



An  
Bord  
Pleanála

## Record of Meeting ABP-301475-18 1<sup>st</sup> meeting

<b>Case Reference / Description</b>	ABP-301475-18 South Kerry Greenway Project.		
<b>Case Type</b>	Pre-application consultation		
<b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup>		
<b>Date</b>	26/06/18	<b>Start Time</b>	11 a.m.
<b>Location</b>	Meeting Room 3	<b>End Time</b>	1.40 p.m.
<b>Chairperson</b>	Philip Green	<b>Executive Officer</b>	Kieran Somers

<b>Attendees</b>		
<b>Representing An Bord Pleanála</b>		
<b>Staff Member</b>	<b>Email Address</b>	<b>Phone</b>
Philip Green, Assistant Director of Planning		
Michael Dillon, Senior Planning Inspector		
Diarmuid Collins, Senior Administrative Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

<b>Representing the Prospective Applicant</b>		
Tom Sheehy, Project Manager		
Conor Culloo, Project Engineer		
Damien Ginty, Project Planner		
Muiread Kelly, Project Ecologist		

The meeting commenced at 11 a.m.

**Introduction:**

Representatives of An Bord Pleanála advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board.

The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- An Bord Pleanála will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process.
- A further meeting or meetings may be held in respect of the proposed development.
- An Bord Pleanála may give advice on the proposed application and, in particular, the procedures in making and considering the application and what considerations relating to the effects of the proposed development on the environment or an area referred to in section 50(1)(d) or proper planning and sustainable development that may have a bearing on its decision
- An Bord Pleanála may consult with any person who may have information relevant for the purposes of the consultations.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

### **Presentation by the prospective applicant:**

The prospective applicant provided An Bord Pleanála with a general overview of the proposed development. The proposed South Kerry Greenway will comprise of a 32-kilometre shared use track extending between Renard Point and Glenbeigh which will be predominantly off road. The prospective applicant noted that the proposed route essentially follows the line of the original railway which closed in 1960; it also noted for the record that a significant portion of the railway infrastructure remains in place.

The prospective applicant said that the proposed development is located in a peripheral rural location which is experiencing on-going economic and social decline. It added that the project represents a community-driven initiative and that proposed works under previous planning applications to Kerry County Council (section from Renard to Cahirsiveen) would be incorporated in the instant project. The prospective applicant informed An Bord Pleanála that Kerry County Council made a decision on these planning applications and, at the time, received no 3<sup>rd</sup> party objections in respect of these. The prospective applicant said that it was initially under the impression that land to facilitate the proposed development would be available by agreement, but subsequently concluded that a formal CPO process would have to be entered into. Responding to An Bord Pleanála's query on the matter, the prospective applicant said that a full CPO process seeking permanent acquisition of land would be required.

The need for the proposed development was set out by the prospective applicant; it noted for the record a persistent population decline in the area, particularly with regard to Caherciveen Town. The prospective applicant said that a social and economic intervention is required and referred to section 66 of the Local Government Act, as amended, which provides for local authorities promoting the interests of the local community.

With regard to local assets which would facilitate the proposed development, the prospective applicant noted the works already proposed as per the previous planning applications, as well as features such as the existing disused infrastructure of the railway corridor, the potential for farm diversification and other existing attractions in the vicinity. The economic benefits arising from the proposed development, including employment and growth in the tourist sector, were set out by the prospective applicant.

The objectives of the proposed development were referred to by the prospective applicant which include local economic regeneration and optimising the amenity value of the proposed route.

With regard to policy framework, the prospective applicant referred to national, regional and local contexts. The prospective applicant referred to the National Planning Framework with particular regard to objectives relating to enhancing amenities and heritage and strengthening rural economies and communities. The National Cycle Policy Framework and Regional Planning Guidelines 2010-2022 were also alluded to by the prospective applicant. With respect to the Kerry County Development Plan 2015-2021, the prospective applicant said that there are 16 relevant objectives which support the proposed development; it referred in particular

to objectives T-5, T-20, T-27 and RD-31. The prospective applicant also referred to the Local Economic and Community Plan which, it said, contains three relevant actions. With regard to local policy, the prospective applicant noted the Cahersiveen, Waterville and Sneem Functional Area Local Area Plan 2013-2019 and the Killorglin Functional Area Local Area Plan 2013-2019; it also mentioned the County Kerry Tourism Strategy and Action Plan 2016-2021 with particular regard to Action 1.7.1 of this plan which lists a number of greenways.

