unsafe stretch of public roadway. It has significant physical constraints, much of which result from its poor horizontal alignment and some of which result from restricted width in few locations. It is a significant tourist route for Dingle peninsula.

In looking at the upgrading of the road carriageway choices can be made. The project is being developed as a Tourist Route Pilot Scheme. Therefore, if one wishes to retain the character of the tourist route then several more minimalistic works can be undertaken to improve the tourist journey. It is my submission that for a tourist one would be seeking to maintain the general character of this road, to retain its 'country road' appeal, retain its quirks (particularly its hairpin bends), retain its adjoining tree lines, hedgerows, stone walls, woodland edges, etc. Perhaps the greatest constraint in driving this road as a tourist is the availability of overtaking for sections of the road. Some basic works to address constraints could readily include:

- Providing passing bays with regularity along the route such that the driver is aware that consistently throughout poor stretches of road there will be opportunities provided for overtaking;
- Upgrading the paved width for that part of the route length where it is substandard, ensuring 3m wide carriageways in each direction prevail for the road;
- Improving pavement condition throughout; and
- Upgrading the key junctions along the road.

Evidently there are many other minor works in addition to these to address driving conditions. If one is developing this road and is also seeking to maintain it as a key tourist road for its attractiveness as a road to travel then it is this approach which should first be considered as an alternative to opening up a significant wide corridor to change the touristic quality of the road.

If one is to take the road as a tourist road and to pursue improvement in this manner it is evident that other improvements in the form of amenity works could also follow. A priority here would include the upgrading of the existing viewing lay-bys such as at Mountoven. There could be more channelling of vehicles through controlled access points, improved surfacing of these areas, increased tourist information signage, etc. Following on from this there could be additional viewing lay-bys following a similar format, such as on the approach into An Daingean, at Farrannacarriga, etc.

I appreciate that these measures are minimalistic and I can anticipate that some will view such measures as not addressing the problems that exist in any substantive way. The reality is, from the perspective of sustainable development, choices are required to be made. If the road is not particularly problematic for the driver, is not intended to carry increased volumes of traffic, and has parts of it that require some improvement, then as a notable tourist route it is my submission that one should focus on improving that which needs to be improved. It is the excessiveness of the development option being pursued in this application that is inexplicable.

I acknowledge that the Type 3 Single Carriageway Road could be construed as the minimum standard being pursued by the National Roads Authority for national roads. The question that needs to be decided by the Board is: Does this tourist road demand such a radical overhaul for its entire length in fulfilling its purpose?

Finally, I must note that the development of the scheme as proposed will itself not completely achieve standards throughout. This is typified in the requirement for advisory speed limits to be applied at Curraduff Bridge (35kph), Mountoven (55kph), and Glanmore (55kph). It is apparent that reducing standards to meet needs is sensible. I must also note that there has been significant upgrading of parts of this road throughout the stretch proposed to be affected by this scheme, calling into question the need for further road improvements where they appear unwarranted.

### Cycleway Alternatives

It should be noted from the outset that the combined pedestrian/cycle facility proposed is an add-on to the Type 3 Single Carriageway Road. It is not an integral part of the NRA standard. I have already argued earlier that the need for this cycleway and its functionality must be seriously called into question. One obvious alternative, based upon this position, is to omit the cycleway entirely from the proposed scheme. This would have significant benefits by not alone reducing scheme costs and eliminating likely future

defunct infrastructure due to lack of use, but would significantly reduce the wide corridor width and consequently reduce the significant environmental impact arising from the scheme. This is one alternative that should have been considered as a realistic option. It remains a realistic option for the Board to pursue.

Focusing then on the options for a cycleway, I am of the view that two alternatives should have been addressed by the applicant in its EIS, namely utilising the old Tralee-Dingle railway line and seeking to develop a cycleway along the Dingle Way. I acknowledge that, in both instances, there would be a requirement to look at parts of the existing N86 as forming part of such cycleways due to the practicality that these already form part of the existing roadway. In choosing to review these two alternatives, I am choosing not to address the existing proposal before the Board with the view to deciding on whether a two-way or one-way cycleway is preferred throughout the proposed scheme. I would, however, like it noted again that the choice of a two-way cycleway adjoining the Emlagh East Salt Marsh pNHA has adverse implications for this conservation area and is a poor option choice.

My considerations on the other cycleway alternatives that I am of the opinion should have been reviewed by the applicant are as follows:

#### **Tralee-Dingle Railway Line**

Much was made by the Objectors to the scheme on the opportunity to develop a cycleway using the old Tralee-Dingle railway line. As a result of the success of the development of the Great Western Greenway from Westport to Achill Sound in County Mayo, there is a perception that the use of the old railway line in the Dingle peninsula could result in a greater and safer facility for cyclists. Having examined the existing Greenway I note that much of it is an off-road cycle trail and is a recreational and tourist cycle trail / footway. The Greenway provides a journey for cyclists at safe distance away from the N59 National Secondary Road into the varied scenic landscape of that part of the county. I note also that small parts of the route run alongside the N59, are sited below it, over it, traverse it a couple of times, and that local roads also form part of it.

When seeking to consider this alternative for the Dingle peninsula, the two issues of whom you intend to serve and how realistic is the pursuit of a cycle trail on the old railway line need to be known.

Looking to the first issue and returning to the experience of the Greenway, I note that it is not a cycle facility used by the long distance cyclist commonly seen on public roads. This is an important distinction when deciding what type of cycle facility is intended to be developed along the Dingle peninsula. The proposed cycleway, although promoted to some degree as being a recreational / tourist facility, could not be produced as such a facility. Using this stretch of road, immediately adjoining the main road, recognising the very steep gradients, etc. could only result in one determining that the cycleway is being promoted for use by the long distance cyclist. The proposed scheme is not a family-

friendly option and is not a route for cyclists that one can leisurely use as a form of recreation. It unquestionably is a scheme for the cycling sports enthusiast.

For this reason the pursuit of the old Tralee-Dingle railway line as an alternative is completely misplaced because the cycleway development being pursued by the applicant can only be an entirely different product with an entirely different end user. If one is to seek to develop an off-road trail then one is looking at an entirely different product. Unfortunately, there remains significant confusion in the application about the purpose of the cycleway. The Oral Hearing did not enlighten participants about the purpose of the facility to any great degree and, indeed, it can be maintained that confusion prevails. I can only conclude that, knowing the type of scheme proposed and the road along which it parallels, it is not intended as a recreational / tourist facility but is more of a long distance cycling route for the cycling enthusiast, albeit that it could be used in parts by tourists / recreational users.

A serious difficulty arising from this facility taking this form of use is getting the cycling enthusiast to use it when they often have preference to be on the road itself, particularly when it is potentially a shared facility with recreational users in parts (which undoubtedly it will near villages and towns) and with walkers also in such locations. Herein lies a difficulty for the type of cycleway being pursued in this application and it begs the question why can the needs of the long distance cyclist not be met by alternative approaches with less environmental impact that does not necessitate such a cyclist from cycling the carriageway edge directly beside vehicular traffic. Indeed, utilising a hard shoulder (as a cycle lane) could readily become the desired option for such a cyclist for much of the route as proposed and I would argue is more appealing than the facility proposed.

Returning then to the second issue of how realistic the use of the old railway line is, I can confidently state that it is not realistic as a cycle trail. It cannot comprise an off-road facility. The applicant at the Hearing made a submission close to the end of the Hearing which showed lengths of the old railway line under the existing N86, lengths off-road that are discernible, and lengths off-road for which there is no evidence of boundaries. The first observation that is required to be made from this is that there are very significant lengths of the old railway line that lie under the existing road. This in my opinion is enough to determine this alternative as an unrealistic option. Whether one could use parts of the off-road sections in combination with other alternative options could be considered, but in isolation the choice of using the old railway corridor is not viable.

#### **Dingle Way**

The Dingle Way is a long established walking route. Essential to its attractiveness as an alternative cycle facility for the long distance cyclist is that it is effectively on-road for much of its length and it proceeds through a scenic section of the peninsula, taking a route through the villages while bringing one close to the scenic shoreline and then into the remoter areas away from the main road. Within the peninsula and along the study area



associated with the proposed road scheme the Dingle Way runs along local roads from Curraduff, through Knockbrack / Maumnahaltora, Slieve East, Glanmore, down to Inch, across to Annascaul, west through Gurteen, Acres, Minard East, northwards to Garrynadur, into Lios Poil, northwards through Deerpark, and across Lidargan on the lower slopes of Croaghskearda. It is at this point that the trail leaves the local road network to cross in the direction of the Connor Pass and then south-west to Dingle. This latter section is a short section of the route close to Dingle. Addressing concerns for this section one could continue along the local road network from Lisdargan westwards through Flemingstown, through Baile an Mhamhnaigh west of the N86 and on to Dingle through Fearann.

It is my submission that this is a much more desirable long distance cycle facility for the peninsula than a track laid directly parallel to the upgraded N86. It is a much more attractive route for the cyclist, having many more positive attributes. Unfortunately, such an option was not considered and was not assessed by the applicant. I did note that the applicant at the Oral Hearing made reference to concerns about alternative cycleways having impacts on Natura 2000 sites if they were pursued. It is clear that the use of the local road network for cycling purposes will not have any notable adverse impacts for such important conservation sites within the peninsula.

Following the route of the Dingle Way should be seriously considered as a potential alternative cycle facility for the peninsula. Developing the local road network as an option via the Dingle Way will allow for a significant meaningful future expansion of the cycle network further westwards beyond the town of Dingle and undoubtedly throughout the peninsula.

In promoting this alternative as one that requires serious consideration, I have noted from Fáilte Ireland's *A Strategy for the Development of Irish Cycle Tourism: Report for the Cork – Kerry Region* that the long distance route advocated for the Dingle peninsula basically follows the route which I have set out as a viable alternative to the proposed cycleway. This is a much more desirable route for the long distance cyclist, being on-road on minor local roads, away from the main road, and travelling through the various villages and tourist locations in this part of the peninsula. The promotion of this route by Fáilte Ireland should be pursued as the key long distance route for the peninsula. It does not make sense to provide a competing route which will prove a much less attractive option. It is notable that the long distance route promoted by Fáilte Ireland also ties in to a designated network such that the route in the vicinity of the N86 corridor continues eastwards to Tralee from Camp and from Inch it ties into a link onto Killarney. Pursuing this alternative option (or at least reviewing it as a serious alternative) is required to be considered and is in the best interest of establishing the most workable cycleway network for the peninsula.

Finally, I must stress again that Dingle peninsula will get one opportunity to develop its cycle network in the foreseeable future. My opinion is that it must be done right from the

outset. Without serious consideration of more desirable alternatives that will be used by the cyclist, either in the form of off-road options, use of the local road network, or a mix of the two, the scheme before the Board that includes the proposed one-way / two-way cycleway on the edge of the N86 should not be advanced at this time. Accepting such a conclusion can only lead one to determine that if the T3SC design is to be permitted then the cycleway facility as proposed should be omitted.

