





West Clare Railway Greenway

Responses to Section 51 Submissions

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West Clare Railway Greenway Section 1: Kilrush to Kilkee

Responses to Section 51 Submissions

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1. INTRODUCTION

1.1 Purpose of this Report

This report provides a response on behalf of Clare County Council (CCC) to submissions and observations made to the Section 51 application to An Coimisiún Pleanála ("the Commission") for the West Clare Railway Greenway Section 1: Kilrush to Kilkee scheme ("the Proposed Development").

In total 21 submissions were received and accepted as valid by the Commission up to and including the 30th of September 2026. The submissions were circulated by the Commission in a letter dated 6th of October 2026 inviting CCC to make a submission on the observations received.

A list of the 21 submissions received is provided in Section 1.2 below. Individual responses to each submission are provided in Section 0 for submissions received from Prescribed Bodies (5 in total), and Section 2.3 for all other submission received (16 in total). Section 4 provides a conclusion to the responses contained in this report.

Where a submission overlaps with an objection submitted in response to the parallel compulsory purchase order (CPO) for the Proposed Development, these are responded to in their entirety within this report. Therefore, duplicate responses are provided across the two separate reports prepared on behalf of CCC in response to these submissions/objections.

This report is confined to the issues raised in the submissions and does not contain any additional reports or supplementary reports.

1.2 Overview of Submissions Received

A total of 21 valid submissions were received by the Commission as summarised in Table 1-1 below. For ease of reference the submissions are numbered as per the letter received from the Commission dated 6th of October 2026.

Table 1-1 also denotes submissions received from Prescribed Bodies (5 in total), as well as any submissions received which overlap with the objections received to the CPO (12 in total).

Table 1-1 Summary of Submissions in Response to the Proposed Scheme

No.	Name of individual/body	Notes 1. Overlap with CPO objections 2. Prescribed Bodies	Section of report to refer to
1	Thomas Burke		Section 3.1
2	Alicia Willson-Waugh	1	Section 3.2
3	David Shannon	1	Section 3.3
4	Dr Tom Nolan	1	Section 3.4
5	John Purtill	1	Section 3.5
6	John Roche	1	Section 3.6
7	Michael Shannon	1	Section 3.7
8	Noel Purtill & Brid Purtill	1	Section 3.8
9	Patrick O Donoghue	1	Section 3.9
10	Robert Fitzgerald	1	Section 3.10

No.	Name of individual/body	Notes 1. Overlap with CPO objections 2. Prescribed Bodies	Section of report to refer to
11	Rosaleen Willson-Waugh	1	Section 3.11
12	Sean Keogh	1	Section 3.12
13	Uisce Eireann	1, 2	Section 2.1
14	William J.A. Williams & Others		Section 3.13
15	Department of Housing, Local Government and Heritage	2	Section 2.2
16	Tim Danaher and Others		Section 3.14
17	National Greenway Action Association		Section 3.15
18	BirdWatch Ireland		Section 3.16
19	Inland Fisheries Ireland (IFI)	2	Section 2.3
20	Maritime Area Regulatory Authority (MARA)	2	Section 2.4
21	Failte Ireland	2	Section 2.5

2. RESPONSES TO SUBMISSIONS FROM PRESCRIBED BODIES

This section provides a response to the submissions received from Prescribed Bodies (5 in total) including a summary of the key issues raised, and a response to each submission. A response to all other submissions received is provided in Section 0 below.

2.1 Uisce Éireann

A number of Uisce Eireann Assets are identified in the submission letter that interact with the Proposed Development as follows:

1. Kilrush Wastewater Treatment Plant (WwTP)
2. Merchants Quay Wastewater Pump Station (PS) and rising main
3. 400 HDPE rising main from Frances St Cappagh Rd wastewater

A number of recommendations are identified in the submission as summarised and responded to below.

2.1.1 Consultation

Issue

Early engagement with the applicant ahead of the proposed works would be welcomed to facilitate coordination and planning.

Response

CCC has met with Uisce Éireann to discuss their concerns and has agreed the following responses to the submission received. CCC will continue to engage with Uisce Eireann throughout detailed design, construction and operation should the development be approved.

2.1.2 Right of Way

Issue

It will be necessary for Uisce Eireann to cross the greenway on a daily basis to access the existing Kilrush Wastewater Treatment Plant entranceway. A right of way in favour of Uisce Eireann will be required. This right of way should be recorded as a burden on the folio/s in question.

Response

The existing entrance to the WwTP will not be impacted by the greenway and will be maintained in its current location (refer to EIAR Volume 3 Figure 4.42). The greenway crosses the road on approach to the WwTP entrance, however this has been designed and will operate the same as any other road crossing with road traffic regulated by clear signage and road markings on approach to the greenway crossing, as well as signage and surface treatment on the greenway to slow greenway users on approach to the road crossing. The existing public right of way and associated utility rights will be maintained.

2.1.3 Access

Issue

The proposed development must not restrict access to Kilrush WwTP or Merchants Quay PS. Uisce Eireann staff, contractors, emergency services and all vehicles required for the operation and maintenance of these facilities must have permanent, unrestricted access at all times. The detailed design should demonstrate that access arrangements are suitable for wastewater operational vehicles, including tankers, sludge removal trucks, chemical delivery vehicles, lifting equipment and other plant. Adequate sightlines, turning areas, crossing points and pavement loading/strength should be provided to safely accommodate these vehicles.

The development should not result in Uisce Eireann being dependent on the Greenway operator for access to the WwTP/PS or associated infrastructure. Permanent access arrangements, including appropriate gates or controlled crossings where required. should be incorporated into the design and agreed with Uisce Eireann prior to construction. The design should also provide for emergency access and future major maintenance activities, including the use of cranes, specialist plant, excavation equipment. and HGVs. The Greenway should be capable of being temporarily closed where necessary to facilitate essential wastewater works.

Response

As outlined above, the existing access arrangements to the WwTP and PS will not be impacted by the greenway. Emergency access will be maintained along the greenway for all essential services including Uisce Éireann and the operators of the Kilrush Marina and lock gates.

2.1.4 Separation Distance

Issue

An appropriately scaled drawing showing the minimum horizontal separation between the completed Greenway and the boundaries of both Kilrush WwTP and Merchants Quay PS is required. This should clearly identify the Greenway pavement, fencing, drainage, landscaping and lighting (if applicable).

Response

Figures 4.41-4.44 in the application show the greenway following the existing Marina access track at this location. The proposals are intended to indicate the existing roadway and verges. No changes are proposed to the existing cross section and there will be no impact on the boundary of the WwTP. It is noted that the existing Uisce Éireann Pumping Station is located within an area of proposed landscaping between the greenway crossing of Merchant's Quay and the proposed playground area. The landscaping design will be adjusted locally in consultation with Uisce Éireann to suit the Pumping Station and an appropriate fencing detail will be agreed.

