



An
Bord
Pleanála

Inspector's Report 08.HD0039

Development

Proposed South Kerry Greenway
Project linking Glenbeigh with
Reenard *via* Cahirsiveen

Location

Former Great Southern & Western
Railway (West Kerry Branch) – portion
of old railway line linking Glenbeigh
with Reenard, Co. Kerry

Planning/Roads Authority

Kerry County Council

Referring Body

Kerry County Council

Type of Application

EIS Direction

Date of Site Inspection

4th February 2017

Inspector

Michael Dillon

1.0 Introduction

Under the provisions of Section 50(1)(c) of the Roads Act, 1993 (as amended), Kerry County Council is seeking a direction from An Bord Pleanála, as to whether or not its proposal to carry out a Greenway development, would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Statement (EIS). Kerry County Council is of the opinion that EIA is required for the project. The request is accompanied by a document titled “Proposed Greenway connecting Glenbeigh and Renard *via* Cahersiveen and all ancillary site works – County Kerry. EIA Screening Report” (dated January 2017). In addition, some drawings and maps are included from Malachy Walsh & Partners, Consulting Engineers.

2.0 Site Location & Description

The Greenway route runs partially (but not exclusively) along a section of the former Farranfore to Reenard (Valencia Harbour) single-track railway line. The line was opened in 1895 and closed in 1960. The track and railway sleepers have been removed along the 32km route. The N70 shadows the old railway line for much of its length, and in a small number of places is actually constructed on the bed of the former railway. The principal constructed features of this railway – beginning in Glenbeigh are–

- Drung Hill Tunnels (two short sections of tunnel with intervening mountain stream crossing washed way) and adjacent ‘Retaining Shed’.
- Gleensk River Viaduct – an impressive Protected Structure constructed on a gentle curve with stone piers supporting iron bridging elements, (and included in the National Inventory of Architectural Heritage).
- Valencia River Viaduct – an impressive iron bridge Protected Structure, constructed on a straight section close to the surface across the Valencia River estuary inlet (and included in the National Inventory of Architectural Heritage).

The railway had a number of stations/halts along this section of the line – Mountain Stage (halt), Kells (station), Cahersiveen (station) and Valencia Harbour/Reenard

(station). The old Glenbeigh railway station is indicated as not coming within the compass of this proposed Greenway project.

3.0 Proposed Development

The proposed development relates to the construction of 32km length of 2.5-3.0m wide Greenway from Glenbeigh to Reenard (Valencia Harbour) *via* Cahersiveen. The Greenway will be for the exclusive use of cyclists/pedestrians with access for maintenance vehicles and agriculture. A small section will be shared with existing road users – particularly where the Greenway intersects local roads, and in particular, the N70.

4.0 Legislation & Guidelines

4.1. Section 50(1)(a) of the Roads Act, 1993 (as amended), lists road developments in respect of which there is a mandatory requirement to carry out environmental impact assessment (EIA) as follows-

- (i) the construction of a motorway,
- (ii) the construction of a busway,
- (iii) the construction of a service area, or
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

4.2. Article 8 of the Roads Regulations, 1994 (S.I. 119 of 1994) states as follows-

The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be-

- (a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;
- (b) the construction of a new bridge or tunnel which would be 100m or more in length.

The Roads Act 2007 introduced changes to Article 8 – hence the reference to subsection (1)(a)(iii) rather than subsection (1)(a)(iv) – the latter being the reference to ‘prescribed type of proposed road development’.

- 4.3. Section 68(1) of the Roads Act, 1993 (as amended) states- ‘In this section “cycleway” means a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians’. I would consider that “cycleway” and “Greenway” are one and the same thing. The proposed Greenway, being less than ‘four or more lanes’ and not entailing the construction of ‘new bridge which would be 100 metres or more in length’, does not, therefore, require mandatory EIA.
- 4.4. However, section 50(1)(c) of the Roads Act, 1993, requires that where a road authority considers that any proposed road development, while being below the relevant threshold for which an EIS would be mandatory, would be likely to have significant effects on the environment, it shall inform the Board in writing and, where the Board concurs with the road authority, it shall give a direction to the road authority [under Section 50(1)(b)] to prepare an EIS in respect of such development.
- 4.5. Section 50(1)(d) is more specific in relation to EIA, and states-
Where a proposed road development (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on:
- (i) a European Site, meaning
 - (I) a candidate site of Community importance,
 - (II) a site of Community importance,
 - (III) a candidate special area of conservation,
 - (IV) a special area of conservation,
 - (V) a candidate special protection area, or
 - (VI) a special protection area,
 - (v) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 (No. 39 of 1976,

(vi) land designated as a refuge for fauna under section 17 of the Wildlife Act, 1976 (No. 39 of 1976),

the road authority concerned shall decide whether the proposed road development would or would not be likely to have significant effects on the environment, the Minister or the road authority concerned (as the case may be) shall have regard to the criteria specified for the purposes of article 27 of the European Communities (Environmental Impact Assessment) Regulations, 1989. [Where the word 'Minister' appears it is substituted by the word 'Board' – transfer of certain functions from the Minister to the Board].