#### **4.11 Land Requirements**

The lands stated to be required for the development of the scheme are illustrated in the Kerry County Council N86 Dingle to Annascaul & Gortbreagoge to Camp Compulsory Purchase Order of 2011. The rights of way to be extinguished are described in Part III of the Schedule. Two habitable houses at Knockglass and Garrynadur are proposed to be demolished to make way for the scheme. Three derelict buildings and one agricultural building would be demolished also. Some portion of 158 properties is to be permanently acquired. Approximately 78 hectares of agricultural land would be acquired. If the road improvement scheme is to proceed to the design standard proposed and with the associated cycleways, it can only reasonably be determined that the lands to be acquired are necessary to facilitate the provision of the scheme.

#### **4.12 Compulsory Purchase and the Impacts on Property**

I note that there were over 100 objections received by the Board to the Compulsory Purchase Order. As will be noted from the outline report on the Oral Hearing most of these objections were withdrawn before or during the Hearing. Those property owners remaining Objectors to the compulsory acquisition of their property are as follows:

Ted & Carmel Brown  
Lisa Moriarty  
Coven Developments Ltd.  
Gavin Singfield / Mezzanine Logistics Ltd.  
Ian and Rachel Smith

My considerations on their concerns, and on those of Tom Moriarty on changes at Ballinasare, are as follows:

*Ted & Carmel Brown CPO Ref. 400a and b*

The Objectors have a business premises at Emlagh, Kinard with frontage and an entrance onto the northern side of the N86. The business consists of sand and gravel sales, tool hire, concrete products, etc. The concerns raised in a written submission to the Board relate to the extent of land to be taken and its negative effect on the business, the

relocation of their entrance onto a side road and the effect of losing passing trade, and the potential interference with proposed plans to build sheds on the land for which permission has been received.

The NRDO produced a written response to this submission at the Oral Hearing. Therein it was submitted that the landowners had expressed concerns at a public exhibition of the scheme about the emerging preferred alignment. It was stated that, following the expression of those concerns, the alignment was subsequently modified to address them. It was further submitted that the planning permission relating to the lands will not be materially affected by the proposed scheme and that it can be implemented substantially in compliance with the permission granted. It was then stated that it was understood that all issues have been addressed to the satisfaction of the landowner.

In considering these submissions I must first note that the Board has no record of the objection having been withdrawn. Therefore, it remains as an objection to the CPO. I then note for the Board that Planning Permission 08/393 relates to a planning permission granted to Ted Brown for the construction of a storage unit and the revision of an access driveway. The proposed storage shed would be set back well into the site and away from any land take at the site's frontage. The proposed revision to the access driveway relates to the relocation of the internal driveway from the east side of the site to an alignment primarily along the west side of the property. The entrance point onto the national road effectively remains the same as a result of the permission. As a consequence of the land take proposed as part of the CPO, I am satisfied that this would not materially affect the landowners' opportunity to carry out this permitted development in accordance with the permission issued, albeit that any entrance onto the N86 would be further back into the site. Furthermore, as a consequence of the proposed road improvement scheme, I would be firmly of the opinion that the effect would be to increase the visibility of this business premises for potential passing trade and that the road improvement scheme, other than through a short-term, minor intrusion at the construction stage, will not negatively impact on the functioning of this business. Finally, I note that the scheme would improve the junction of the local road with the N86 immediately to the east of the Objectors' business premises.

*Lisa Moriarty – CPO Ref. 490a and b*

The Objector has a two-storey house which has a single storey extension on its eastern side at Churchfield, Kinard at the western entrance to Lios Poil village, along the northern side of the N86 and just west of the bridge over the Owenalondrig River. It is sited close to the road edge and its frontage does not run parallel to the main road. There is a low wall separating the property from the road carriageway. The concerns raised by the Objector in a written submission to the Board relate to the reduction in site area and the consequential impact on amenity and the saleability of the house, the impact on a wastewater treatment system, the affects of surface water runoff by road junction

improvements, the need for suitable boundary treatment resulting from the raising of the road level, and the financial impact on the Objector.

The NRDO produced a written response to this submission at the Oral Hearing. Therein it was submitted that the proposed development will not impact on the validity of the planning permission under which the Objector's development was constructed. It was submitted that provisions have been made within the road drainage design to ensure surface water runoff will not discharge to the landowner's property. It was also stated that no significant noise or vibration impacts will result for this property. Finally, it was submitted that the NRDO met with the Objector and that it was understood that all issues were addressed to the landowner's satisfaction.

In considering the concerns raised, I note the proposed land take is not in any way extensive at this location. I do, however, understand the concerns as the property is particularly close to the road edge and any changes, such as increasing road levels, could potentially affect the intrusiveness of a functioning road on the habitability of the dwelling. I consider that the effects of a functioning road following the improvement scheme are unlikely to make a material difference on the habitability of this property however. In coming to this conclusion, I acknowledge the findings of the EIS on the predicted noise and vibration impacts that determine the development will not result in significant adverse effects. The predicted noise levels for this sensitive receptor (N057) for the opening year and design year are overall positive and mitigation is not required. Vibration nuisance from passing traffic is not likely to intensify at this location and the construction works in the vicinity will not cause any likely structural concerns. I do not consider that the development would seriously impact on the functioning of the waste water treatment system serving this property due to the marginal take at this location. Finally, I am satisfied that the design of the surface water drainage system associated with the road development can adequately address any potential adverse effects resulting from junction improvements. On the issue of financial concerns, this is a matter of compensation and beyond the realm of the Board's determination on the scheme.

*Coven Developments Ltd. – CPO Ref. 560a,b,c*

This property affected by the CPO is located at the eastern end of the village of Lios Poil. There is a small scheme of housing units on the southern side of the existing N86 within the property which lies immediately west of a junction of the main road with a local road. The Objector's concerns relate to the land area of one of the housing sites being reduced, the effect on the roadway associated with the housing scheme, the impacts on the waste water treatment plant serving the development, and compensation.

The NRDO produced a written response to this submission at the Oral Hearing. Therein it was submitted that any pre-existing planning permission will not be affected by the proposed development. It was also noted that the land acquisition relating to the roadway is temporary land acquisition at the construction stage and that the roadway will be fully

reinstated, while access will be maintained at all times. It is further submitted that the scheme does not impact on the treatment plant and that any impacts on the percolation area can be mitigated by re-configuring the existing percolation area.

In considering this objection I note that there is proposed to be an improvement at the junction immediately adjoining this property and that the road scheme will result in the removal of a low bank and timber post and rail fence along the N86 frontage. I acknowledge that land take associated with the internal service road is temporary and that access can and will be maintained such that the houses remain accessible at all times. While there will be an encroachment into lands to the front of the westernmost house at the front of the property, I note that this is open, communal space and that its acquisition will not intrude on the functioning and habitability of this residential unit. Finally, I note the siting of the treatment plant in the green area to the east of this house. The proposed land take at this location will not directly impact on this infrastructure and the functioning of the housing scheme should not be adversely affected. There is adequate land area to address any necessity to re-arrange or relocate the percolation area associated with this treatment plant. On the issue of financial concerns, this is a matter of compensation and beyond the realm of the Board's determination on the scheme.

*Gavin Singfield / Mezzanine Logistics – CPO Ref. 1115a and b*

I note the objections received from Gavin Singfield refer to a wide range of issues. My considerations on general route alignment options, ecological impacts, cycleway and road alternatives, etc. are addressed in other parts of this assessment. It is intended to focus solely on the impact of the proposed land take on the Objector's property at this stage of the assessment. The Objector's property lies south of the hairpin bend at Glanmore and within the catchment of the valley at this location. There is a vehicular entrance onto the N86 immediately to the east of the hairpin bend. The Objector submits that it has not been demonstrated that the acquisition of the part of the lands owned by him proposed to be acquired is required or necessitated by the scheme. There is further concern that the effect of the works will be to create a traffic hazard at the entrance to his property by the increase in traffic speeds at this location. It is also acknowledged that there are difficulties with the existing entrance onto the N86. Furthermore, a concern is raised about the lack of specific information for stretches of the development in this area, with the land take taking in an extremely steep drop along the entire section in this area.

The NDRO gave both a written and oral response to the Objector's concerns at the Oral Hearing. The applicant has submitted that the need for the scheme and justification for the land take has been addressed in the EIS and in submissions to the Hearing. It is noted that three alignment options were considered at Glanmore and it is contended the proposed alignment represents a significant improvement on the existing road. It is also noted that it is proposed to install advisory speed limits at this location. Furthermore, the access to the Objector's property is to be re-designed as part of the scheme such that it will result in a significantly improved layout with improved visibility at the entrance.

This includes providing a 5m dwell area at 4% gradient. Visibility splays are to be improved from 0m to 172m in a westerly direction and from 120m to 143m in an easterly direction.

It is my submission that the proposed road realignment in the vicinity of Glanmore and improvements to the access to the Objector's property will greatly improve the safety associated with access and egress from this property. Visibility splays will particularly be significantly improved. Combined with the new layout provisions and the advisory speed limit of 55kph to be applied at Glanmore, it can reasonably be concluded that the effects of the proposed scheme on the Objector's property will ultimately be to significantly improve traffic conditions. I note that details were submitted to the Hearing in relation to the structures to be provided at this location (See Drawing No. 2991-S7-1000 Knockbeg South Bridge Structure NR. 7 from Additional Submission A to the Hearing entitled "Drawings of proposed Structures along the route"). The changes to the alignment and improved stopping sight distances at this location will significantly improve traffic conditions at Glanmore. Finally in relation to the necessity for and extent of the land take at this location, I note that in the event of the proposed scheme being approved to the design specified the land take at this location is necessary.

*Ian and Rachel Smith*

I note the Objectors made reference to a range of issues. My considerations here will focus solely on the impact of the proposed scheme on the Objector's property at this stage of the assessment. The Objectors submit that the proposal will only serve to increase the speed of traffic, resulting in a more dangerous environment, and that exiting from their driveway onto a road that has had many bends removed will be an extremely hazardous undertaking for them and for visitors to their B & B.

The NRDO in response has submitted that the layout and visibility at the Objectors' access will be significantly improved, noting the proposal provides for a 3m dwell area where none exists at present and that there is an improvement of the gradient in regard to the approach of the access to the public road.

It is my submission that the improvements to the road will improve the traffic safety conditions at this location. It is intended that visibility will be improved to 160m at this location, which will be a significant improvement over current conditions.

*Tom Moriarty*

I note the impact of the proposed scheme is somewhat different for this Objector in contrast to those directly affected by proposed acquisition and realignment adjoining their properties. This Objector's concerns focus on the implications of a realignment that results in his property being bypassed and the consequential implications for his property.

The property is located at Ballinasare to the east of the N86 on the western approach to the existing hairpin bend at this location. The intended realignment of the road at Ballinasare will bypass housing and other properties to the north of it (including the Objector's property) and the existing hairpin bend. The Objector's concerns relate to the effects of the development on the viability and functioning of a forge on his property as the access road will be left as a cul-de-sac and passing trade will be lost. It was further submitted that the forge has tourism potential as it is of heritage value and that the bypassing of the property in this instance will result in social isolation for the Objector.