The detailed design drawings for construction will be shared with Uisce Éireann prior to construction to ensure that any concerns in relation to the WwTP or PS are addressed.

2.1.5 Future Development and Upgrading of the WWTP

Issue

The proposed Greenway should not prejudice the future expansion or upgrading of Kilrush WwTP. Adequate land and access should be maintained to support future development and upgrade works over the lifetime of both developments.

Response

The proposed works do not affect the existing configuration of the Marina access track and will not affect any of Uisce Éireann's future plans.

2.1.6 Protection Requirements

Issue

All existing Uisce Eireann assets within or adjacent to the proposed works area shall be identified and adequately protected. The final protection measures shall be agreed with Uisce Eireann prior to construction, including any requirements for local strengthening, minimum cover, access chambers, future excavation, and replacement of assets.

Response

Agreed.

2.1.7 Surface Water Drainage

Issue

Greenway surface water drainage should be designed to ensure that runoff is not directed onto the WwTP or PS site.

Response

The proposed works do not affect the existing configuration of the Marina access track and will not affect the existing drainage regime at this location. No new surface water run-off will be directed towards any Uisce Éireann property.

2.1.8 Odour And Noise Issues

Issue

It is requested that the Greenway design and associated planning considerations avoid creating unnecessary constraints or conflicts with the ongoing operation, maintenance, upgrading of the wastewater treatment plant, including any odour or noise generated by the facility.

Response

Greenway users will move along the route and only pass by the WwTP momentarily, with potential impacts limited to a short period along the length of their journey. It is therefore not expected to be a significant issue for users of the greenway and is not likely to deter people from using the greenway. Indeed, none of the project team has noticed any such issue when visiting the site on numerous occasions during design development.

2.1.9 Wayleave

Issue

A fully accessible wayleave over the 400 HDPE rising main is required. This wayleave should be recorded as a burden on the folio/s in question.

A fully accessible wayleave over the pipework associated with Merchants Quay Wastewater Pump Station is required. This wayleave should be recorded as a burden on the folio/s in question.

Response

Agreed. Clare County Council is happy to provide a wayleave where new lands over Uisce Éireann assets are being acquired through the CPO.

2.1.10 Uisce Eireann Future Land Acquisiton

Issue

Subject to further assessment, it may be necessary for Uisce Eireann to acquire land at Merchants Quay Wastewater Pump Station and Uisce Eireann is seeking agreement in principle to this.

Response

The expansion of the Wastewater Pump Station was discussed in the meeting between CCC and Uisce Éireann and the intended expansion (approx. doubling in size) of the Station can be accommodated with only minor adjustments to landscaping.

2.1.11 Asset Protection

Issue

A diversion enquiry must be lodged with Uisce Eireann's Diversions team and a Confirmation of Feasibility obtained for the proposed build over and /or diversions of Uisce Eireann's assets.

Response

Agreed. Clare County Council will make the appropriate diversion enquiries at detailed design stage.

2.2 Department of Housing, Local Government and Heritage

Nature Conservation

2.2.1 Screening And Mitigation

Issue

The proposal relies substantially on visual screening to avoid disturbance, and the NIS acknowledges the direct evidence on the effectiveness is limited. The DAU recommend that further information is required on how the screening will work in practice and how its effectiveness will be monitored.

Response

Section 2.5.3.3 of the NIS acknowledges that "*There are no studies which show the before and after effects of installation of visual screening around a wetland site or monitoring of human disturbance when management measures have been implemented. The lack of direct studies is likely due to acceptance that birds are not disturbed when they are unaware of the presence of people. This is demonstrated through bird hides, which are used around the world to allow people to view birds in their natural habitats without disturbing them. These rely on the concept that when the birds can't see or hear people, they are not disturbed. A study on bird disturbance (Pease et al, 2005) noted that people in hides did not disturb birds nearby, and that where vegetation, embankments or screen were used to screen the hide access paths, birds were similarly not affected by the presence of people*."

The screening is described in detail in Section 5.2.3.2 of the NIS, and will consist of a 1.4m high fence and three rows of hedgerow planting. On Moyasta Bridge, a 1.4m high wall and fence is proposed which is shown in Plate 5.1 in the NIS. Until the planting matures, mesh privacy screening will be fixed to the fence to screen people and dogs from birds in the intertidal areas. This will result in a barrier that will screen all dogs and people up to a height of 1.4m. As birds will be positioned below the level of the greenway, their line of sight will result in an effective level of screening greater than 1.4m for birds closest to the greenway. The average height of an adult in Ireland is 1.7m, as stated in Section 5.2.3.2 of the NIS.

Regarding the height of the screening, the rationale used in the assessment is presented in Section 5.2.3.2 of the NIS: "*Notwithstanding that greenway users will be within the disturbance distance of most bird species, the landscape screening will conceal users from birds line of sight, thereby removing the visual stimulus. The literature does not provide a specified height for visual screening to be effective, as this must be established on a case-by-case basis. The average adult height in Ireland is 1.7m, which remains broadly the same for adults on bicycles. Therefore, only the head of an adult of average height will be visible to birds where 1.4m screening is present, thereby obscuring the overall shape of users and reducing the disturbance response. The assessment therefore concluded* based on the scientific literature and case studies described in Section 2.5.3.3 that the proposed screening will be effective.

In addition to the screening itself, a range of other considerations have been used to inform the assessment including:

- The presence of existing screening between the proposed development and habitats used by wintering birds (Section 5.2.3.2; Appendix F).
- The distribution of birds in the sensitive bird areas (Section 2.3.4; Appendix E).
- The sensitivity of birds to disturbance (Section 2.5.1.3).
- The relatively low number of visitors expected in winter, and how many people are likely to reach a sensitive bird area from the trail heads (*Section 2.5.3.2 Greenway Visitor Number Estimates*).
- Typical noise levels emitted by people and dogs on a greenway (Section 2.5.3.5 *Noise Disturbance from Greenway Visitors*).
- The evidence of habituation of wintering birds to people on predicable routes (Section 2.5.3.3 *Visual Disturbance*)

Based on the low numbers of visitors in winter, the distribution of birds near the greenway, the level of habitation that is demonstrated on other sites, and the presence of screening, the assessment concludes that the proposed development will not lead to significant effects on wintering birds.