An Bord Pleanála's representatives enquired as to the full extent and nature of the proposed development whether it would comprise primarily of a cycleway or if other buildings/structures of development would be built along the route. The prospective applicant replied that the proposed development would include the provision of five car-parks and that there is an old railway building at Mountain Stage which it intends to purchase and use for educational purposes; it noted, in particular, the presence of lesser horseshoe bat roosts in this building. The prospective applicant confirmed to An Bord Pleanála that no agri-tourism buildings are proposed as part of the project; lighting will only be provided in tunnels and there are no cafés or any such other outlets proposed. The prospective applicant advised that a number of toilets facilities will be provided – tanks to be emptied and brought to waste water treatment plants. Noting this, An Bord Pleanála said that these and all other incidental works should be properly described and assessed in the EIAR to accompany the planning application. The representatives of An Bord Pleanála also referred to the need to address Listed Views and Prospects within the County Development Plan – particularly at Mountain Stage. An Bord Pleanála also emphasised the importance of cumulative impact in the planning assessment of the proposed development.

With respect to legislative background, the prospective applicant said that the proposed greenway is a road within the meaning of section 68 of the Roads Act. It said that it has determined the Roads Act to be the appropriate mechanism under which to lodge the forthcoming planning application. The prospective applicant also noted the direction given by the Board under case reference number 08.HD0039 lodged under the provisions of the Roads Act which concluded that the preparation of an EIS (now EIAR) in connection with the application would be required.

The prospective applicant noted that the former Great Southern and Western branch railway line from Farranfore to Cahersiveen ceased operation in 1960. It advised that parcels of land relating to the former railway line were sold in a piecemeal fashion by CIE, and that the original rail corridor is still quite visible at ground level. The prospective applicant advised that it has sought to engage extensively with affected landowners, but that acquisition by agreement has not emerged as a viable option for the proposed land-take. Responding to An Bord Pleanála's question on the matter, the prospective applicant said that CIE still retains ownership of some of the lands in question; the tunnels at Drung Hill belong to Kerry County Council. The prospective applicant said that issues raised by third parties include security, safety, noise, dust and access. It said that the principle of a cycleway has been generally accepted, but that the majority of objections relate to the utilisation of the CPO process to facilitate the project. Responding to An Bord Pleanála's query on the matter, the prospective applicant said that it has met with representatives from the IFA. It stated that the IFA is generally supportive of the project, but also has issues with the use of CPO in this case. In a general context, the prospective applicant said that it has sought to emphasise how the proposed development is part of a broader

national strategic objective with respect to the development of a network of greenways. Noting this, An Bord Pleanála said that all background work conducted and stakeholder engagements should be clearly set out in the application and statements supporting the CPO so as to justify the purpose and need for the proposed development.

The prospective applicant provided a general description of the proposed development which will comprise of a shared two-way cycleway and pedestrian route. The infrastructure relating to the proposed development includes car-parking at five locations, toilet facilities, directional signage, fencing and screening. New significant structures which will facilitate the proposed development include- Nimmo's Bridge, a Boardwalk section, Kells Underpass and Drung Hill Gabion Wall. Existing structures along the route which are proposed to be utilised include Gleensk Viaduct, Caherciveen Railway Bridge and Drung Hill Tunnels. The prospective applicant noted the presence of some protected structures including Gleensk Viaduct and Caherciveen Railway Bridge.

With regard to public and stakeholder consultations, the prospective applicant advised that four phases have taken place. It stated that the design for the proposed development is an iterative process and that feedback from landowners and members of the public has fed into this.

Responding to An Bord Pleanála's question, the prospective applicant said that the Boardwalk section is located in an ecologically sensitive area. With respect to the proposed five car-parks, the prospective applicant informed An Bord Pleanála that these would be located at Reenard, Caherciveen, Kells, Glenbeigh (and overflow at nearby Rosbeigh – linked by a footpath). An Bord Pleanála's representatives stressed the importance of a thorough methodology and assessment of any works proposed to existing structures and the potential implications for affected habitats and measures for protection of such and use by species or habitats which may have formed in or on the structures in question. Responding to the prospective applicant's query on this, An Bord Pleanála said that such assessment should be included in both the construction methodology section of the EIAR and in the NIS as necessary.

With regard to the CPO which will accompany the planning application, the prospective applicant said that this will largely comprise the original railway corridor. Noting this, An Bord Pleanála emphasised the need to be clear as to the extent of the acquisition being proposed and whether permanent or temporary in nature including requirements for access for works traffic and temporary site compounds etc. An Bord Pleanála noted for the record that whilst it can reduce the amount of the proposed land-take in its CPO decision, it cannot accommodate any extensions of lands being sought by the CPO.

The route selection process was set out by the prospective applicant having regard to high level alternatives and route options. The prospective applicant outlined scenarios whereby there is a physical obstruction on the line, where the line no longer exists and where deviations from the original line are requested or required.