The applicant in its written and oral responses submitted that forging was not an activity that is typically reliant on passing trade and that the proposal would only modestly impact on the business plans for the forge. It was also submitted that the moving away of the route from the objector's house could be viewed as positive in terms of amenity.

It is my submission to the Board that the proposed realignment of the road at Ballinasare is likely to improve the residential amenities of the Objector. While I understand the road scheme would impact on the potential for passing trade for any forge at this location, this must be weighed against the improvements to public safety and significant improvements to road infrastructure for the wider community and for road users. The Objector's property will remain with frontage and access onto a public road which will have controlled access onto the realigned N86 in the immediate vicinity. Trading associated with a functioning forge should not be curtailed as a result nor should any tourism potential be undermined as the property will be accessed via a significantly less trafficked stretch of public road where there is less potential for conflict between passing traffic and those vehicles accessing the Objector's property. Regarding the concerns relating to social isolation, I would again revert to the improved amenities for residents in this area whose properties have been bypassed as a significant benefit.

#### **4.13 Miscellaneous Issues**

##### **Additional Mitigation**

Section 16 of the EIS details the extensive list of mitigation measures proposed as part of the development. At the Oral Hearing further measures were proposed in response to submissions made. These can be synthesised as follows:

##### **Geology, Hydrology & Hydrology**

Further to questioning from me, the applicant provided comprehensive details on the volume, handling and treatment of materials that would require disposal arising from the development. Conditions were identified to apply to disposal areas, such as distance from watercourses, conservation sites, amenity areas, etc. Mapping on buffer zones was provided. These measures would address potential adverse impacts resulting from the scheme.

## **Landscape**

In response to a number of Objectors' concerns relating to the separation between cyclists and vehicular traffic, the applicant now proposes to plant a native hedge in the verge separating the carriageway and the cycleway at specific locations where visibility and drainage permits. The locations were mapped and constitute approximately 4.7km of hedging. A couple of comments are required in response to this proposed measure. Firstly, it is my submission that this response to concerns must be viewed as more than a cosmetic exercise with the realisation by the applicant that there is merit in these concerns about the safety of providing a cycleway adjoining a main road. Secondly, it must be seen to be a piecemeal approach as there is no consistency of this treatment through any section of the route. The acceptance and introduction of such a proposal, in my opinion, undermines the veracity of the original scheme proposal.

## **Impact on Residential Amenity and the Business Community**

Because much of the proposed scheme is an on-line road scheme it will have direct impact on a substantial number of residential properties. The effects within the villages are considered negligible as minor works only are proposed within Camp, Annascaul and Lios Poil. Thus, it is not considered that the business community (exclusive of farming) will be significantly affected by the scheme. It is proposed to CPO some portion of 158 residential properties permanently and two houses would be demolished. The curtilages of 36 properties would be subject to temporary CPO.

The potential adverse affects arising from the scheme in addition to the direct take of property include impacts by way of noise, dust, nuisance, and disruption to traffic at the construction phase. I note that in response to direct effects on properties that it is proposed to reinstate entrances and during construction to maintain reasonable access to properties. A Construction Management Plan is to be prepared, with health and safety standards, traffic management, etc. to be applicable to reduce impacts on residents. I further note the provisions set out in the EIS in relation to mitigation for noise, vibration and air to minimise impacts at this phase of the development. Adherence to the recognised standards should adequately address concerns, such as with the NRA Guidance Document Guidelines for the Treatment of Noise and Vibration in National Road Schemes. Furthermore, the relatively short-term nature of the construction works and daytime periods of construction common with such projects should aid in reducing impacts for the resident community.

The scheme is not being developed due to anticipated need resulting from predicted increases in traffic volumes. Therefore, the operational phase is not anticipated to significantly affect the resident community by increased traffic or severance. I acknowledge that for four properties a low noise road surface will be applied as it is not feasible to locate noise screening at these locations. This proposal will be sufficient to



mitigate the noise impact arising. I note the submission from the Objector Tom Moriarty on the social impact of the scheme and my response thereto. I also note that the proposal at An Bhánóg Bheag will draw the road away from a number of residential properties, with consequential improvements likely for these properties, such as reduced traffic noise. The significant long-term impacts for the community result from the landscape, visual amenity, and ecological effects of the scheme, details of which have been discussed earlier.

### Impact on Farming

The proposed development would have direct impacts on farming enterprises, with approximately 78 hectares of agricultural land being acquired. There is evidently a wide range of land quality along the route and the impacts by way of loss of good quality land to the scheme should be acknowledged. The applicant has determined that 37% of the agricultural land along the route is 'good quality'. Many common farming concerns relating to road schemes were submitted by original objectors to the proposal. I note for the Board no objections remain from farm property owners, with the recent withdrawal of objections from Fergus Fitzgerald. The concerns generally relate to issues such as the land take of good quality land, loss of established boundaries, interference with access, severance, and operational effects on animals. Many of the mitigation measures, such as access reinstatement, replacement of boundaries like-for-like, etc. address most of the farming concerns. Whilst it is apparent that many in the farming community originally addressed concerns about the inadequacy of the EIS in relation to matters such as drainage, fencing, effects on services, etc., it is clear that, in the main, property-specific accommodation works agreed with the applicant ultimately alleviate the property owner's concerns. This has proven to be the outcome in this case. Arising from this, there are no predicted significant adverse impacts on the farming community resulting from the proposed scheme.

### Community Gain

I am aware of the provisions set out under sections 34 and 38 of the Planning and Development (Strategic Infrastructure) Act, 2006 that enable the Board to attach a 'community gain' condition to any approval of a road approval application. I do not consider that there is any necessity for a community gain provision arising from the attachment of a condition with any Order approving the proposed scheme. I further note that there has been no request to the Board by any third party to so do.

## **4.14 Environmental Impact Assessment**

### **4.14.1 Introduction**

The submitted Environmental Impact Statement is terminally flawed, having taken out and separated from the assessment the stretch of road in the middle between Annascaul and Gortbreagoge which forms part of the overall scheme. This approach is clearly contrary to the provisions of the EIA Directive as a result of a most clear case of project splitting. The outcome is such that a comprehensive, independent assessment of the environmental impacts of the overall scheme cannot now be carried out under this application.

With the above clearly understood, I propose to give an overview of the submitted EIS, considering the need for EIA, environmental effects, mitigation measures, etc. as they apply to the section of the road improvement scheme which has come before the Board in the current application.

#### **4.14.2 Need for Environmental Impact Assessment**

An application was received by An Bord Pleanála from Kerry County Council requesting it to exercise its powers under section 50(1)(b) of the Roads Act, 1993, as amended, to direct the road authority to prepare an environmental impact statement in respect of the N86 An Daingean to Annascaul and Gortbreagoge to Camp Road Improvement Scheme. The Board, by Order dated 16<sup>th</sup> November, 2011, directed that the road authority so do for the following reasons:

- (a) the nature and scale of the proposed scheme;
- (b) the nature of the receiving landscape, including a suite of conservation sites; areas of special amenity value, and listed views and prospects;
- (c) the characteristics of the significant potential impacts; and
- (d) the guidance set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.

It is my submission that permitting the Annascaul to Gortbreagoge section of the road improvement scheme to be omitted due to the availability of funding and environmental assessment by the applicant is erroneous. The need for EIA must apply to the full length of the proposed scheme.

#### **4.14.3 Compliance with the requirements of Section 50(2) and Section 50(3) of the Roads Act, 1993 (as amended)**

It is my submission to the Board that the structure of the submitted EIS, in overall terms, is generally in compliance with the requirements of Section 50 subsections (2) and (3) of the Roads Act 1993, as amended, insofar as it applies to that part of the scheme that has come before the Board. To this extent I observe:

- The EIS generally contains the information required to be specified under Section 50(2) as it:
  - describes the proposed road development, comprising information about the site, design, size, physical characteristics and land use requirements of the proposed development;
  - provides the data necessary to identify and assess the main effects which the proposed road development is likely to have on the environment;
  - describes the likely significant effects, direct and indirect, on the environment of the proposed road development, explained by reference to its possible impact on –
    - (i) human beings, fauna and flora
    - (ii) soil, water, air, climate and the landscape
    - (iii) the interaction between any of the matters referred to in subparagraphs (i) and (ii),
    - (iv) material assets, and
    - (v) the cultural heritage.
  - describes, where significant adverse effects are identified with respect to any of the matters referred to in paragraph (c), the measures envisaged in order to avoid, reduce and, if possible, remedy those effects;
  - gives an outline of alternatives studied and an indication of the main reasons for choosing the proposed alternative, taking into account the environmental effects, and
  - provides an adequate summary in non-technical language of the above information.

The EIS and compliance with section 50(2), however, due to project splitting, crucially must be seen to be deficient as it cannot allow for adequate description of likely significant direct and indirect impacts by the omission of the section between Annascaul and Gortbreagoge. Also, it clearly failed to adequately address some of the most relevant main alternatives for the road and cycleway as has been discussed earlier.

- The EIS generally contains the relevant information specified in Section 50(3) for that part of the road scheme addressed by it by containing, in addition to the above, further information on the following:
  - (a) the estimated type and quantity of expected emissions resulting from the proposed road development when in operation;

- (b) a description of the likely significant direct and indirect effects (including secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects) on the environment of the development proposed which may result from:
  - (i) the use of natural resources;
  - (ii) the emission of pollutants, the creation of nuisances and the elimination of waste;
- (a) a description of the forecasting methods used to assess any effects on the environment about which information is given under subparagraph (b);
- (b) an indication of any difficulties, such as technical difficulties or lack of knowledge, encountered in compiling any specified information;

It is again noted that this apparent compliance with section 50(3) can only be viewed in isolation and separate from the issue of project splitting. The EIS is seriously flawed by the omission of the Annascaul to Gortbreagoge section. The further information required under section 50(3) should evidently have addressed this section of the scheme as part of an overall assessment process.

#### **4.14.4 Identification of the likely significant direct and indirect effects of the project on the environment**

The submitted EIS and my assessment preceding this part of my report focus on the likely significant direct and indirect effects arising from the proposed development. I propose here solely to identify the main likely effects as they apply to the Dingle to Annascaul / Gortbreagoge to Camp sections under a range of headings as follows:

##### **Human Beings**

Construction Impacts  
Socio-Economic  
Severance  
Property Take

##### **Air Quality & Climate**

Dust emissions  
Undermining local air quality by traffic

##### **Noise & Vibration**

Noise disturbance at construction phase

Operational noise disturbance

**Landscape and Visual Impact**

Eroding landscape character

Impact on protected views

Impact on Dingle Way

Impact on views from residential properties

**Terrestrial Ecology**

Potential impacts on sensitive habitats, protected flora and fauna.

**Aquatic Environment**

Interfering with natural watercourses

Effecting sensitive habitats

**Soils, Geology & Hydrogeology**

Undermining surface and groundwater quality

Distorting hydrology

**Material Assets**

Impact on established utilities

Appropriate use of excavated materials

Waste and environmental management

**Agriculture**

Loss of agricultural and forestry land

**Archaeology & Cultural Heritage**

Adversely affecting archaeology

Adversely affecting structures of architectural heritage

## **Traffic**

Construction impact

## **Gaeilge**

Effects on the Irish language

## **Interactions**

Humans and noise, air quality, visual impact, material assets

Flora and fauna and water quality, hydrology, soils

Landscape and the natural environment, cultural heritage

### **4.14.5 Description of the likely effects identified**

The likely effects arising from the development proceeding are anticipated to include the following:

#### **Human Beings**

*Construction Impact:* Temporary road closures, movement of heavy plant and machinery, noise and dust emissions.