4.6. Guidance is provided in the document entitled 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', published by the Department of the Environment, Heritage and Local Government in 2003, which states that the criteria for deciding whether or not a proposed development is likely to have significant effects on the environment are set out in the EC (Environmental Impact Assessment) (Amendment) Regulations, 1999 (S.I. No. 93 of 1999) and in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) (S.I. No 600 of 2001). The key criteria are grouped under three headings as follows:

- Characteristics of the proposed development.
- Location of the proposed development.
- Characteristics of potential impacts.

Additional guidance with regard to the screening of road projects for EIA is provided in the National Roads Authority's publication, 'EIA of National Road Schemes – A Practical Guide', (2008).

4.7. I note that Kerry County Council has been in correspondence with the Board in relation to this project, and has determined that if permission is being sought, it will be under the Roads Act rather than the Planning Act. Kerry County Council has already decided to proceed to Stage 2 Appropriate Assessment Screening for this project, with the potential requirement for a Natura Impact Statement to be prepared being acknowledged, owing to the route traversing, or being located in close proximity to, a number of European sites; chief among them-

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site code 000365).
- Iveragh Peninsula SPA (Site code 004154).
- Castlemaine Harbour SPA (Site code 004029).
- Castlemaine Harbour SAC (Site code 000343).
- Valencia Harbour/Portmagee Channel SAC (Site code 002262).

5.0 Kerry County Council Environmental Impact Assessment (EIA) Screening Report

- 5.1. Mandatory EIA for this project was discounted. The issue of sub-threshold EIA is addressed in the report. A formal EIA screening exercise was undertaken for this project. It was concluded that the development could have a significant effect on the environment. Potential impacts are neither quantified or verified in this desktop exercise. It is the Board which decides whether EIA is required for this project. The report sets out the relevant legislation in relation to mandatory and sub-threshold EIA road projects.
- 5.2. It is estimated that approximately 29% of the 32km route will be diverted off-line onto greenfield lands. The surface will be macadam finish. Fencing will be provided along the route with pens and gates (as appropriate) for farm animals. It is expected that the project will form the first part of a scheme running from Reenard to Farranfore along the entire length of the old railway line. Approximately 1.0km of the line has been overlaid with the realignment of the N70. Works will involve scrub clearance, laying of geotextile base for on-line and geogrid for off-line sections, bridge/culvert repair/replacement, drainage, signage, surfacing and fencing. Modest construction compounds will be required (with no more than ten workers on the project at any one time). Specific engineering works required will include: - new decking and parapets to the Valencia River Viaduct; minor upgrading works to Gleensk River Viaduct (including removal of ballast), modest works such as pointing and lighting to Drung Hill Tunnels; gabion supported platform 3.0m above the level of the N70 at Mountain Stage (0.9km); new light-weight 15m-span steel bridge linking

the two Drung Hill Tunnels, where the original railway bridge has been washed away by a mountain stream.

5.3. Schedule 7 of the Planning and Development Regulations 2001 (as amended), indicate the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings-

- (a) Characteristics of the Proposed Development.
- (b) Location of the Proposed Development.
- (c) Characteristics of Potential Impacts.

Environmental sensitivities were taken from the EIA Directive as follows-

- (i) Human beings, fauna and flora.
- (ii) Soil, water, air, climate and landscape.
- (iii) Material assets and cultural heritage.
- (iv) Interaction between the foregoing – (i), (ii) & (iii).

5.4. It is considered that the impact on human beings will be beneficial – particularly in relation to tourism and traffic safety on the N70. The proposal will result in habitat loss – particularly where the abandoned railway has reverted to semi-natural vegetation such as scrub woodland. Approximately 29% of the route is off-line. The route traverses the Iveragh Peninsula SPA, Killarney National Park and Caragh River Catchment SAC, and the Valencia River proposed Natural Heritage Area (pNHA). It is acknowledged that transport routes can result in the spread of invasive species. Work on tunnels has potential to impact on bat species. Considerable excavation may be required in the vicinity of Mountain Stage where realignment of the N70 in the past has quarried out sections of the old railway line on higher ground. Lands in this area are classified as highly susceptible to landslides (as per Geological Survey of Ireland – GSI). A number of slides have been recorded in this area by the GSI. It is noted that there are no geological protection areas along the route. Old railway drainage will require reinstatement. There are a considerable number of water crossings along this route – as would be expected in such mountainous terrain. The route is not susceptible to flooding. The development will have no real impact on air or climate. Visual impact will be low. Some engineering works at Mountain Stage will be required – which may impact on visual amenity.