The planting and fencing will be the first works to be carried out following site clearance to give the plants as much time as possible to grow before the greenway opens. Privacy mesh will be attached to the fence should the planting not be sufficiently dense when the construction phase is finished (Section 5.2.3.2 of the NIS). Section 5.2.7 of the NIS states that "*Any damaged or dead plants or damaged privacy mesh will be replaced by the Contractor within the three year defects period which will be specified in the Contract, or alternatively, Clare County Council will assume responsibility for replacing any damage as part of the routine maintenance of the Greenway*". Section 5.2.7 of the NIS includes the measure that the fencing, privacy mesh and planting is monitored by the ECoW in September and January for three years post construction.

A Maintenance and Management Plan is included in Appendix 4.2 of the EIAR and will be the responsibility of CCC to implement throughout the course of the Proposed Development (including during the Defects Period). This includes the requirement for a Greenway Biodiversity and Landscape Plan to be developed and implemented by CCC to ensure the long-term maintenance of the Greenway and commitment to biodiversity enhancement objectives and will incorporate the relevant mitigation measures from the EIAR and NIS.

2.2.2 Monitoring/ Adaptive Management

Issue

A detailed monitoring plan should be provided with measures capable of leading to real change in management should adverse effects be identified.

Response

Section 5.2.7 of the NIS contains the proposal for monitoring and adaptive management during the operational phase of the greenway. This includes monitoring the condition of the fencing, planting and privacy mesh (discussed in the response above).

The monitoring proposal for disturbance is also contained in this section. This submission contains a list of variables that they recommend be monitored. The paragraphs below present these variables and how the Applicant proposes to monitor each.

- Wintering bird distribution

  Section 5.2.7 includes a proposal to monitor wintering birds for two winter seasons post construction following the methodology employed for the surveys used to inform the assessment. This included one high tide and one low tide survey each month.

- Disturbance responses

  Section 5.2.7 includes a proposal to monitor disturbance responses to people on the greenway over three 3-hour surveys per winter season for two winters post construction. This includes recording the distribution of birds, details of the greenway users, any behavioural response from the birds, and any particular actions that lead to disturbance such as waving, shouting etc.

- Visitor numbers

  Section 5.2.7 includes a proposal to record greenway users during the three 3-hour survey per season. The number of visitors across the Greenway will be recorded by TII as part of the MOVE project.

- Dog/ off-route access

  Section 5.2.7 include the provision of an ECoW to monitor the planting and privacy mesh for three years post construction. This would include monitoring the screening / fencing which has been designed to prevent dogs leaving the greenway (Section 5.2.3.1 of the NIS). Should the fence be damaged to the point that dogs could access the foreshore, Clare County Council will take immediate corrective measures. There is always a risk that a dog owner could lift a dog over the fence or access the foreshore through existing access points; however, we believe this would be extremely unlikely and therefore the chances of recording such an event as part of formal monitoring is not feasible. In accordance with Section 6 of the Maintenance and Management Plan (Appendix 4.2 of the EIAR), Clare County Council, through the Code of Conduct to be displayed on information boards and the project website, will remind all dog owners of their responsibilities to keep their dogs under control, including the requirement to keep dogs on a lead at all times while using the greenway,

  The Maintenance and Management Plan (Appendix 4.2 of the EIAR) includes monitoring after construction and then every 3-5 years of:

  - Visitor numbers.
  - Peak usage.
  - User type split.
  - Car park usage.
  - Invasive species.
  - Infrastructure condition (surface, signage, lighting).
  - Boundary treatment inspection.
  - Incident report.
  - Complaints record addressing type, response time.
  - Number of weather-related events that impacted the greenway.

- Roost use

  Section 5.2.7 includes a proposal to monitor wintering birds for two winter seasons post construction following the methodology employed for the surveys used to inform the assessment. This included one high tide and one low tide survey each month.

- Screening effectiveness

  Section 5.2.7 includes a proposal to monitor disturbance responses to people on the greenway over three 3-hour surveys per winter season for two winters post construction. This includes recording the distribution of birds, details of the greenway users, any behavioural response from the birds, and any particular actions that lead to disturbance such as waving, shouting etc.

- Clear trigger levels and corrective measures

  Section 5.2.7 contains a discussion and description around post construction monitoring and corrective measures. Given the variability of bird distribution across the surveys, specific trigger values based on bird distribution alone is not appropriate. The proposal is to us a dual-parameter approach which will ensure that the assessment is meaningful and that any effects of disturbance on birds is identified, as opposed to natural variation. This approach will use the pre-development data and the data collected following the opening of the greenway, and behavioural response data collected in the two years after the greenway is opened. The corrective actions available as detailed in Section 5.2.7 are additional planting and increasing the height of the screening.

2.2.3 Construction

Issue

Sensitive areas and seasonal restrictions should be mapped and secured through Construction Environmental Management Arrangements.

Response

The sensitive areas are mapped and presented in Appendix E of the NIS and measures in relation to the sensitive bird areas are covered extensively in the Outline CEMP. The bird area mapping and seasonal restrictions will be explicitly included in the contract documentation and the construction supervision team will oversee their implementation.

2.2.4 Otter And Ecological Connectivity

Issue

The DAU recommend that watercourse crossings and fencing arrangements maintain wildlife connectivity for wildlife, particularly otter.

Response

Section 5.2.3.1 specifies the provision of fencing that will allow Otter to pass beneath along the greenway. A total of four new river bridges and 25 no. culverts crossing streams and field ditches are proposed. The four river bridges are made up of two pairs of bridges (S01/S02 & S04/S04), with one bridge for the greenway and one for agricultural use. These structures have been designed to allow fish passage in accordance with *Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes* (TII, 2006) as specified in Section 5.2.5 of the NIS.

The bridge abutments have been set back from the riverbank which will allow wildlife including otter to travel along the banks. Given the size of the watercourses being crossed, the culverts will not have mammal ledges or riparian habitat along the edges. However, wildlife including otter can pass either through them or cross the greenway above. On road schemes, where there is a risk of collision, mammal ledges or underpasses are provided. For a development like a greenway the provision of a crossing point over the greenway itself is appropriate because the risk of collision is not present.

2.2.5 Screening / Raptor Predation

Issue

Screening should avoid creating perches overlooking important bird habitat.

Response

Section 2.5.5.3 of the NIS 'Alteration of Foraging Habits and Predation Risk' includes an assessment of the risk of creating raptor perches overlooking important bird habitat. This section identifies Moyasta Bridge as an area where the new parapets create a perch that could be used by raptors. Section 8.8.3.2 of the EIAR Biodiversity Chapter states that "*A single or double strand of steel wire will be installed along the parapet tops of Moyasta Bridge to deter raptors from perching. All wire installations will be securely fixed and designed to withstand interference from members of the public*". The provision of the steel wire will avoid the creation of a perch overlooking important bird habitat.

2.2.6 Cumulative Effects

Issue

The DAU recommends that cumulative effects require consideration, including Sections 3 and 4 of the West Clare Greenway and other recreational developments. The assessment should demonstrate that increased visitor numbers will not significant cumulative effects.