*Socio Economic:* Benefit to local communities, safer road network, increased traffic capacity.

*Severance:* Loss of access to property.

*Property Take:* Demolition of two dwellings.

#### **Air Quality & Climate**

*Dust emissions:* Dust arising from the construction, earth moving and stockpiling

*Effects on local air quality:* Potential increased exposure to operational traffic emissions.

#### **Noise and Vibration**

*Noise Disturbance at Construction:* Adverse impact by construction plant / traffic noise impacts on sensitive receptors, notably during site excavation and preparatory works.

*Operational Noise Disturbance:* Increase of traffic speeds; traversing of agricultural lands where road realigned.

### **Landscape & Visual Impact**

*Landscape Character:* Distortion of the natural landscape character by routing and works; cuttings at Corrin/Mountoven in Rural Prime Special Amenity area.

*Tourist Route Character:* Creation of wide development corridor, removal of established roadside boundaries, permanent change to the form and character of the traditional tourist road.

*Impact on Protected Views:* Distortion of views at Glanmore and Corrin/Mountoven

*Dingle Way Impact:* Crossing of this route at Lispole and potential resultant change on landscape character and views.

*Visual Impact on Residents:* Potential obtrusive impact of scheme from residential properties

### **Terrestrial Ecology**

*Impacts on Habitats, Flora & Fauna:* Potential impact on Red Data Book plant species Cornish Moneywort; direct loss of semi-natural habitat from construction, including 0.53ha within Emlagh East Salt Marshes pNHA; loss of 10.22ha of habitat patches of local importance; reducing diversity of species, including otter, bats and common frog.

## **Aquatic Environment**

<i>Interference with watercourses:</i>	Pollution of streams/rivers with suspended solids and fuels, permanent loss of habitat and obstruction to upstream movement of fish and otters.
<i>Effecting sensitive habitats:</i>	Deterioration of water quality and consequential adverse impacts on salmon, sea trout and otter at Emlagh, Owenalondrig and Garfinny Rivers and Reenboy Stream; disturbance to primary watercourses, including Finglas, Emlagh, Owenascaul, Owenalondrig and Garfinny Rivers and consequential effects on Tralee Bay and Magharees Peninsula, west to Cloughane cSAC and Castlemaine Harbour cSAC;

## **Soils, Geology & Hydrogeology**

<i>Undermining water quality:</i>	Sediment release/soil instability/accidental spillages/discharged runoff to surface waters at construction stage; groundwater contamination from surface runoff/traffic/spillages, reduction in groundwater levels
<i>Distorting hydrology:</i>	Introduction of new drainage pattern, provision of embankments, excavation, creation of new rock exposures

## **Material Assets**

<i>Impact on utilities:</i>	Disruption to utility services by construction.
<i>Use of excavated materials:</i>	Loss of a natural resource to landfill
<i>Waste/Environmental Management:</i>	Non-compliance and potential to increase significant environmental impacts.

## **Agriculture**



*Land Take:* Potential impact on farm functioning and forestry.

#### **Archaeology & Cultural Heritage**

*Archaeology:* Disturbance to or destruction of on-site archaeology.

*Architectural heritage:* Interference with/damage to structures of architectural heritage value, notably the protected structures comprising a bridge at Curraduff (to be widened) and roadside boundary wall (removal) of St. John the Baptist Church at Lispole.

#### **Traffic**

*Construction Impact:* Disruption to residents and local activities

#### **Gaeilge**

*Effects on Irish Language:* Potential to impact on protection and promotion of the Irish language within Corca Dhuibhne Gaeltacht.

#### **Interactions**

The effects of the interactions between humans and noise, air quality, visual impact, and material assets, between flora and fauna and water quality, hydrology, and soils, and between landscape and the natural environment and cultural heritage are implicit in the range of preceding issues listed.

#### **4.14.6 Assessment of the likely significant effects identified, having regard to the mitigation measures**

My detailed assessment set out before this section of the report fully considers the range of relevant likely significant effects with due regard given to the mitigation measures proposed to be applied with the proposed development proceeding. What follows is a short list of some of the important mitigation measures identified that are proposed to be employed and which are considered as necessary to address the range of potential significant impacts arising from the proposed development.

#### **Human Beings**

*Construction Impact:* Environmental Operations Plan, Traffic Management Plans and associated mitigation measures; short-term construction project; noise, air quality and visual impact mitigation measures apply.

*Socio Economic:* Positive impact results in journey quality and no requirement for specific mitigation measures. Potential adverse amenity impacts affecting the tourism product.

*Severance:* Provision of alternative access arrangements

*Property Take:* Minimisation of land take and demolition; agreements with property owners.

#### **Air Quality and Climate**

*Dust Emissions:* Dust Minimisation Plan.

*Effects on local air quality:* No requirement for specific mitigation as off-line sections are moved away from a number of residential properties; predicted compliance with pollutant limit values.

#### **Noise & Vibration**

*Noise Disturbance at Construction:* Avoidance of rock breaking and blasting; standard methods of retaining wall construction; specific noise abatement measures.

*Operational Noise Disturbance:* Alignment generally following existing route; changes in noise levels for sensitive receptors will generally be imperceptible; application of low noise road surface at four affected properties.

#### **Landscape and Visual Impact**

*Landscape Character Change:* No requirement for specific mitigation as there is a low level of landscape resource change predicted due to existing road presence.

*Impact on Protected Views:* No requirement for specific mitigation as protected views are maintained.

*Dingle Way Impact:* No visible distinguishable change to the landscape and views at this location.

*Visual Impact on Residents:* No significant visual impact arising; application of suitable native planting.

### **Terrestrial Ecology**

*Impacts on Habitats, Flora & Fauna:* Avoidance of Red Data Book species through design; progress within eastern section of Emlagh East Salt Marshes pNHA under licence from NPWS; pre-construction bat, badger and common frog surveys; design of culverts and bridges to allow free passage for otters along watercourses; extensive mitigation measures to protect water quality; tree planting and landscaping; use of bog mats and light weight vehicles during construction during watercourse regarding works within Emlagh East Salt Marshes pNHA; fencing of work area boundaries; limiting season of disturbance to trees and vegetation.

### **Aquatic Environment**

*Interference with watercourses:* Adherence to best practice guidelines and standards at construction phase.

*Effecting sensitive habitats:* Detailed construction-related method statement showing how water quality impacts and habitat loss during construction will be minimised and invasive species will be controlled; construction phase monitored by aquatic/fisheries ecologist and consultation with IFI and NPWS.

## **Soils, Geology & Hydrogeology**

### *Undermining water quality:*

Sediment/pollution control measures; buffer zone with peat storage; oil/petrol/grit interceptors on outfalls; supervision of works in peat; netting or catch fence protection in areas of slope instability in cut sections; containment methods and emergency procedures for accidental spillages; Construction Management Plan; bunding for fuel storage; private wells monitored with 200m of areas of cut > 5m.

### *Distorting hydrology:*

Road design in vicinity of Emlagh Salt Marsh to maintain existing flow regime; managed programme of road drainage; avoidance of diversion of watercourses in peat.

## **Material Assets**

### *Impact on utilities:*

Temporary nature of works; provision of notice to service providers.

### *Use of excavated materials:*

Use as engineering fill and for landscaping where suitable.

### *Waste/Environmental Management:*

Provision of an Environmental Operating Plan.

## **Agriculture**

### *Land Take:*

Minimal land take; established road.

## **Archaeology & Cultural Heritage**

### *Archaeology:*

Avoidance by layout design; programme of pre-construction archaeological testing and subsequent investigation; archaeological monitoring in green field areas unavailable for pre-development investigation.

*Architectural heritage:* Avoidance by layout design; Building Record, Conservation Method and supervision of works by conservation consultant for Curraduff bridge; reconstruction of St. John the Baptist Church boundary wall.

#### **Traffic**

*Construction Impact:* Traffic Management Plan

#### **Gaeilge**

*Effects on Irish Language:* No significant impact arising; appropriate signage; Project Liaison Officer fluent in Irish.

#### **Interactions**

There is a distinctive interrelationship between a wide range of mitigation measures applied, notably in the relationship between soils, hydrology, and ecological sensitivity, between residential impacts and noise and air quality control, and between the natural environment and the landscape impacts.

#### **4.14.7 Conclusions regarding the acceptability or otherwise of the likely residual effects identified**

The conclusions regarding the acceptability of the likely main residual effects of this proposal are clearly addressed under the various headings of my main assessment and I do not propose to repeat them. Suffice to indicate that the principal areas of concern focus on ecological impacts, landscape and visual impacts, the consideration of alternatives, and impacts on the amenity of the route corridor.

The following concluding section of my assessment now seeks to draw out the conclusions on the overall critical issues and to determine the most desirable approach to reaching a balanced decision on the proposed development.

#### **4.15 Conclusions**

The main conclusions arising from the above assessment are as follows:

### Project Splitting

- The development of An Daingean to Annascaul and Gortbreagoge to Camp road improvement scheme constitutes project splitting. Undertaking this scheme while permitting separation of the Annascaul to Gortbreagoge section of the scheme from complete, thorough, independent environmental impact assessment fails to meet with the requirements of the Environmental Impact Assessment Directive, despite an acceptance by the applicant that the entire scheme from An Daingean to Camp should be subject to environmental impact assessment. The two sections are wholly integrated, inter-dependent and inter-related parts of a single overall scheme. The division of the overall proposal into two parts for planning application purposes due to the availability of funding for a small section of the scheme, at two different periods of time due to this when previously they were determined to form a single scheme requiring environmental impact assessment, and through two different planning application procedures, one of which excludes the preparation of an environmental impact statement while the other includes such a requirement, constitutes project splitting. Allowance for proper assessment of routing for the overall project, route design, and consideration of cumulative, direct, indirect, short, medium, long term, secondary, permanent, temporary, positive and negative impacts has been seriously eroded by the approach taken on this road development. The resultant project splitting irreparably undermines the proper assessment of the road improvement scheme.

### The Principle of Route Development

- The section of the N86 before the Board for consideration is substandard in engineering terms. Upgrading of the road will improve journey times, access arrangements, sight distances, etc. The principle of its promotion as a section of road meriting improvement is warranted. Pursuing the road improvement scheme to the proposed standard at this time, however, must be assessed against an understanding of a range of issues that include the prioritisation of this scheme over others, the extent to which improvements are needed, the timeframe for delivery, an understanding of the functioning of the existing road, and the implications of the effects of the proposed changes on that road and the environment within which the road corridor is located.
- Alternative design provisions and relaxations can reasonably apply, and are being applied, in the design of this scheme where physical constraints and environmentally sensitive locations require different approaches.