The Development Plan indicates that this area is of 'Prime Special Amenity' or 'Secondary Special Amenity' with listed views to north and south of particular stretches of the N70. The N70 forms part of the Ring of Kerry and the Wild Atlantic Way. There are a number of archaeological monuments located close to the old railway line. Where 29% of the proposed route is off-line, there is the potential for archaeological finds. Archaeological assessment of the route would be required in any event. The works at Mountain Stage have the potential to affect more than one aspect of the environment – soil/geology and landscape; and ecology and water quality.

5.5. The project will include the following general works-

- Overburden removal/scrub clearance.
- Geotextile and geogrid installation.
- Macadam finish on 3m wide Greenway.
- Bridge/culvert repair or replacement.
- Drainage works.
- Signage.
- New boundary treatments.
- Specific engineering works – particularly at Mountain Stage.

5.6. The project will utilise a limited amount of imported aggregate. There will be no groundwater abstraction. Waste products will be limited to organic matter from clearing vegetation, which may be used for landscaping. Pollution risk arises from siltation of watercourses and accidental hydrocarbon spillage during the construction phase. Noise and dust nuisance during construction will be of a temporary nature. There may be some severance issues for farmers.

5.7. Land-use along the route is predominantly agricultural, with some scrub. Use can be made of existing railway ballast. On off-route sections, stripped soil can be used for landscaping. Quarried aggregate will be sourced from the wider area. The site is in a remote area with a number of wetlands, coastal zones, mountain & forest areas, Natura sites and landscapes of cultural or archaeological significance. The old railway line is part of the county's industrial, transport and communications heritage.

5.8. Impacts from this development area likely to be locally, and in certain instances, regionally significant. The area is not densely populated, but is heavily used by tourists. The visual impact of a macadam line may be greater than the visual impact of the existing over-grown railway line. The significant retaining structure at Mountain Stage will be particularly visible on the landscape. The works will be visible from the Ring of Kerry/Wild Atlantic Way driving routes and from the Kerry Way walking route. There are potential ecological impacts on European sites. New crossings and repair of older ones have the potential to impact on water quality in streams, rivers and estuaries. Construction traffic impact will be limited. There are five Recorded Monuments in proximity to the route.

5.9. Potential negative impacts which may need to be mitigated include-

- Severance of agricultural land.
- Visual impact – particularly when Greenway is newly completed before landscaping takes effect.
- Excavation and construction of 900m length of retaining structure at Mountain Stage.
- Potential to attract substantial numbers of cyclists/pedestrians.
- Impacts on water quality in streams/rivers/estuaries during construction phase.

5.10. Potential positive impacts have been identified as-

- Provision of an ecological corridor.
- Boost to tourism.
- Facilitation of sustainable modes of transport.
- [Not referred to is improvement to traffic safety on the N70 whereby cyclists (and to a lesser extent pedestrians) will be taken off a busy road].

5.11. The probability is that some of the impacts will require further assessment. Impacts can be mitigated by design in some instances. It is noted that this an environmentally sensitive location, which increased the probability of the impact. The impacts of the development would be long-term and would not be readily

reversible. In applying the precautionary principle, it is considered that EIA is required in this instance.

6.0 Assessment

The 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-Threshold Development', groups criteria for deciding whether or not a proposed development would be likely to have significant effects on the environment under three headings. I propose to consider the request from Kerry County Council under those three headings.

6.1. Characteristics of the Proposed Development

6.1.1. Size of Proposed Development

The land-take of the proposed Greenway has not been indicated. However, over a 32km length, it is indicated that some 29% will be off-line. This would likely result in the acquisition of agricultural lands in rural areas and may result in the necessary acquisition of some residential/commercial lands. In most instances it would seem that the old railway line has been incorporated back into flanking farmland/mountain grazing or into the curtilage of roads. Houses, sheds and other commercial buildings have been erected on and abutting sections of the old railway – not just within towns and villages. The scale of maps accompanying the request to the Board are not sufficiently detailed to allow any detailed understanding of the amount of land required. Notwithstanding the length of the proposed Greenway, I would consider that this in itself would not be a determining factor in assessing the need for EIA.