Response

Table 6.1 lists the projects considered in the in-combination assessment undertaken as part of the NIS. Section 3 and 4 of the West Clare Greenway will link into the proposed development at Moyasta. The assessment of these potential in-combination effects is presented in Table 6.1 and should be considered in the context of the detailed assessment of the proposed development in terms of winter usage, screening etc. The completion of sections 3 and 4 is not anticipated to appreciably affect the number of users on Section 1.

Archaeology

2.2.7 Archaeological Conditions

Issue

The Department has reviewed the EIAR and is broadly in agreement with the findings in relation to Archaeology and Cultural Heritage as set out therein. Therefore, the Department advises that the following should be included as a condition of any grant of permission.

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 16 of the EIAR (date June 2026) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
    a. The Project Archaeologist shall liaise with the Department and the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
    b. This shall include the scope of any Advance Archaeological Test Excavation and Archaeological Monitoring, as well as any additional mitigation measures that may be required to protect archaeological heritage (including provision for preservation in situ or preservation by record).
    c. This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ (as identified in Chapter 16 of the EIAR or by any subsequent investigations associated with the project).

3. The Construction Environment Management Plan (CEMP) shall include the location of all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 16 of the EIAR (date June 2026) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
4. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Response

CCC acknowledges the submission from the Department in relation to Archaeology and Cultural Heritage and has no objection to the proposed conditions should they be included in any grant of permission.

2.3 Inland Fisheries Ireland (IFI)

2.3.1 Environmental Protection of Watercourses

Issue

IFI considers that all modified drainage channels and unmapped watercourses should be subject to the same environmental protection measures, mitigation requirements and regulatory controls as mapped watercourses throughout all phases of the proposed development.

Response

All modified drainage channels and unmapped watercourses will be subject to the same environmental protection measures, mitigation requirements and regulatory controls as mapped watercourses throughout all phases of the proposed development.

2.3.2 Consultation

Issue

IFI should be consulted at detailed design stage regarding all proposed watercourse crossings, drainage infrastructure and any modifications to existing aquatic features.

Response

CCC will continue to consult with IFI at detailed design phase regarding all proposed watercourse crossings, drainage infrastructure and any modifications to existing aquatic features.

2.3.3 Aquatic Buffer Zones

Issue

Aquatic buffer zones are to be established and clearly defined in advance of construction works.

Response

Aquatic buffer zones will be established and clearly defined in advance of construction works. While suitable measures are already incorporated into the EIAR and CEMP to protect aquatic buffer zones, the requirement to clearly establish and define these zones will be updated in the final CEMP to be developed, with reference to relevant IFI guidelines.

2.3.4 Protection Of Riparian Vegetation

Issue

Existing riparian vegetation shall be retained and protected throughout the development and construction machinery shall not enter aquatic buffer zones except where necessary for approved crossing works.

Response

Existing riparian vegetation shall be retained and protected including a requirement that no construction machinery shall enter aquatic buffer zones except where necessary for approved crossing works. Similar measures are already included in the EIAR and CEMP for hydrology, and will be contained in the final CEMP to be developed.

2.3.5 Instream Works

Issue

Should instream works be required, such works shall only take place between 1 July and 30 September and during periods of low flow unless otherwise agreed with IFI.

Response

As identified in EIAR Chapter 10 Hydrology, there are no instream works proposed to watercourses other than ditches, so the normal restriction of in-stream works to the months of June and September is not required for the proposed development. Nevertheless, for the avoidance of doubt, the restriction will be included in the contract documentation.

2.3.6 IFI Guidelines

Issue

All works should be carried out in accordance with IFI Guidelines on protection of fisheries during construction works in and adjacent to waters and Guidance for Urban watercourses.

Response

All works will be carried out in accordance with IFI's guideline documents including:

- *Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters* (IFI, 2016). This guidance is referenced in EIAR Chapter 10 Hydrology in the mitigation measures, and carried into the CEMP.
- *Planning for Watercourses in the Urban Environment* (IFI, 2020). Although not specifically referenced in the EIAR or CEMP, the mitigation measures developed to date are in line with this guidance. The final CEMP will be updated to include reference to this Guidance document.

2.4 Maritime Area Regulatory Authority (MARA)

2.4.1 Maritime Area Consent

Issue

The submission from the Maritime Area Regulatory Authority (MARA) outlines MARA's remit and functions under the Maritime Area Planning Act, 2021 (MAP Act), noting that the comments contained in the letter relate only to development within the maritime area. The elements of the project which are above the high water mark (HWM) are not within MARA's functions. MARA in this case is not the development consent authority for the Proposed Development, with the Commission identified as being the relevant authority with responsibility for environmental assessment and evaluation in this case.

MARA indicate in their submission that the Proposed Development appears to include small sections of the Maritime Area at Poulnasharry Bay and along the approach to Moyasta, and from Moyasta to Lisdeen. In accordance with the MAP Act, a Maritime Area Consent (MAC) is required for the occupation of the maritime area, with the exception of any private maritime area excluded from the MAC application by reference to Section 3 and 4 of the MAP Act. MARA states that at the time of the submission (29th of July 2026 and 16th September 2026), there were no MACs to hand for the Proposed Development.

Response

CCC acknowledges the submission from MARA and notes the requirement for a MAC for any areas of the Proposed Development within the maritime area, that are not privately owned maritime. A MAC application for the Proposed Development under Section 76 of the MAP Act was submitted on behalf of CCC to MARA on the 13th of August 2026 and is currently pending determination by MARA.

2.5 Fáilte Ireland

2.5.1 Support for the Scheme / Tourism Benefits

Issue

From a tourism perspective, Fáilte Ireland is extremely supportive of this scheme. The West Clare Railway Greenway Project will be a unique way for visitors to experience this potential flagship tourism scheme of regional and national significance which will also act as vital connector linking towns, communities and attractions. In particular, this Section 1 will link two distinct tourism destinations, Kilrush and Kilkee.

The Cliff Coast Destination and Experience Development Plan (CCDEDP) 2025-2030 is a five-year sustainable tourism development plan for North Kerry and West Clare. The implementation of the CCDEDP is based on stakeholder commitment to project delivery and is structured around an action plan approach. Greenways are included in the action plan including the Proposed Development.

Furthermore, the Proposed Development would be consistent with the development plan objective COP 9.8 (d) of the Clare County Development Plan 2023-2029. This project also aligns with National Tourism Policy Statement published in December 2025, 'A New Era for Irish Tourism' by the Department of Enterprise, Tourism and Employment.

Response

CCC acknowledges and welcomes the support of Fáilte Ireland for the Proposed Development and its intended benefits for local and regional tourism.