### Compliance with Road and Cycleway Standards

- Compliance with the T3SC standard, the standards for the provision of a cycleway, and accommodation for drainage, workspace, etc. will create a significantly wide

corridor with substantial implications for the established character and appearance of the N86.

- The proposed cycleway falls far short of what is espoused in Interim Advice Note (IAN) 03/12 “*Provision for Cyclists and Pedestrians on Type 2 and Type 3 single carriageway National Roads in rural areas*” and presents itself as an unjustified ‘add-on’ to the road improvement scheme. The proposed facility is isolated, is lacking in an understanding of demand and likely usage, provides no linkage with main settlements, follows a particularly arduous route for cyclists as a recreation and tourism amenity, provides for a very low level of perceived safety, is distinctively unattractive as a walking or cycling route, has little or no linkage with other walking or cycling facilities, and has no known association with any planned recreation and tourism networks yet to be developed.

#### National, Regional and Local Policy

- The principle of a proposed road development, whereby it culminates in the upgrading of substandard transport infrastructure while seeking to protect environmentally sensitive areas, would be seen to be generally compliant with the provisions of the *National Spatial Strategy, Implementing the National Spatial Strategy: 2010 Update and Outlook, the National Development Plan 2007-2013, Infrastructure and Capital Investment 2012-16 Medium Term Exchequer Framework*, and *Smarter Travel: A Sustainable Transport Future 2009*.
- The National Secondary Roads Needs Study, recently published by the National Roads Authority, has determined prioritisation of planned National Secondary Road development into the future. The proposed development before the Board is not part of any Priority 1 Scheme, but rather is designated a Priority 2 Scheme, i.e. one that does not represent value for money under the analysis undertaken. The schedule of Priority 2 schemes, of which the proposed scheme forms a part, is a grouping of schemes for the longer term that, in accordance with the findings of the NRA, should be subject at this time to localised remedial measures and improvements and to safeguarding proposed alignments. The proposal contradicts the policy of prioritisation of National Secondary Road development and, inevitably, undermines the opportunity for necessary upgrading of other National Secondary Roads deemed to be in greater need due to reasons relating to environmental considerations, safety, economy, accessibility and social inclusion, and integration.
- The proposed cycleway does not form part of the National Cycle Network devised by Fáilte Ireland in *A Strategy for the Development of Irish Cycle Tourism* and does not form part of the National Cycle Network devised by the National Roads Authority and Department of Transport in the *National Cycle Policy Framework 2009-2020*.
- The proposed cycleway facility is greatly in excess of the scale of development espoused by Failte Ireland for a long distance cycle route in the Dingle Peninsula and

would result in a significantly incomplete facility with no cycleway linkage between the designated Category One Cycling Hub of Dingle and the county town of Tralee at the eastern end of the N86.

- The principle of the development is generally in keeping with the South West Regional Planning Guidelines.
- The principle of the proposed road improvement scheme generally meets with the transportation objectives of the Kerry County Development Plan and the plans for the villages of Camp, Annascaul and Lios Poil.

### Ecological Impact

- Having completed an appropriate assessment of the impacts of the proposed development on nearby European Sites, it is concluded that the proposed development, in itself or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, having regard to the conservation objectives of these sites. The integrity of these conservation sites will not be adversely affected.
- The likely residual impact for the estuarine habitat of Emlagh East Salt Marsh pNHA will not be significant. Direct loss of freshwater-dependent habitat is a regrettable consequence of the proposed development.
- The design and mitigation measures to be applied will minimise adverse impact on Cornish Moneywort and otter at Glanmore. The routing of the proposed scheme at this location will, however, result in loss of important woodland that will not adequately be replaced by mitigation measures to be employed.
- When considering the loss of tree lines and hedgerows one must acknowledge that it is not a scheme, like a new road scheme, that is puncturing hedgerows to create gaps to provide a road corridor. The consequence of following an established route for much of its length is that significant linear sections of established tree lines and hedgerows are lost by the development of a wide route corridor. Coincidentally, and importantly, much of that to be lost is established in the vicinity of the more important woodlands affected by the route corridor where realignment is greatest, i.e. Ballinasare, Gortacurraun and Glanmore. The effect of this is to compound the loss of biodiversity value at these locations. Ultimately, this increases the adverse impact and questions the degree to which one can conclude the effects are 'localised'. Up to 9 kilometres of trees and hedgerow is intended to be lost and this can only be determined to be a significant change. It adversely affects the biodiversity value of the established route corridor.



- The destructive characteristics of the development of a 28m wide corridor are evident from the road development underway between Annascaul and Gortbreagoge over a 4km stretch. To produce the same effects over a further 28km of roadway will produce significant change to what is understood as a mosaic of habitat types within the route corridor.

### Landscape and Visual Impact

- The N86 is not solely a commuter route linking Dingle to Tralee. It is also a tourist route. The experience of the road itself and altering the character of the journey by the proposed scheme is a critical planning consideration.
- The landscape and visual impact assessment undertaken for the proposed scheme was deficient.
- The identity of the existing N86 as a noted tourist route will be irrevocably changed by the proposed scheme.
- The route character assessment has determined that for almost all sub-sections of the route there will be significant adverse visual amenity impacts by way of the introduction of a scheme of such scale that it eliminates the existing 'country road' and replaces it with a new highway in stark contrast to the character of the existing road.
- The need for road improvements for sections of the route are unjustified, including most parts of the existing road between Camp and Scrallaghbeg, Glanmore to Slieve West, and Churchfield to Ballineetig.
- There will be significant adverse impacts on Curraduff Bridge, a protected structure, by its proposed widening. Furthermore, the setting of this structure will be significantly impacted by the development of the new road in the immediate vicinity with the changes to the established sweeping approaches and the proposed road realignment permanently altering the approaches to this structure.

### Tourism Policy

- The impact of the proposed road improvement scheme on a principal tourist route of unique form and character conflicts with the tourism objectives of the Kerry County Development Plan which seek to protect features which form the basis of the county's tourism industry and which seek the best balance between permitting developments which facilitate the expansion of the tourist industry and protecting the ecosystems and cultural ethos which form part of the heritage values unique to the area, and which are attractive to visitors.

### Alternatives

- There was a minimalistic approach to the issue of alternatives to the proposed scheme. The range of alternatives that should have been considered includes alternative road development options and alternative cycleway options. On road development options, if one accepts the road as a tourist road whose character merits retention, then some basic works to address constraints could readily include providing regular passing bays, upgrading paved width where required, improving pavement condition where required, upgrading key junctions, and upgrading viewing areas. On alternative cycleway options, the two options of the old Tralee-Dingle railway line and the Dingle Way should have been considered. The viability of the former is accepted as questionable due to the extent of railway line that lies under the existing road. The latter, in contrast, is viewed as a most appropriate alternative, more attractive and desirable for the long distant cyclist, and, importantly, reflecting the long distance cycle route for this location promoted by Fáilte Ireland in its publication *A Strategy for the Development of Irish Cycle Tourism: Report for the Cork – Kerry Region*. Why the proposed cycleway along the edge of the N86 is being pursued in light of the alternative promoted by Fáilte Ireland, with its distinct strategy for a network of cycleways in the peninsula into which its option ties into, appears misplaced.

### Land Acquisition

- If the road improvement scheme is to proceed to the design standard proposed and with the associated cycleways, it can only reasonably be determined that the lands to be acquired are necessary to facilitate the provision of the scheme.

### Impact on Objectors' Properties

- The impact of the proposed land take on Objectors' properties will result in improved traffic conditions for affected parties and will not adversely affect access arrangements.

## **5.0 RECOMMENDATION**

Having regard to:

- the standard of the existing road,
- the significant contribution it makes to the tourism product in the Dingle peninsula,
- the existing and predicted traffic flows,
- the limited extent of necessary works to provide a satisfactory level of service for this tourist road,
- the desirability to maintain the existing road character,
- the provisions of the current Kerry County Development Plan in relation to landscape and visual amenity, biodiversity and tourism,
- the ability to provide satisfactory alternatives for both road improvements and the provision of a long distance cycleway for the peninsula in a manner which results in significantly less adverse environmental impacts, and
- national policy pertaining to the development of National Secondary Roads and the provision of cycle facilities,

it is considered that the acquisition by the local authority and the development of the proposed road improvement scheme in accordance with the submitted Environmental Impact Statement is unnecessary for the stated purpose. Furthermore, it is considered that the separation of the Annascaul to Gortbreagoge section from the overall scheme constitutes project splitting, contrary to the requirements under the EIA Directive.

Having regard to this, I recommend that approval is refused in accordance with the following:

### **DECISION**

Refuse to confirm the compulsory order and to approve the road improvement scheme in accordance with the submitted Environmental Impact Statement for the following reasons and considerations:

### **REASONS AND CONSIDERATIONS**

1. The National Secondary Roads Needs Study, recently published by the National Roads Authority, has determined prioritisation of planned National Secondary Road development into the future and has categorised national secondary route schemes into Priority 1 and Priority 2 schemes. The proposed development before the Board is a Priority 2 scheme, forming part of a grouping of schemes determined by the National Roads Authority to be for the longer term and which, in accordance with the findings of this Study, should be subject at this time to localised remedial measures and improvements and to safeguarding proposed alignments. The proposed development at this time, therefore, contradicts the

policy of prioritisation of National Secondary Road development, constitutes premature development, and undermines the orderly development and necessary upgrading of other National Secondary Roads deemed to be in greater need due to reasons relating to environmental considerations, safety, economy, accessibility and social inclusion, and integration.

2. It is considered that the proposed cycleway facility is being developed in isolation of any understanding of demand and likely usage of the facility, provides no linkage with main settlements, fails to provide for recreation and tourism needs, provides for a very low level of perceived safety, is distinctively unattractive as a walking or cycling route, has little or no linkage with other walking or cycling facilities, and has no known association with any planned recreation and tourism networks. Furthermore, the proposed cycleway does not form part of any National Cycle Network devised by Fáilte Ireland or by the National Roads Authority. The proposed cycleway facility is, thereby, considered an unjustified ‘add-on’ to the proposed road improvement scheme, conflicts with the provisions of Interim Advice Note (IAN) 03/12 “*Provision for Cyclists and Pedestrians on Type 2 and Type 3 single carriageway National Roads in rural areas*” to which the principle of the development is required to adhere to, and is, therefore, contrary to the proper planning and sustainable development of the area.
3. Having regard to:
  - (a) the existing N86 National Secondary Road being a renowned route of intrinsic tourism value,
  - (b) the proposed design standard of the Type 3 Single Carriageway Road, the proposed design standards for the provision of a cycleway / footway, the proposed accommodation for drainage and workspace, and the resultant width of the road development corridor, and
  - (c) the consequential loss of significant lengths of established tree lines, hedgerows, and natural stone walls, and woodland and semi-natural habitats throughout the extent of the proposed scheme,

it is considered that a development of the scale proposed would be excessive, would constitute an unacceptable landscape and visual intrusion, inclusive of direct adverse impact on Prime and Secondary Special Amenity Areas designated in the current Kerry County Development Plan, would irreparably damage the form and character of the existing tourism route, would materially affect the character and setting of Curraduff Bridge - a protected structure, and would introduce a new highway significantly contrasting with the form and character of the established tourist route. Furthermore, it is considered that, having regard to the low volumes of traffic to be accommodated by the scheme and the low prioritisation of the scheme in the context of the National Secondary Road development programme, the opportunity exists to provide road improvement alternatives to address particular constraints along sections of the route that result

in significantly less environmental impacts, and whereby the identity and character of the N86 as a tourist route is retained. It is, therefore, considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

4. It is considered that the development of An Daingean to Annascaul and Gortbreagoge to Camp road improvement scheme constitutes project splitting by permitting separation of the Annascaul to Gortbreagoge section of the scheme from the approval assessment process and, as a consequence, by failing to provide for a complete, thorough, and independent environmental impact assessment of the totality of the road improvement scheme. In addition, it is considered that the two sections of the road improvement scheme are wholly integrated, inter-related, and inter-dependent parts of a single overall scheme and one which is accepted by the applicant as such. The division of the overall proposal into two parts for planning assessment purposes, utilising two separate planning application procedures and assessment processes, fails to allow for proper assessment of routing for the overall project, route design, and consideration of cumulative, direct, indirect, short, medium, long term, secondary, permanent, temporary, positive and negative impacts. The application for approval and allowance for the splitting of this project into shorter sections in order to exclude sections resulting from that division from the requirement for environmental impact assessment is contrary to the provisions of European Union Directive 85/337/EEC (EIA Directive). Accordingly, it is considered inappropriate that the Board should consider the grant of approval for the proposed development in such circumstances.