6.1.2. Cumulation with Other Proposed Development

Kerry County Council has not indicated if there are any other large-scale projects in the immediate area which might be carried out at the same time as the proposed Greenway, the impact of which, when considered with this proposed Greenway project, might result in a cumulative impact which would be significant on the environment. I am not aware of any projects planned in the vicinity which would give rise to concerns in terms of cumulative impact.

6.1.3. The Nature of any Associated Demolition Works

No significant demolition is proposed with this project.

6.1.4. Use of Natural Resources/Waste/Pollution/Nuisance

Materials will be required for the construction of the Greenway such as stone – particularly for the 0.9km section with gabion/soil nailing/engineered support structures at Mountain Stage. No calculations have been submitted for the amount of rock required. Indication is given that existing railway ballast will be re-used on the Greenway, as will excavated soil for landscaping. Rock required for construction will be sourced from local quarries. I would consider that the use of soil and rock resources would not cause unusual, significant or adverse effects of a type that would require EIA. However, of material consideration is the construction of the gabion/'permacrib' structure at Mountain Stage which will have a permanent and direct impact on two European sites – Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and the Iveragh Peninsula SPA. The Greenway project of itself will not result in the creation of nuisance for existing landowners and residents. Fencing is to form part of the scheme. It is not anticipated that there would be any material change in terms of the noise and air environment. Dust nuisance during construction could be controlled by a dust minimisation plan.

6.1.5. The Risk of Accidents, having regard to Substances or Technologies Used

The proposed development is a restoration of a former railway line and, of itself, will not generate any additional vehicular movements, changes in composition of traffic or increased congestion. Traffic will be generated during the construction period but would be for a temporary and defined period only. The development will result in the attraction of a considerable numbers of cyclists (and to a lesser extent walkers) – particularly in the summer months. The development will result in an improvement in road safety – through separation of vehicular and bicycle/pedestrian traffic – to the benefit of all road users.

6.2. **Location of the Proposed Development**

6.2.1. The Existing Land Use

The Greenway will be located on an old railway line – for the most part. The area is characterised by farmland and mountain grazing land – with some sections through built-up areas at Cahirsiveen, Glenbeigh and Reenard. Predominant land uses in

the area will not be significantly impacted – apart from possible severance at some farm holdings.

6.2.2. The Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area

There is an abundance of similar-type natural resources in the area. The regenerative capacity of the ecology of the area is indicated by the colonisation of scrub vegetation on abandoned sections of the old railway line.

6.2.3. Absorption Capacity of the Natural Environment

The proposed Greenway will require reinstatement of former drains, culverts and bridges – many of which have collapsed/been washed away/become overgrown and clogged. All watercourses draining the Greenway ultimately discharge to the northwest or north into Dingle Bay. Connected water bodies are Castlemaine Harbour at Glenbeigh/Rossbehy and Valencia Harbour at Cahirsiveen. Adverse impacts to water quality draining the Greenway site could potentially have direct/indirect impacts on the qualifying interests of nearby European sites. Such sites include bird species, marine species, terrestrial species and both terrestrial and marine habitats. The Greenway traverses two European sites (already referred to), immediately abuts the Valencia Harbour/Portmagee Channel SAC, and portions of it drain into Castlemaine Harbour SAC and Castlemaine Harbour SPA. There is potential impact on aquatic and semi-aquatic species – particularly from siltation during the construction phase of development.

There is potential for impact on bat species – particularly in relation to works at the Drung Hill tunnels and retaining shed. The removal of vegetation to accommodate the Greenway may result in the necessity to move invasive species, which require appropriate handling to avoid their spread, especially to adjoining European sites. Such works could be carried out in accordance with the relevant guidance documents for such works, and would not of themselves result in the requirement for EIA. On the basis of the above, I would concur with the conclusions of the Screening Report, that ecological impact assessment would be required along a considerable portion of the Greenway route.

In terms of cultural heritage there are no recorded monuments on the Greenway. A number of recorded monuments have been identified in close proximity the

Greenway route. As the ground along the old railway route has already been disturbed for construction of the railway line, it is unlikely that there will be any archaeological remains. However, approximately 29% of the route will be off-line, and the potential for unknown archaeological features in the area cannot be ruled out. The area, in terms of archaeological sensitivity, is considered to be medium. The Gleensk Viaduct and Valencia River Viaduct are listed as Protected Structures in the County Development Plan. Both are to be incorporated into the scheme and appropriately repaired and maintained.

