



## Board Direction

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**Ref: 08.HA0035/04.KA0023**

At a further meeting held on 4<sup>th</sup> September 2013, the Board further considered the report of the Inspector and the information and submissions on file, including the further information submission by Kerry County Council (received by ABP on June 18<sup>th</sup>, 2013) including various reports and documents relating to scheme amendments, landscaping details, cycle route alternatives and road design standards etc.

The Board decided, by a majority of 3:2, to refuse to approve the EIS, in accordance with the following reasons and considerations.

### Reasons and Considerations

The Board acknowledged the demonstrated need to upgrade the N86 Tralee to Dingle route, as identified in the National Secondary Roads Needs Study 2011 (NRA), and accepted the 'online' approach to such improvement. However, it is considered that the existing N86 national secondary road is a route of tourism value with an attractive landscape setting, and noted that the proposed width of the road development corridor, would result in a typical overall finished road width of 16 metres, and a significantly wider construction corridor width (typically 28m in width and wider in some locations). The Board considered that the road improvement scheme as proposed would represent an excessive intervention into the landscape, not commensurate with the single-carriageway route being delivered, would have an unacceptable detrimental impact on the visual amenities and landscape character of the area and would seriously detract from the tourism value and amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### Notes:

In making its decision, the Board did not accept all of the Inspector's recommended refusal reasons, as explained below:

The order of priority for the completion of national secondary road schemes is not a matter for the Board to determine, and the justification for the road upgrade as set out by Kerry County Council was accepted by the Board.

In relation to the proposed cycleway (recommended reason no.2), the Board noted that the development of a long distance cycling route linking Tralee with Dingle accords with national policy on tourism and transport and would complement the development of Dingle as a 'Category 1 Cycling Hub Town' as set out in "*A Strategy for the development of Irish Cycle Tourism, 2007 (Bord Fáilte)*", albeit that a different route was envisaged in that strategy. The Inspector's concerns about the cycleway - including the lack of connectivity and concerns over its attractiveness for recreation - were noted. The submissions received in June 2013 from Kerry County Council (including the enclosed submissions from the National Trails Office and An Bord Fáilte), illustrating the challenges associated with potential alternative routes, were also considered. The Board concluded that the proposed design including cycleways contributed significantly to the width of the proposed road alignment and the associated landscape impacts. The Board was not satisfied that the cycleway justification was sufficient to overcome the landscape concerns as set out in the refusal reason.

Regarding the question of project splitting, the Board was satisfied that it was in a position to fulfill all necessary environmental considerations in relation to the proposed scheme, including potential cumulative impacts arising. While a short section of the route has been completed under another authorisation by Kerry County Council, it was noted that environmental considerations formed part of that approval process, and such environmental information was available for consideration by the Board in the subject application. The Board did not accept that any 'project splitting' arose such as would run contrary to the requirements of the EU Environmental Impact Assessment Directive (85/337/EEC).

#### Revised Proposals

In relation to the response by Kerry County Council to the request for a re-design and revised EIS (issued by ABP on 7th November 2012), notwithstanding the greater detail provided in relation to landscape impacts and proposed mitigation measures, it was not considered that the amendments included in the response addressed the Board's stated concerns in a satisfactory manner, most notably in relation to the width of the road. Therefore the Board decided that further circulation of this documentation and re-opening of the oral hearing was not necessary and the board proceeded to refuse approval of the scheme for the reasons and considerations set out above.

Board Member: \_\_\_\_\_ Date 6<sup>th</sup> September 2013  
Conall Boland

Please issue a copy of Direction with the Board Order.