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Kevin Moore  
Senior Planning Inspector  
August, 2012.

## APPENDIX 1 - OUTLINE REPORT OF THE ORAL HEARING

***Appeal Refs.:*** 08.HA0035 / 08.KA0023

***Development Proposal:*** (a) EIS Approval for N86 Dingle to Annascaul and Gortbregoge to Camp Road Improvement Scheme  
  
(b) Application for N86 Dingle to Annascaul and Gortbregoge to Camp Road Improvement Scheme Compulsory Purchase Order 2011

***Venue:*** Dingle Skelligs Hotel, Dingle, County Kerry.

***Dates:*** 15<sup>th</sup>-17<sup>th</sup> May, 2012

***In Attendance:***

**FIRST PARTY**

**Kerry County Council**

Esmonde Keane	Barrister
Dara Walsh	Senior Executive Engineer, Project Manager, Kerry County Council
Paul Stack	Senior Engineer, Planning Department, Kerry County Council
Russell Harris	Associate, RPS, Traffic Modelling Witness
Darragh Kingston	Associate, RPS, Environmental Noise & Vibration Witness
Paul Chadwick	Technical Director, RPS, Air Quality & Climate Witness
Criona Doyle	Associate, RPS, Soils, Geology, Hydrology & Hydrogeology Witness
Richard Mundy	Senior Scientist, RPS, Ecology Witness
Dr. William O'Connor	Chartered Biologist, ECOFACT, Water Quality, Fisheries & Aquatic Ecology Witness
Raymond Holbeach	Regional Director, RPS, Landscape & Visual Impact Witness
Conrad Wilson	Associate, RPS, Material Assets – Agriculture Witness
Maria Lombard	Senior Planner, RPS, Socio-Economics Witness
John Cronin	Director, John Cronin & Associates, Cultural Heritage & Language Impact Witness
Áine Ryan	Operations Director, RPS, Witness on EIA

**PRESCRIBED BODIES**

**An Taisce**

Bernard Goggin

**OBJECTORS**

Mr. John Crowley, Agricultural Consultant, on behalf of:

Thomas J. O'Donnell  
Thomas O'Donnell & Mary Kennedy  
Thomas O'Donnell & Mary O'Donnell  
James Fitzgerald  
Michael Garvey  
Michael Garvey & Mary Garvey

Conhill Construction Ltd.  
John Newcommon O'Connor

Barbie Ordish	Resident, Dingle
Ian Smith	Resident, Slieve East
Tom Moriarty (Frank O'Connor)	Resident, Ballinasare Solicitor representing)
Gavin Singfield	Resident, Glanmore & for Mezzanine Logistics Ltd.
Cyclist.ie	Shane Foran

**Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne**

Sarah Dolan  
Conor Lehane  
Scott O'Connor  
Caroline O'Connor  
Malcolm George

- NOTE 1:** All of the proceedings of the Oral Hearing are recorded and the recording is attached to my report. What follows below is a brief outline of the proceedings. This outline is proposed to function as an aid in following the recording.
- NOTE 2:** The assessment in my main report makes reference to details submitted in evidence at the Oral Hearing.
- NOTE 3:** For a list of prepared texts and other submissions given to the Inspector at the Hearing see the end of this brief outline. These submissions have been numbered and references to same in the outline below directly relate.



## **Opening of Hearing**

At the outset of the hearing I outlined details of the proposal, the objections received by the Board and set out the Order of Proceedings. Furthermore, I accepted the requests by three new Objectors to be permitted the opportunity to make submissions to the hearing, namely from Barbie Ordish, Cyclist.ie, and Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne.

## **The Proceedings**

### ***Applicant's Submissions***

#### **Project Description**

Mr. Dara Walsh presented an overview of the proposed road scheme. He described the project, outlined the need for it, provided specific design details, and explained the design process, with due regard to the preferred alignment and the proposed alternative routings considered. In addition, details were presented on design speed, the cross section, road geometry, geotechnical details, drainage, new structures, and pavement design. Reference was also made to the issues of safety, the submitted EIS and Natura Impact Statement, to land acquisition, proposed extinguishment of public rights of way, and the perceived benefits accruing from the scheme.

It is noted for the Board that a correction applies to the typical cross section that was provided in Fig. 1.2 of the EIS, whereby the unpaved verge width on the right hand side of the 'Type 3 Single Carriageway with Two-Way Off-Road Cycleway' cross-section is proposed to be 2.5m and not 3.0m as was previously shown. A corrected typical cross section was appended to Mr. Walsh's submission and was included in the Errata details provided at the Hearing.

In response to questioning from the Inspector, Mr. Walsh clarified that the route under construction between Annascaul to Gortbregoge is similar in design and form as the proposed routes into which it would tie in at either end of this route. When asked about the issue of 'project-splitting' in the context of the development of the whole route, Mr. Keane for the applicant detailed a response which included that the existing route under construction was sub-threshold, that funding was made available from the National Roads Authority for this part of the scheme to proceed, and that the EIS associated with the development now before the Board addressed the environmental impacts arising, including the cumulative impacts. Mr. Walsh further clarified that, while there is an objective to upgrade the remaining stretch of road between Camp and Tralee, there were no immediate plans to progress with this section of the N86. He also confirmed for the hearing the locations of the proposed viewing areas / laybys at Mountoven, Glanmore, Farranacarriga, and the approach into Dingle. It was also submitted that advisory speed limits were to be applied at Glanmore (55kph), Mountoven (55kph), and Curraduff

Bridge (35kph). He noted that the cycling route design for the scheme was informed by the standard NRA IAN 03/12.

### **Planning Policy**

Mr. Paul Stack addressed the national, regional and local planning policy context for the scheme, with a particular focus on capital investment in national secondary routes, cycling route policy and local transportation planning policy.

### **Traffic Modelling**

Mr. Russell Harris addressed the traffic modelling work applicable to the proposed scheme. He noted the limited growth predicted for the route and concluded the effect of attracting further traffic by the upgrade was very small. He detailed the differences in volumes of traffic using various stretches of the existing road and clarified the proportion of traffic typically using the R560 over the Connor Pass.

### **Noise & Vibration**

Mr. Darragh Kingston reported on the key points arising from the noise and vibration impact assessment undertaken for the scheme, outlining the baseline noise survey, assessment criteria applied, and providing details on the construction, operational and residual impacts. Details on heavy commercial vehicle (HCV) traffic at the construction phase were provided. It was estimated that there would be a slight temporary impact arising from the noise levels associated with this. It was not anticipated that rock blasting would occur at the construction phase. At the operational phase, four properties would not meet NRA guideline levels and a low noise road surface was proposed to sufficiently mitigate noise levels at these locations.

### **Air Quality**

Mr. Paul Chadwick gave an overview of the appraisal of the air quality impacts arising from the proposed scheme, providing a summary of the existing air quality and potential impacts. It was noted that a dust risk assessment and dust minimisation plan are to be prepared to ensure key construction compounds are located at sufficient distances from sensitive residential and ecological receptors.

### **Soils, Geology, Hydrology and Hydrogeology**

Ms. Criona Doyle outlined the issues relating to soils, geology, hydrology and hydrogeology. The likely significant impacts and proposed mitigation measures were

scheduled and the residual impacts resulting at the construction and operational phases were identified.

The Inspector asked for details on spoil arising from the construction phase. These details were subsequently provided close to the end of the hearing. Material unacceptable for use in the construction phase is to be removed and disposed at permitted facilities. The amount of unacceptable material is estimated at 195,000 cu m of which 53,000 cu m would be peat. All disposal areas are to have a buffer area of 100 metres minimum from watercourses and no disposal is to take place within the zone of influence of sites designated for biodiversity conservation. A minimum buffer zone of 300m is to be applied to these sites. Further details on the treatment and handling of spoil were outlined and mapping showing buffer zones was attached to the submission.

### **Ecology**

Mr. Richard Mundy's brief of evidence covered the issue of ecology and looked at existing Natura 2000 sites in the vicinity with reference to the AA screening and NIS, important habitat types along the route, loss and fragmentation of habitat, and protected flora and fauna, and potential impacts thereon. An addendum to this submission comprised an overview of the potential impacts arising for bats, which provided a synopsis of the findings set out in the submitted EIS.

Mr. Mundy confirmed, following questioning from the Inspector, that the appropriate assessment undertaken for the development had due regard to the range of legislative changes relating to this issue that had occurred in 2010 and 2011.

### **Water Quality, Fisheries and Aquatic Ecology**

Dr. William O'Connor made a submission on the impact of the proposed scheme on water quality, fisheries and aquatic ecology, providing an overview of the receiving environment, potential impacts arising, and mitigation measures to be applied. He confirmed that the Emlagh and Owenascaul Rivers were evaluated as the most important rivers in the study area as they contain salmon and sea trout. The general potential impacts arising from the scheme were scheduled and mitigation measures outlined.

### **Landscape and Visual Impact**

Mr. Raymond Holbeach's brief of evidence focused on the landscape and visual impacts resulting from the proposed scheme. He noted the landscape designations applicable to the route, detailed the predicted landscape character and visual impacts, and gave an overview on the mitigation measures to be employed and the resulting anticipated residual impacts.

Under questioning from the Inspector, Mr. Holbeach addressed the issue of the landscape impacts arising from the road and the amenity or social value of the route within the landscape.

#### **Material Assets – Agriculture**

Mr. Conrad Wilson outlined the impacts of the proposed scheme on agriculture and referred to the proposed mitigation measures and estimated residual impacts.