I note from the current County Development Plan that the area is indicated as being Prime Special Amenity and Secondary Special Amenity – particularly in the area of Mountain Stage where there are fine views to the north from the N70 across Dingle Bay. The Development Plan indicates Listed Views to both north and south of the N70 in this area. The N70 forms part of both the Ring of Kerry and the Wild Atlantic Way. The Kerry Way waymarked walking route intersects with the Greenway at Mountain State and then runs (at a higher altitude) above the Greenway (now closer and now further away – as far as Foilmore (some 5km from Cahirsiveen). The area has, therefore, a landscape sensitivity which could be materially impacted by the proposed Greenway.

6.3. Characteristics of Potential Impacts

6.3.1. The Extent of the Impact

The footprint of the proposed Greenway is relatively small, entailing use of a former railway line. However, there is potential for impact on ecological sites – arising from the necessity for substantial engineering works at Mountain Stage and the potential for drainage works to impact on water-sensitive habitats and species.

6.3.2. The Trans-Frontier Nature of the Impact

There are no trans-frontier impacts associated with this development.

6.3.3. The Magnitude and Complexity of the Impact

The magnitude of the impact of this development is not great. The potential for complexity arises from the unknown impact on ecological sites and designated European sites, in terms of water quality and impact on species/habitats. This is

particularly the case in the absence of any specific plans/drawings or any proposed mitigation measures for ecologically sensitive sections of the Greenway.

6.3.4. The Probability of the Impact

The probability of impacts is unknown at present, in the absence of specific plans/drawings and any proposed mitigation measures for ecologically sensitive sections of the Greenway.

6.3.5. The Duration, Frequency and Reversibility of the Impact

The duration of the impact will be permanent. The impact of the Greenway would not be readily reversible. Notwithstanding this, the Greenway will utilise elements of the former railway line, and in this sense I would consider that the characteristics of the potential impact are not significant for this project. The construction phase of the proposed development would be short term but could have a significant impact in terms of water quality.

7.0 **Conclusion & Recommendation**

- 7.1. In conclusion, having regard to the submitted information, with particular reference to the information contained in the Environmental Impact Assessment Screening Report entitled 'Proposed Greenway connecting Glenbeigh and Renard *via* Cahersiveen and all ancillary site works – County Kerry', together with my site inspection, I would consider that, given the description of the development and the nature of the receiving environment, the proposal may have significant impacts on the environment. An Environmental Impact Statement should be prepared and an Environmental Impact Assessment should be carried out. In applying the precautionary principle, it is considered that a tightly, and appropriately scoped Environmental Impact Statement, is required.
- 7.2. Having regard to the above, I recommend that the Board directs the Road Authority, Kerry County Council, under Section 50(1)(b) of the Roads Act, 1993 (as amended), to prepare an Environmental Impact Statement in respect of the proposed Greenway development, for the Reasons and Considerations set out below.

8.0 Reasons and Considerations

8.1. Having regard to:

- The characteristics, nature, scale and location of the proposed Greenway development,
- The location of the proposed Greenway development within, abutting and upstream of a number of European sites, which are nature conservation sites of international importance, where there is the potential to impact on protected species and habitats,
- The characteristics of potential impacts and the possibility of significant impact on environmental attributes, including, in particular, ecology,

It is considered that the proposed Greenway development may be likely to have a significant effect on the environment, and that an Environmental Impact Statement should be prepared in respect of the proposal.

8.2. I recommend to the Board a Direction in the following form-

Having regard to:

- (i) article 27 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (as amended),
- (ii) the Roads Act, 1993 (as amended)
- (iii) Schedule 7 of the Planning and Development Regulations, 2001 (as amended),
- (iv) The document "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development" issued by the Department of Environment, Heritage and Local Government in August 2003,
- (v) the submission made to An Bord Pleanála by the Road Authority,
- (vi) the report and recommendation of the Board's Inspector,
- (vii) the ecological sensitivity of the receiving environment, including the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, the Iveragh Peninsula SPA, the Valencia Harbour/Portmagee Channel SAC, the Castlemaine Harbour SAC, and the Castlemaine Harbour SPA,

- (viii) the nature, scale and characteristics of the proposed Greenway development, including significant engineering works at Mountain Stage, multiple road junctions, and involving works to Protected Structures of architectural heritage, and
- (ix) the characteristics of potential environmental impacts on ecology, European Sites, protected species, the fabric and settings of features of architectural heritage, visual impact within a highly scenic area, agricultural severance, and on dwellings.

It is considered that the proposed Greenway would be likely to have significant effects on the environment and that the preparation of an Environmental Impact Statement (EIS) is required.

Michael Dillon,
Planning Inspector

14th February 2017