The prospective applicant informed An Bord Pleanála that a Residential Impact Assessment Report has been prepared in respect of 40 locations where the impact on neighbouring properties required further assessment; it said that this will be included as an appendix in the EIAR to accompany the application.

The construction methodology and general operations for the proposed greenway were outlined by the prospective applicant. A Construction Methodology has been prepared in respect of the proposed development. As regards operations, general matters such as route maintenance, marketing and contingency plans were set out by the prospective applicant.

In relation to ecology and impacts arising from the proposed development, the prospective applicant said that screening had established that two European sites had emerged which would require Stage 2 assessment (namely, the preparation of an NIS). The European sites in question are the Iveragh Peninsula SPA and the Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC. There would be no infringement on the SPA in Valencia Harbour. The prospective applicant noted that surveys conducted have identified two Annex II/Annex IV species, namely the Kerry Slug and Lesser Horseshoe Bat. The prospective applicant noted for the record that the building accommodating the summer roost for Lesser Horseshoe Bat identified during the course of surveys was originally proposed to be demolished, but now will be maintained and enhanced for educational purposes; mitigation measures will be implemented during the construction phase. The prospective applicant stated that no adverse impacts are expected on the European Sites in question or other ecological receptors or in the vicinity of the proposed greenway. Noting this and other points, An Bord Pleanála emphasised the importance of biodiversity in a project such as this. In response to An Bord Pleanála's question, the prospective applicant said that shoreline habitats will not be impacted. The prospective applicant also stated that no Annex I habitats exist within the areas of the aforementioned European sites. In a general context, it said that the National Parks and Wildlife Service (NPWS) is supportive of the proposed development. An Bord Pleanála, for its part, emphasised the importance of robust engagement with the NPWS prior to the lodging of a formal application to establish nature extent and timing of survey work and baseline data and analysis required and reminded the prospective applicant of the importance of extensive survey and assessment work as regards ecological impacts (direct and indirect). An Bord Pleanála advised the prospective applicant to clearly set out all mitigation measures in relation to the proposed development; it also said that it would be useful if affected watercourses are clearly set out and numbered and that cumulative effects are outlined with regard to existing and proposed development in the vicinity. An Bord Pleanála also encouraged the prospective applicant to outline any planning history in respect of the proposed route. Responding to An Bord Pleanála's query on the matter, the prospective applicant said that the proposed route does itself not contain any ecology of high importance; it added that mitigation will be put in place for any significant pockets of ecological value.

## **Conclusion:**

The Board said that a second meeting could be facilitated and it raised some matters which the prospective applicant might consider for clarification in the interim; these were as follows:

- The prospective applicant's decision to pursue the application via the Roads Act, as opposed to section 175 of the Planning and Development Act 2000, as amended. The prospective applicant replied that it had received legal advice which deemed the Roads Act to be more appropriate with particular regard to the role of the Greenway as a cycleway.
- The number of affected landowners in respect of the CPO, excluding CIE, was 172 in total. An Bord Pleanála's representatives stressed the importance of correct procedure and serving notice on owners and occupiers of land.
- The locations of car-parks and distances from the greenway and functionality of such.
- Any habitable dwellings (within the definition of the Planning Act) which might require demolition and any protected structures, such as bridges for which works are proposed, and the requirement to include reference to these in public notices.

With regard to the timeframe for lodgement of the planning application, the prospective applicant said that it was ready to lodge, but would consider some of the matters raised by An Bord Pleanála. An Bord Pleanála said that it was ultimately a matter for the prospective applicant as to whether this would be the sole meeting in the pre-application consultation process although a further meeting could address procedural issues and matters that may have a bearing on the Board's decision. An Bord Pleanála's representatives said that they could seek a meeting with the SID Division of the Board to outline the project to them and any views obtained from this could then be conveyed to the prospective applicant at the subsequent meeting. An Bord Pleanála said that a second meeting could be accommodated in early August if the prospective applicant so wished. Noting a time constraint on its part, the prospective applicant said that it would consider this and revert to An Bord Pleanála in due course.

An Bord Pleanála also said that it could consider a draft notice of the proposed development, but could only impart procedural advice on this. The detailed content of the notice was entirely a matter for the prospective applicant.

An Bord Pleanála advised the prospective applicant to set out all proposed mitigation measures within a separate appendix to the EIAR accompanying the application; this can also be done in respect of the NIS, it added.

The record of the instant meeting will issue in the meantime. The prospective applicant will advise An Bord Pleanála if it wishes to hold a second and final meeting as regards the proposed development.

The meeting concluded at 1.40p.m.

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**Philip Green**

**Assistant Director of Planning**