#### **Socio-Economic Impacts**

Ms. Maria Lombard considered the socio-economic impacts arising from the proposed development, detailing relevant demographic and employment-related statistics and likely impacts on the community. She noted the position of the South-West Region as an important tourist destination, the decline in overseas visitors and the importance of the region as a destination for domestic visitors, with Dingle being one of the main attractions in the region. Reference was also made to the proposed land acquisition and to the objection by Tom Moriarty.

#### **Cultural Heritage and Language Impact**

Mr. John Cronin's scope of evidence focused on the cultural heritage and language impact assessment undertaken for the scheme, detailing a summary of impacts at construction and operational stages and proposed mitigation measures. A programme of pre-development archaeological investigations for each recorded archaeological site likely to be affected by the scheme is proposed. In reference to Curraduff Bridge, a protected structure, the proposed widening of the carriage deck was noted and it was acknowledged the works would have a direct visual impact. The submission also referred to an objection received by Gavin Singfield in relation to the impact of the scheme on the old railway bridge at Glanmore. It was noted that this bridge is not a protected structure and is to be retained and rehabilitated.

#### **Cumulative Impacts and Interactions**

Ms. Áine Ryan made a submission on the cumulative impacts arising for the proposed development and the interactions associated with the resulting impacts. The impacts of the route between Annascaul and Gortbregoge, which is under construction at present, were viewed as being impacts that would not contribute significantly to any cumulative effects.

### **Response to Objections Received**

A summary response to submissions and objections was provided to the Hearing on 16<sup>th</sup> May, 2012. This included responses to prescribed bodies submissions, responses to the objectors Coven Developments, Tom Moriarty, Ted and Carmel Browne, Mezzanine Logistics, Ian and Rachel Smith, Gavin Singfield, Lisa Moriarty, Barbie Ordish and Cyclist.ie and responses to some objections that were subsequently withdrawn.

A further summary response to the submission by Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne was submitted to the Hearing on 17<sup>th</sup> May, 2012.

### **Further Submissions to the Hearing**

In response to questions from the Inspector, details were submitted on proposed structures to be erected as part of the overall scheme. This included changes to Curraduff Bridge, Knockbeg South Bridge at Glanmore, the structure at Ballinasare Bridge, culverts, underpasses and retaining walls. Further submissions by the applicant also included details of additional mitigation measures proposed by the applicant during the Oral Hearing, details of the existence/location/routing of the old Tralee-Dingle railway line, and a schedule of Errata relating to the EIS. The applicant, in response to objectors' concerns about separation of cyclists from road traffic, submitted map details of areas considered suitable for hedging in the intermediate verge along the route.

### ***Prescribed Bodies' Submission***

#### **An Taisce**

Mr. Goggin, on behalf of An Taisce, submitted that an alternative cycle route via the Tralee-Dingle railway line was a viable option, noted the geomorphology along the route, with particular reference to the bends at Farranacarriga, the importance of the Cornish Moneywort at Glanmore, and alluded to the landscape experience while travelling the route.

In response, Mr. Keane acknowledged that An Taisce was in favour of cycleways but that the objection in this instance related to the scale of the development.

### ***Objectors' Submissions***

It is noted for the Board that the following objections had been withdrawn prior to the opening of the Hearing:

Liam Casey  
 Liam & Margaret Casey  
 Gabriel & Bridie May O’Cathasaigh  
 Michael Casey  
 John Mc Crohan  
 John & Caroline McCrohan  
 Thomas Casey  
 Lynda Claytor  
 John Deane  
 Mary Ferriter  
 Jacqueline Green  
 Thomas Hand  
 Helen O’Connor  
 Michael Smith  
 Martin Crean  
 Anthony Godfrey & Joan Davey  
 Joseph Woods  
 George Edwards  
 John & Margaret McSweeney  
 Joseph O’Dwyer  
 Patrick Moynihan  
 Joan & Maurice A Hayes  
 Helen Griffin  
 Brendan & Kathleen Lovett  
 James C Griffin  
 Patrick Joseph O’Connor  
 John J & Deborah Dorgan  
 Breandain Dorgan  
 John Prenderville  
 Vincent Heneghan & Sons  
 James Begley  
 Owen Clifford  
 Eoin Clifford  
 Thomas Devane  
 Michael Dowd  
 John Joe Griffin  
 Mary Hannafin  
 Noreen Higgins  
 Noreen Higgins  
 Patrick Kennedy  
 James Manning

Jackie McKenna  
 John (Jackie) McKenna Jnr.  
 Lorraine Moynihan  
 William Bunch & Angela McLeod  
 Patrick Hanafin  
 Brendan O’Sullivan  
 Mary & Brendan O’Sullivan  
 Bartholomew Galvin  
 Patrick Hickson  
 Patrick & Mary Kennedy  
 Paddy Kennedy  
 Patrick Moriarty  
 Maureen Cronin  
 John O’Donnell  
 Sean O’Morain  
 Michael & Mary Anne O’Shea  
 Cornelius & Catherine O’Sullivan  
 Martin Sayers  
 Michael J & Eileen Brosnan  
 Thomas & Claire O’Connor  
 Thomas O’Connor  
 Paul Counihan  
 Gerard Francis Moore  
 Anthony & Mary O’Sullivan  
 Una Ní Phaighe  
 Owen & Sharon Devane  
 Sean Dorgan  
 Michael & Anne Prenderville  
 Sean Prenderville  
 Ricky Keane  
 Sean Moran  
 Patrick O’Shea  
 Bernard O’Sullivan  
 Oliver O’Sullivan  
 Patrick O’Sullivan  
 Sean O’Sullivan  
 Clocha Minard Teo  
 Philomena Riordan  
 Michael Scanlon  
 Sean Scanlon  
 Denis Venn

It is further noted that on the second day of the Hearing the Board was informed that the objection by James McDonnell had been withdrawn.

The following objections were withdrawn on the second day of the Hearing also:

Thomas J. O'Donnell  
Thomas O'Donnell & Mary Kennedy  
Thomas O'Donnell & Mary O'Donnell  
James Fitzgerald  
Michael Garvey  
Michael Garvey & Mary Garvey  
Conhill Construction Ltd.  
John Newcommon O'Connor

It is noted also that the following did not make submissions to the Oral Hearing:

Coven Developments Ltd.  
Ted & Carmel Browne  
Lisa Moriarty  
Fergus Fitzgerald

Those Objectors who made formal submissions to the Hearing were as follows:

Barbie Ordish  
Ian Smith  
Tom Moriarty  
Gavin Singfield / Mezzanine Logistics Ltd.  
Cyclist.ie  
Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne

Finally, it is recalled for the Board that, following the completion of the Oral Hearing, the Objector Fergus Fitzgerald withdrew his objection by way of a letter received on 25<sup>th</sup> June, 2012.

#### Barbie Ordish

Ms. Ordish is a resident of Dingle. The submission questioned the justification for the scheme, the scale of the route, raised concern about increased traffic speed on the road, and asked how it was determined the proposal would contribute to the economic potential of the area. It was disputed that the scheme would attract cyclists and the potential of the Tralee-Dingle railway line as an alternative cycle route was raised. The adequacy of the existing road network in the area serving tourist traffic was acknowledged, conclusions in the EIS on traffic impacts at construction and operational phases were refuted, and the financial justification for the scheme was challenged.

The applicant's formal response to the concerns raised referred to increasing road lane width to improve consistency and safety, submitted accident rates will be reduced,

referred to Fáilte Ireland responses to the scheme from the tourism perspective, and alluded to the provision of safe facilities for cyclists and pedestrians. The extent of assessment of the Tralee-Dingle rail line was detailed and the extent of inconvenience caused at the construction stage was referred to. It was noted that the scheme would be funded by the NRA. Mr. Keane, Mr. Walsh and Mr. Harris referred to the extent of roadway to be widened, the minor traffic increase anticipated and re-emphasised the importance of increased safety and improved infrastructure.

#### Ian Smith

Mr. Smith resides at Slieve East. His submission echoed the concerns made in his written submission to the Board. The scale of the proposed road, notably its width, was seen to be excessive and there were safety concerns relating to the crossing of the road by cyclists to avail of changing cycle lanes in the vicinity of his property at Slieve East. The lack of a cycle route from Camp to Tralee was noted and it was queried how cyclists were to function between the two settlements. Reference was made to the Great Western Greenway in County Mayo as a desirable type of offline cycle route to pursue.

The applicant's formal response alluded to Fáilte Ireland's findings on the proposal. It was noted that the cycleway is in accordance with NRA standard IAN 03/12. The proposal to use the Dingle Way as a cycleway was not seen as a viable option, as was issue of the Tralee-Dingle rail line. It was submitted that access at the applicant's property frontage would be improved by the scheme and that impacts on flora and fauna in the vicinity would not be of significance. Mr. Walsh confirmed that there would be no crossing of the road required by cyclists in the Slieve East area and considered the impact of alternative routing for cyclists in this area would likely have adverse impacts on areas of conservation significance.

#### Tom Moriarty

Frank O'Connor, Solicitor, outlined the concerns of his client Tom Moriarty who has an old forge at Ballinasare which would be bypassed by the new alignment at this location. A submission was read which explained the circumstances relating to the forge at the property with an emphasis on how important passing trade was to the business, to the tourism potential of the premises as a heritage feature, and to the social consequences and isolation resulting.

The applicant in its formal response submitted that forging was not an activity that is typically reliant on passing trade and that the proposal would only modestly impact on the business plans for the forge. The moving away of the route from the objector's house was viewed as positive in terms of amenity.



### Gavin Singfield

Gavin Singfield, on behalf of Mezzanine Logistics Ltd. and himself as a local resident, did not make a formal statement to the Hearing but rather referred a series of questions to the local authority. Mr. Singfield received clarification on a fatality at Glanmore and expressed concern about the reconfiguration of the road north of his property and the likely increased traffic speeds. Mr. Walsh detailed the routing options and design of the road at this location and referred to the advisory speed limit to apply. Mr. Mundy noted that the sensitive ecology at Glanmore was south of the existing viaduct and submitted that impacts on otters would be limited. It was clarified that the river would not be piped at this location. The form and extent of the structure proposed to be constructed was alluded to by Mr. Walsh (represented in the drawings of structures submitted to the Inspector). It was further clarified that the road to be bypassed at this location would have its public right of way extinguished and would become a private road with gated access.

The formal submission in response to this objection reiterated the applicant's position on Cornish Moneywort, woodland and otters at this location, the alignment options, referred to improved road safety being achieved, improvement of access to Mr. Singfield's property, the extent of works to the existing railway bridge to facilitate the cycleway, and detailed the findings of Fáilte Ireland in response to the scheme.

### Cyclist.ie

Shane Foran, on behalf of Cyclist.ie, submitted that the Fáilte Ireland strategy for cycling promotes routing away from heavily trafficked roads and stated that national roads are considered generally unacceptable for facilitating cycling. He placed emphasis on the potential for utilising the disused Tralee-Dingle railway line (or parts thereof) and the minor local roads in the vicinity of the main road. He queried the level of detail on junction design and directing of cyclists across the road in the context of cyclist safety. It was suggested that it was better to keep recreational routes away from highways. It was further suggested that the cycle route could be separated from the influence of the main road such as on the approach to Dingle. It was submitted that the utilisation of hard shoulders on the road could prove better than the proposal being pursued. Finally, the adequacy of the assessment on cyclists by way of noise and exposure to vehicular emissions was also raised.