3. RESPONSES TO OTHER SUBMISSIONS

This section provides a response to all other submissions received (16 in total) outside of those received from Prescribed Bodies which are addressed separately in Section 2 above. This section includes a summary of the key issues raised in each submission, and a response to each submission.

3.1 Thomas Burke

Specifically notes this is a concern not an objection. The key issues raised are responded to below.

3.1.1 Farm Access

Issue

1. Concerned about how close the greenway access is to farm entrance/exit at Brews Bridge car park.

Response

1. EIAR Chapter 4 (Section 4.3.3) indicates there are a number of locations where the greenway passes beside or between properties, with greenway access provided adjacent to the property access and suitable boundary treatment proposed. Specific to this submission, the farm access gate at Brews Bridge is required to be moved to accommodate the greenway, with new farm access provided adjacent to the greenway and appropriate boundary treatment proposed in the form of fencing and vegetation screening along the greenway (refer to Figure 3-1 below). The proposed layout has been subject to a Road Safety and Quality Audit during design development and no issues were raised.

3.1.2 Safety Concerns

Issue

1. Safety concerns for greenway users at Brews Bridge where cars are entering and exiting the public car park, particularly during busier summer months.

Response

EIAR Section 4.3.4 'Road Crossings' outlines how interactions between users of the greenway and road traffic will be regulated by clear signage and road markings. This includes signage and surface treatment on the greenway to slow greenway users on approach to road crossings, including on approach to Brews Bridge carpark (see Figure 3-1 below). Pedestrians and cyclists crossing the road, or in this case the car park at Brews Bridge, will give-way to road traffic. A typical road crossing layout is shown in Figure 3-2.

The proposed layout has been subject to a Road Safety and Quality Audit during design development and no issues were raised.

Any additional issues are addressed under the statutory code governing compensation under the principle of equivalence – see also s 216 of PDA.



Figure 3-1 Extract from EIAR Figure 4.39 at Brews Bridge car park

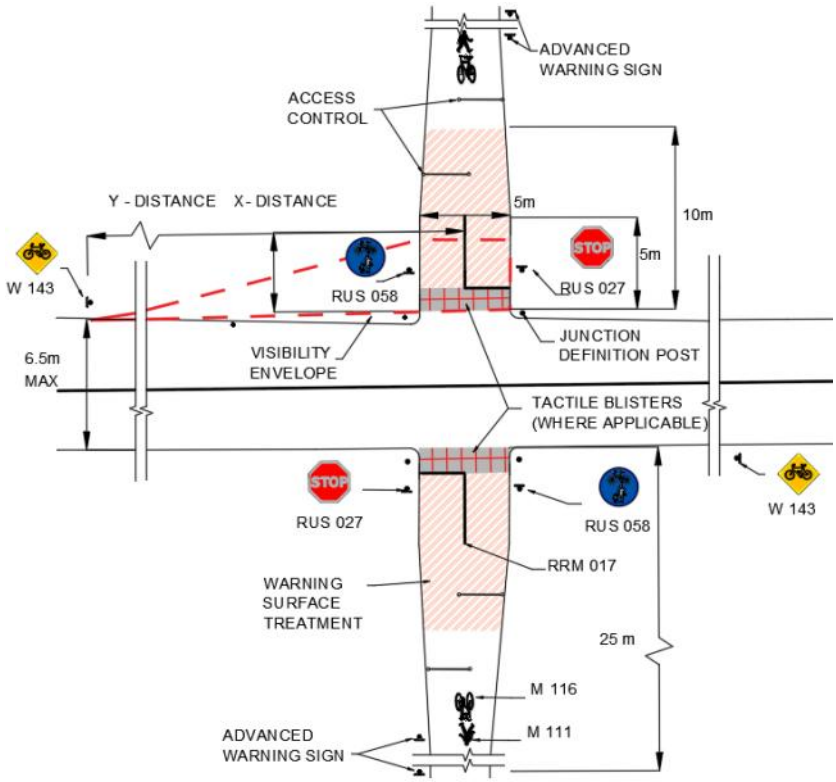


Figure 3-2 Typical rural road crossing

3.2 Alicia Willson-Waugh

The matters raised are compensation issues and will be dealt with under the CPO statutory compensation code in the event of the scheme being confirmed – see also s. 216 of PDA.

3.3 David Shannon

3.3.1 Impact On Adjacent Lands

Issue

Referring to DWG LA-408 CPO 408a. 101, concerns about impact on lands adjacent to the subject lands.

Response

The lands referred to as CPO 408a. 101 relates to the acquisition of a small curtilage of residential property, as registered on Landdirect.ie, to accommodate the greenway proposed adjacent to this property boundary. Impacts to non-agricultural properties subject to acquisition are assessed in EIAR Chapter 18 Material Assets and Land (non-Agriculture).

It is assumed the concerns about impact on adjacent lands is referring to CPO property number 410. Impacts to agricultural properties subject to acquisition are assessed in EIAR Chapter 17 Material Assets and Land (Agriculture). Impacts to property number 410 are identified as Moderate after the implementation of suitable mitigation measures including the provision of stockproof fencing along the greenway, access crossings, and a new field access gate at Brews Bridge car park (refer to Table 17-7, page 21). These measures are shown on the Proposed Greenway Layout drawings included in Volume 3 of the EIAR (specifically Figure 4.39 and Figure 4.40).

3.3.2 Dispute Over Ownership of the Land

Issue

1. Referring to DWG LA-411 CPO 411 a. 101 and 411 a. 102 claiming to be the owner of a portion of these lands within the railway corridor, although registered to Mr. Thomas Burke. Enquires made to Land Registry.
2. If acquired, this will cause undue stress and safety concerns for accessing adjacent lands, transporting and herding cattle, and serious public and safety concerns. Loss of Livelihood concerns with this CPO.
3. These concerns have been raised with Agronomist employed by Clare CoCo.

Response

1. As part of the compulsory purchase process, it is open to others not identified in the Applicant's land searches to make claims on lands, subject to proof of title. In this instance however, there is a registered title, and the CPO has been served on the registered owner. The Council as acquiring authority has no objection to adding to the CPO schedule any reputed owner as any claim to title will need to be adduced under the statutory code governing compensation.
2. These concerns are acknowledged; however the matters have been assessed as part of the EIAR and addressed through the scheme design, including provisions for access arrangements, fencing and boundary treatments, road crossings and agricultural accommodation measures. These elements are described in Chapter 4 of the EIAR, in particular Sections 4.3.3 Access to the Greenway, 4.3.4 Road Crossings, 4.4.3 Level Crossings / Farm Accommodation Crossings and 4.5.8 Access Points Including Junctions and Crossings.
3. In addition, impacts to property number 411 are assessed in EIAR Chapter 17 with impacts identified as Moderate after the implementation of suitable mitigation measures including the provision of stockproof fencing along the greenway, access crossings and holding pens, and a new field access gate at Brews Bridge car park (refer to Table 17-7, page 21). These measures are shown on the Proposed Greenway Layout drawings included in Volume 3 of the EIAR (specifically Figure 4.39 and Figure 4.40).
4. It is noted that these concerns have been raised with the project Agronomist employed by CCC who has identified and assessed the impacts and recommended mitigation measures that have been adopted and assessed as part of the EIAR as outlined above.