The applicant's formal response submitted that a one-way cycleway on each side of the road has been adopted for most of the proposed scheme, resulting in cyclists travelling in the same direction as vehicular traffic. It was further stated that a two-way cycleway has been adopted in two locations where environmental and other constraints exist. On the issue of collisions at junctions, it was submitted that a 'bending-in' detail, in accordance with NRA IAN 03/12 is proposed to put cyclists in the 'field of vision' at junctions. Further to this response, Mr. Walsh clarified how the proposed cycleway complies with the national strategy for such routes, how signage and appropriate lining will guide

cyclists, and how design for overtaking is well above the required standard. It was further stressed how junction improvements will greatly reduce accident rates. The alternative of routing cyclists along a route on agricultural lands behind established boundaries was seen by Mr. Walsh to raise concerns in relation to acquisition. Mr. Kingston detailed the likely effects by way of noise on cyclists using the proposed route.

#### Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne

Sarah Dolan, on behalf of Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne, made a detailed submission on a range of issues relating to the principle of the scheme, while also addressing specific matters relating to the proposal. At the request of the Inspector, issues relating to the cost-benefit analysis associated with the scheme, the monetary valuation of the provision of the scheme, the national landscape strategy for Ireland, and on the Water Framework Directive were not addressed to the Hearing. The first two issues were viewed as matters to which the Board would not be considering in its determination of the application, while the latter issues were seen to be new issues not previously raised by parties to the application.

The submission focused on the need for and aims of the project, the excessive scale of the land take and proposed route, the non-compliance of the development with landscape protection afforded to the area and in particular with the provisions of Kerry County Development Plan, the sensitivity of the road and the undermining of its character by the proposal, and how the proposal conflicts with the aims of Fáilte Ireland. It was further submitted that the proposal is contrary to the National Sustainable Development Strategy and it was queried how the proposal is seen as suitable tourism infrastructure. The safety of the existing N86 in terms of comparative accident rates with other national secondary routes was alluded to as was reference to the lack of accidents on the proposed bypassed sections of road, as well as high speeds proposed to be achieved by the scheme resulting in more accidents. The benefits accruing from journey time saved were seen as unclear and it was noted that there will be no increase in public transport services. Other issues raised included the length of the construction phase of the development, the impacts on Curraduff Bridge, loss of hedgerows and trees, the value of the road as part of the amenity and tourist value of the area, and the unsuitability of the cycleway as part of the scheme. The objector submitted alternatives to the proposed cycleway, namely creating a new greenway through farmland and linking it with the off-section of the old Tralee-Dingle railway line or creating a new cycle lane adjacent to the road but segregated from the new road by use of a hedgerow.

The applicant submitted a formal response to this submission on the final day of the Hearing. This detailed the current problems with the N86 and the benefits of the upgrade works, made a range of submissions on how the proposal complies with the provisions of the Kerry County Development Plan, and, in the context of tourism, noted the cross section is designed to limit impact on the landscape, that the existing road has undergone change historically, and that views will be enhanced. It was noted the proposal was

primarily an on-line route and that extensive landscape and ecological mitigation measures will be applied. The accuracy and reliability of submitted accident rate data was defended and it was submitted that for the three years 2007 to 2009 a number of sections of the existing N86 had a collision rate above the national average, with the fatality rate being almost 50% higher than the national average for rural single-carriageway roads. It was further noted that the scheme is designed to improve safety by improving road quality, while it was estimated that journey times will be reduced by 11%. On the effects on Curraduff Bridge it was noted that a Building Record and Conservation Method Statement will be prepared in advance of works and it was also submitted that hedgerow and tree loss will be mitigated by equivalent planting. Finally, on the issue of cycling, it was submitted that the dedicated cycling facility has been designed into the road improvement scheme, that the alternative routing options were assessed and were not viable, and that the cycleway will accommodate recreational cyclists and commuters.

It is noted for the Board that the applicant, following the submission of this objection, produced a map detailing where improved separation could be achieved along the route by potentially introducing areas suitable for hedging in the intermediate verge (see submission entitled “EIS – Additional Mitigation Measures”).

Questions were posed to the applicant by a number of members of Meitheal Fhorbairt Inbhunaithe. These included the following:

In response to Mr. Lehané, Mr. Walsh confirmed there would be no barrier between the proposed cycleway and the road. He also detailed locations of three fatalities since 2002 on the road, with two occurring at Glanmore and Ballinasare and confirmed there was no record of any cycling accidents having occurred along the route. He detailed the criteria for the route under the headings of environment and engineering. Mr. Stack explained why his submission focused on transportation and infrastructure. With regard to landscape and tourism in the context of the Kerry County Development Plan, he submitted the design of the scheme is the minimum required for the route and that the 7m width of the proposed road indicated the sensitivity of the design to the landscape. Ms. Lombard affirmed the proposal was being carried out for safety reasons and was not being done solely to accommodate tourist or local population traffic. It was submitted that Fáilte Ireland considers the road improvement works to be an issue of particular relevance. Mr. Lehané noted that the Fáilte Ireland office in Dingle had confirmed that a comprehensive assessment of the scheme was not carried out by them.

Mr. Scott O'Connor re-affirmed the extent of assessment undertaken by Fáilte Ireland. In response to his questions, Ms Lombard clarified her position on the scheme enhancing the tourism product by submitting improved access arrangements improve the tourism product. Tourist priorities in terms of protecting the landscape in comparison to road improvements were discussed as were the nature of the construction jobs being created.

In response to questions from Ms. Caroline O'Connor, Mr. Walsh clarified the cross section details and the scheme as a pilot scheme. He noted the scheme was in accordance with the NRA design standard and clarified that there were no further plans for pedestrians and cyclists along the route. Of the suggestion about using a painted verge option for cyclists, he stated that this would not comply with standards due to the traffic volumes and speed on the road. He detailed why the NRDO went for a primarily on-line route and clarified the use of the old railway bridge at Glanmore. The issues of maintenance, rights of way at junctions, responsibility for accidents and pedestrian and cyclist traffic counts were also discussed. The cycleway's safety for pedestrians, children and those with disabilities was also discussed. Ms. Lombard clarified that the use of the cycleway would primarily be tourist-related. Mr. Stack clarified that the Dingle to Ventry route was being considered for a cycle route.

In response to questions from Mr. Malcolm George, Mr. Chadwick detailed the degree of exposure to vehicular emissions expected to arise for cyclists and confirmed that limits would be well below statutory limits for public health.

Finally, in response to questions from Ms. Dolan, reference was made to the design differences of the scheme when compared to the other pilot schemes proposed around the country. It was confirmed by Mr. Walsh that no visual images were prepared by the NRA of how the scheme would look in the Dingle peninsula. Mr. Walsh also explained the overall route width and associated land take, submitting that the width of the road would increase from 16 metres to 18.5 metres where traffic islands were proposed to accommodate cyclist crossings. The hearing was also informed that the cross section of the road shows an average 16 metre width and beyond this there would be a 6 metre wide area on both sides of the road to provide for drainage and workspace, comprising a total width of 28 metres. The locations of the proposed viewing areas were again detailed at the existing viewing point at Mountoven, east of Glanmore, at Ballintaggart and west of the hairpin bends at Farranacarriga.

### ***Concluding Remarks***

The concluding remarks were as follows;

Mr. Foran, for cyclist.ie, referred to the standards being applied, to the need for a reduced width of roadway, and to relocating the cycleway. He requested that NRA have a stakeholder input from cyclists in the design of such routes.

Mr. Smith affirmed that his submitted objection remain, repeated concerns in relation to the considered excessive scale of the development and considered there were alternative cycleway options.

Mr. Singfield concluded the scheme was ill-conceived, that the existing road was not heavily trafficked, questioned the need and justification for the scheme, and contended the route would be redundant for most of the year.

Ms. Dolan, for Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne, queried the lack of visual imagery and the testing of the pilot scheme, questioned the difference between a view and visual amenity, and stressed the difference of a 16m road and a 28m route with its ancillary works. It was contended the road widening will completely transform the character and speed on the road and would be devastating, while the need for the scheme was queried. The Type 3 road design was viewed as untested and contended the cycleway would be unused. The value of the saving of journey time was seen as negligible, while the removal of hedgerows, trees, walls, etc. to achieve the route were seen as unacceptable. The Board was asked to reject the scheme.

Mr. Keane, for the applicant, identified the road deficiencies and the need for the proposed upgrading. He elaborated on the need for the road width take and to the landscaping proposed and to improvements to views resulting. It was further noted that the vast majority of the objections to the CPO had been withdrawn. He referred to the adequacy of the submitted EIS, to public participation in the process, the adequacy of the design, to how the issue of project-splitting does not arise, to improved facilities and travel times, and to compliance with plans and strategies. Reference was also made to the assessment of alternatives, to the necessity for the land take and to the handling of spoil materials. He reiterated that safety was the priority relating to the scheme.

### **Closure of Hearing**

I concluded the Hearing by informing the parties that each will be informed of the Board's decision in writing.

## **SUBMISSIONS AT ORAL HEARING**

The following is a complete schedule of copies of prepared submissions to the Oral Hearing and other references given to the Inspector:

### **Applicant's Submissions**

1. Statement of Evidence of Dara Walsh on project details
2. Statement of Evidence of Paul Stack on national, regional and local planning policy
3. Statement of Evidence of Russell Harris on traffic modelling
4. Statement of Evidence of Darragh Kingston on noise & vibration
5. Statement of Evidence of Paul Chadwick on air quality and climate
6. Statement of Evidence of Criona Doyle on soils, geology, hydrology & hydrogeology
7. Statement of Evidence of Richard Mundy on ecology
8. Statement of Evidence of Dr. William O'Connor on aquatic ecology and fisheries
9. Statement of Evidence of Raymond Holbeach on landscape & visual
10. Statement of Evidence of Conrad Wilson on material Assets – Agriculture
11. Statement of Evidence of Maria Lombard on socio-economics
12. Statement of Evidence of John Cronin on cultural heritage and language impact assessment
13. Statement of Evidence of Áine Ryan on cumulative impacts and interactions
14. Dara Walsh – Summary Response to Submissions and Objections.
15. Dara Walsh – Summary Response to Submission by Meitheal Fhorbairt Inbhunaithe Corca Dhuibhne
16. Dara Walsh – EIS: Additional Mitigation Measures (Proposed during the Oral Hearing)

### ***Additional Submissions:***

- A. Drawings of proposed Structures along the route
- B. Drawing showing extent and existence of old Dingle Railway Line
- C. Errata relating to EIS

### **Objectors' Submissions**

1. Statement of Evidence of Barbie Ordish
2. Statement of Evidence of Tom Moriarty
3. Statement of Evidence of Sarah Dolan, Meitheal Fhorbairt Inbhunaithe, Corca Dhuibhne

*Additional Submissions:*

- A. Submission from Cyclist.ie – “Cycle Path Safety – the principles behind the problem”

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Kevin Moore  
Senior Planning Inspector  
August, 2012.