Any additional issues are addressed under the statutory code governing compensation under the principle of equivalence – see also s 216 of PDA.

3.4 Dr Tom Nolan

Objects to the CPO and planning permission due to absence of need, absence of the public interest, flawed public consultation processes, inadequate group consultation, adverse effects on the receiving environment of the Poulnasherry Bay / Lower River Shannon SPA/SAC, and inadequate mitigation of the accepted adverse effects on a European designated site and its receptors.

3.4.1 Lack Of Open Public Consultation

Issue

1. Not considered an organic public interest / public necessity project, suggests it arose from policy within the Heritage Council of Ireland. Suggests the project is a consequence of the 'apparent' success of Greenways in other jurisdictions with no survey of local West Clare people to gauge support or otherwise for the project.
2. Suggests landowners were not appropriately consulted prior to the CPO and were previously promised by CCC there would be no use of CPO in the development of the Greenway.

Response

1. The need for the project is identified in several key policy documents as outlined in Chapter 2 of the EIAR, and is expected to result in a number of benefits to the local and wider community by providing a safe and accessible active travel facility linking the towns. A series of public consultation events were held throughout the project during which time the public were invited to comment, including opportunities to provide their thoughts on the project and whether it would be of benefit to the area, as well as providing input to the route selection process. Support for the proposed development was expressed in various submissions throughout the consultation process. The option selection process and the outcomes of public consultation are summarised in Chapter 3 of the EIAR. The need for a safe walking and cycling route between Kilrush and Kilkee has been further underscored by a tragic second cyclist fatality since 2023 occurring in October 2026 (in addition to two pedestrian fatalities during the same period).
2. The Code of Best Practice for National and Regional Greenways provides that, following selection of the preferred route and development of the preliminary design, the "Voluntary Land Acquisition Process commences", while the project continues through environmental assessment and statutory approval stages. The Code therefore envisages that land acquisition negotiations and statutory processes will progress in parallel. Section 3.3.1 of the Code clearly states: "The application to [An Coimisiún Pleanála] for development consent will include approval for the entirety of the lands for national and regional Greenway projects which will be included in a Compulsory Purchase Order (CPO). This will ensure that the scheme can proceed in the absence of Voluntary Land Agreement for all individual plots or if there are title difficulties which cannot be resolved by an individual landowner."

3.4.2 Development of the Emerging Preferred Route

Issue

1. Considers some of the options presented in PC1 were not viable such as the N67 or across Poulnasherry Bay at its widest point, with no option presented of a route across the mouth of Poulnasherry Bay.
2. Suggests the public consultation event was a one-way information gathering opportunity by CCC and ROD, with no opportunity for conflict resolution or open consultation with individually impacted landowners and that the project does not have the blessing of most land and property owners as a result.

3. Suggests it was always the intention to end up with an emerging preferred route that would follow the former West Clare Railway, regardless of the Public Consultation process.

Response

1. As part of the route selection process, the project team was required to identify all potential link options within a defined study area and to carry out an assessment to identify which of these link options are suitable, and which are unsuitable, to potentially form part of a pedestrian and cycle greenway facility. An initial 'spiders web' of potential links was identified along which the proposed greenway could potentially follow, as presented during PC1. These potential links were identified along the historic railway line, roads, hedges and field boundaries. As well as the route option of a new crossing Poulnasherry Bay, an option was also presented crossing the bay via Moyasta Bridge. All link options presented in PC1 are considered by the Applicant to be viable options for consideration at that stage in the options selection process, including all options along the N67 and crossing Poulnasherry Bay.

   All identified route links presented at PC1 were then subjected to a "Stage 1 – Sifting" assessment. This is a high-level appraisal in which these route links are evaluated based on their ability to satisfy the project requirements and objectives for the West Clare Railway Greenway, while also assessing their high-level economic, engineering, and environmental impacts. During the assessment, each route link received a basic pass/fail response based on the culmination of the above assessment. Where a potential route link is deemed unviable, unsuitable, or is likely to result in significant impacts that cannot be mitigated compared to another available link, the route link has been assigned a Fail rating. Some link options along the N67 passed, while others failed due to safety concerns and significant land acquisition requirements to provide a segregated path. The crossing of the bay via a new bridge was determined to have significant ecological impacts and received a fail during the Stage 1 assessment, with the crossing via the existing bridge considered a more suitable alternative. Indeed, the alternative route considered across the bay followed an earlier failed route for the West Clare Railway. A route across the mouth of the bay was not considered, since the Study Area did not extend that far. In any event, such a route would have failed the assessment for the same reasons as the new bridge option that was considered. Each route link that passed the Stage 1 sifting assessment was then advanced to the Stage 2 assessment where combinations of these links were used to create route corridor options.

   This process is summarised in Chapter 3 of the EIAR, with the Stage 1 sifting tables and Stage 2 assessment tables provided in Appendix 3.1 and Appendix 3.2 of the EIAR respectively.

2. As outlined above, a series of public consultation events was held throughout the project during which time the public were invited to comment, including opportunities to provide their thoughts on the project and whether it would be of benefit to the area, as well as providing input to the route selection process. Support for the proposed development was expressed in various submissions throughout the consultation process. Various suggestions for the rerouting of the greenway were submitted, and these were considered, assessed and in many cases adopted by the project team. The option selection process and the outcomes of public consultation are summarised in Chapter 3 of the EIAR. Along with the public consultation events, CCC has engaged with individual landowners throughout the various project phases to discuss potential concerns and agree suitable mitigation through route adjustments and/or accommodation works. All

non-statutory consultation has been carried out to comply with the Code of Best Practice for National and Regional Greenways.

3. The Preferred Route Corridor that emerged at the end of the option selection process was recommended as the optimum solution to meet the project specific Policy Need and the Objectives of the project and considering the outcomes of public consultation and discussions with landowners up to that point. Within the preferred route corridor, the preliminary design has been developed to avoid or minimise, where possible, significant impacts on property owners and the receiving environment through design refinement including the provision of accommodation works as a direct result of ongoing consultation with landowners. Only 58% of the final greenway route is along the old railway line as a result of the design development process.

   The application currently before An Coimisiún Pleanála is the statutory public participation process.

3.4.3 NIS

Issue

a) The submission notes that Clare County Council screening in four European sites for AA, but that the NIS refers to three European sites, omitting the Illaunonearaun SPA.

b) The AA Screening Report prepared by ROD "in view of best scientific knowledge" and "in the absence of appropriate mitigation", significant effects are likely. How can these significant effects suddenly disappear?

c) The submission states that the legislative framework demands that an NIS was required, not just the precautionary principle.

Response

The submission is correct in pointing out this error in the third paragraph in Section 1.1 of the NIS. The AA Screening Report concluded that "*the proposed development, either individually or in combination with other plans or projects, is likely to have a significant effect on four European sites, the Lower Shannon SAC, the River Shannon and the River Fergus Estuaries SPA, the Illaunonearaun SPA and the Mid-Clare Coast SPA*…". The Illaunonearaun SPA has been assessed in the NIS in Table 3-1 (identification of a pathway for adverse effects); Section 3.2.4 (description of the SPA); Table 3-5 (identification of adverse effects) and Section 4.4 (assessment of adverse effects). The omission of this European site from the introduction is an error, however this has no consequence of the conclusion of the NIS, which contains an assessment of adverse effects on this European site.

Section 1.1 of the NIS presents the background to the NIS including the conclusion of the AA Screening Report. The term 'likely significant effect' is the legal test which stems from Article 6(3) of the Habitats Directive. The conclusion, as described in the submission, is correct. The threshold for triggering Appropriate Assessment at the screening stage is low and it is sufficient to conclude that significant effects are likely, where such effects cannot be excluded on the basis of objective information. Where the AA Screening finds that significant effects are likely, an NIS is prepared.

The Natura Impact Statement contains the Stage 2 assessment. At this stage, the legal test is no longer whether a significant effect is likely, but whether or not the proposed development could adversely affect a European site i.e. the legal test changes from *likely significant effects* to *adverse effects*. This is the reason that the significant effects identified in the AA Screening Report are not discussed in the NIS, apart from in reference to the AA Screening Report conclusion.

Section 1.1, paragraphs 2 and 4 of the NIS present the background to the report and why it is required. This includes the legislative provisions stemming from the Habitats Directive. Further elaboration of the requirements for AA is presented in Section 1.2 of the NIS (legislative context).

3.4.4 Consultation With Environmental Stakeholders

Issue

1. The submission refers to a Freedom of Information (FoI) request made by Dr. Tom Nolan dated May 20th, 2025, and the subsequent response from the Department of Transport on the 25th of June 2025, with the request refused on the grounds of the records not being found. Therefore, the submission relies on ROD's records of meetings with NPWS and Birdwatch Ireland as summarised in the NIS.
2. The submission also refers to the Irish Cycling Advocacy Network's response to a questionnaire as part of PC1, and suggests none of its recommendations were taken on board making it clear the route was planned in advance of public consultations.
3. Opposed to the selection of the route through the SPA, with particular emphasis on impacts to waterbird species during the breeding season. Suggests there is no safe environmental time to develop a greenway around Poulnasherry Bay and that the 'precautionary principle' needs to be invoked. The positioning of the Greenway route and associated vegetation on the shoreline around Poulnasherry Bay threatens chicks, nests, waders, etc which will displace them from their existing feed areas. The submission highlights the fact that limiting construction to April-September is in the height of the nesting birds season, and questions what mitigation is in place to protect these species during the nesting season. The submission further states that there is no safe time to construction a greenway near Poulnasherry Bay, and the precautionary principle should preclude any development. The submission states that the tree species proposed for planting along the greenway are not suitable because they grow too tall and will be used as cover for mammalian predators, which will displace birds.
4. Suggests for the Greenway user not to be seen by a Qualifying Interest, the user must not be in a position to see the Qualifying Interest, making for a less attractive greenway experience for tourists and recreational users.

Response

1. Noted.

2. All submissions received during the non-statutory public consultation period were considered in the identification and assessment of options as summarised in EIAR Chapter 3. This submission refers to the Irish Cycling Advocacy Network's submission to PC1. This submission was largely in favour of the proposed scheme, making various recommendations that have been considered going forward. These included:

   - Avoiding the use of National Roads, in particular the use of the N67. This was ruled out through the Stage 1 Sifting Assessment as described in Section 3.7.1 of Chapter 3 of the EIAR and detailed in Appendix 3.1 – Route Options Assessment - Stage 1 Sifting Tables. This was largely due to the high speed nature of the road and impacts on safety and user experience.
   - Along regional roads, if necessary, they advise that there should be grass or low hedge-segregated cycleway. Details regarding how the proposed development interacts with the existing road network is detailed in Chapter 4 Description of the Proposed Development. Section 4.5.5 states that where it is necessary for the greenway to continue adjacent to an existing road, for example in Moyasta *the proposed greenway will be developed as a shared pedestrian and cycle path segregated from road traffic by a raised level, a 1.5m wide verge and kerb. Where*

the proposed greenway shares or crosses quiet or local roads, appropriate signage and road markings will be provided to inform the greenway users of the interface with the road network and to warn motorists of the potential presence of cyclists on the road. Roads where the greenway cross[es] may be resurfaced by plane and inlay, where required to provide a safe and high quality crossing experience.

- It was recommended to use routes along quiet bóithríní [minor local roads] such as the western section of Pella Road and implement restrictions to traffic here as necessary. Quiet roads were included as potential options from Stage 1 of the project. These have been assessed in detail in Chapter 3, Assessment of Alternatives. Pella Road was included both Stage 1 and 2 assessments as Option D-4. It was not selected as the preferred route option, details of which as outlined in Section 3.8.4.4 Route Corridor Options for Subsection D.
- Would support the idea of running the route along the mouth of Poulnasharry Bay. A route across the mouth of the bay was not considered, since the Study Area did not extend that far. In any event, such a route would have failed the assessment for the same reasons as the new bridge option that was considered
- The submission notes there is a school in Moyasta and it would make sense for a high quality cycle route to connect with the school - either as a core part of the route or else a spur to/from the main route. This suggestion was noted and considered as part of the design process. There is an existing pathway from the proposed greenway to the Moyasta school.
- The submission discusses the opportunity to improve the urban realm in Kilrush with further cycling facilities into the town, particularly on Frances Street. The extent of the proposed greenway is to the roundabout at Frances Street and Cappagh Road. A trailhead is proposed immediately adjacent to Frances Street, which provides convenient access to Kilrush town centre less than 500m to the east, as detailed in Section 4.2.3 of Chapter 4, Description of the proposed Development, of the EIAR. Links that have not formed part of the end to end routes, as assessed in Chapter 3, but are closely associated with the proposed greenway route may be identified by Clare County Council as part of follow-on upgrade schemes.
- All schools, sports clubs/grounds and residential areas should be connected carefully to the greenways so that parents can feel comfortable having their children cycling to school on their own. This consideration has been included throughout the Assessment of Alternatives, Chapter 3 of the EIAR. In particular this was assessed as part of the Social Impacts and Accessibility Criterion for each option as outlined in Appendix 3.2 – Route Options Assessment - Stage 2 TAF Tables.
- The route should link with all of the main tourist destinations, including the Vandeleur Gardens and forest trails. Links to various point of interest, which are outside the study area, may be explored by Clare County Council as part of follow-on schemes.
- A route out of Kilrush via Cappagh Road (WC133) and over the gates of the marina, would be very attractive. Option WC133 was assessed as part Stage 1 Sifting process where it passed. This was further incorporated into the Stage 2 assessment where Options D-1 to D-4 were assessed in Section 3.8.4.4 of Chapter 3. Further details can be found in Appendix 3.2 – Route Options Assessment - Stage 2 TAF Tables.

These recommendations and the various others detailed in the submission, dated 4th October 2021 have been reviewed and considered throughout the option selection

process. Details of the assessments can be found in Chapter 3 of the EIAR, Assessment of Alternatives. The route selection process included the identification and assessment of potential route links, route corridor options, refinement of alternatives, public consultation, consultation with landowners and the selection of a preferred route corridor. The proposed route therefore represents the outcome of the assessment having regards to engineering, environmental, land use, property, agricultural constraints, public consultation considerations and submissions received.

3. Table 1-1 in the NIS contains a record of the meeting with the NPWS on the 1st March 2023, including a statement that Cormorant is the only qualifying interest of the River Shannon and River Fergus Estuaries SPA that is designated for the breeding, as opposed to the wintering population. Section 5.2.3.2 of the NIS and the EIAR Biodiversity Chapter Section 8.8.2.2 presents the mitigation in relation to breeding birds. This section outlines how the construction phase will be timed to minimise impacts on breeding birds: "*Landscape planting and fencing on the bay-side of the sensitive bird areas will be the first works undertaken following site clearance. These planting works will take place over the winter following site clearance in September*…". Notwithstanding exemptions provided for in the legislation, the Wildlife Acts make it an offence to remove vegetation during the nesting bird season which is March to August inclusive. The main risk to breeding birds is the removal of nesting bird habitat during this period. The mitigation has been provided to avoid site clearance during the nesting bird season. The precautionary principle in AA, as defined in the Waddenzee judgement[1], relates to AA Screening and the meaning of the term 'likely'. A thorough assessment has been carried out with regards to European sites and is presented in the NIS. This had regard for the lifecycles and changing ecological condition through the year. Mitigation has been provided to avoid or reduce the impacts that were identified. The hedgerow species proposed are typical of native Irish hedgerows and are made of small dense trees that provide the required screening. The hedgerows will be maintained at 1.4m tall. Given the depth and height of the planting, the proximity to the intertidal areas, as well as the widespread existing hedgerows and scrub along the greenway, the proposed planting will not affect the level of cover for mammalian predators.

   The Options Selection process and assessment of alternate route options is summarised in Chapter 3 of the EIAR, including consideration of potential impacts of proposed route options through the SPA. As summarised in Chapter 3, five route corridor options were assessed in total at Moyasta and crossing Poulnasherry Bay, two of which involved use of the existing bridge, two involved the construction of a new bridge and one route via an existing local private access bridge across Poulnasherry Bay . The two routes using the existing bridge scored higher due to less environmental and safety impacts, making use of the existing bridge the most viable option to take forward, taking into account all criteria assessed including biodiversity impacts. The subsequent detailed assessments contained in Chapter 8 of the EIAR and the NIS describe the impacts of the proposed development including any mitigation measures proposed.

4. It is possible for a person to see a Qualifying Interest and for the Qualifying Interest not to see the person. This concept is the basis for bird hides. The assessment of visual disturbance on bird from greenway users is presented in Section 2.5.3.3 of the NIS. In sensitive areas, a 1.4m high screen comprising vegetation and mesh fencing has been proposed to screen people and dogs on the greenway from birds. The screening will obscure or cover the majority of an average adult (1.7m), leaving only the head visible.

[1] Landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse vereniging tot Bescherming van Vogels v. Staatssecretaris van Landbouw, Naturbeheer en Visserij (Waddenzee) [2004] C-127/02 ECR I-7405.

The visual impacts of the screening have also been assessed in EIAR Chapter 15 Landscape and Visual.

3.4.5 Distance From Waterbirds

Issue

1. The gap of 20m between the greenway surface and the SPA will not prevent acoustic disturbance.
2. Concerns over the comparison drawn with the 'overpopulated relatively small' EXE estuary SPA suggesting this comparison is flawed and does not compare like with like in respect of human population and bird population/density.
3. Concerns raised over survey results presented in the NIS suggesting birds would have flown away due to disturbance caused by observers driving to the viewing points (e.g. at VP 14 and Moyasta Bridge).
4. Suggests the data represented in Table 2-15 (pages 40,41) of the NIS is disingenuous in terms of sensitivity to disturbance rankings and associated notes in which the table should be read in conjunction with.

Response

1. Section 2.5.3.5 of the NIS (Noise disturbance from greenway visitors) presents an assessment of noise generated during the operation of the proposed development on wintering birds. The conclusion as presented in the submission is misleading. In fact, Section 2.5.3.5 says that the level of noise from dog barking would reduce to below the threshold for noise disturbance in 20m. This subject of disturbance is complex and there are numerous variables that interact to cause an impact. Section 2.5.3.5 presents the different sources of noise disturbance and uses the loudest source, a dog barking at 100 Db as the basis for the assessment of noise impacts. The submission states that a conversation is 60Db and that it is naive to think that birds cannot hear below this level. The assessment in the NIS and EIAR does not claim that birds cannot hear below 60Db. In fact, it is the level of noise that triggers a disturbance that is the key issue, not whether the bird can hear a noise. As set out in the NIS, 100dB will reduce to 70dB at 20m. With regard to the sound of a conversation carrying several kilometres in calm conditions, this might be hypothetically true, but this does not mean that a voice carried several kilometres would cause an impact. This assumes no atmospheric absorption or interference form background noise. The assessment of noise impacts has been based on guidance and scientific literature, whilst recognising that there are other variables including whether or not the noise disturbance is accompanied by a visual cue.
2. The Exe Estuary is a well-studied example of a recreational trail in an area sensitive for wintering birds. There are similarities between the Exe Estuary Trail and the proposed development, and also differences. These differences are set out in Section 2.5.3.3 (page 50) of the NIS. This includes specifically recognising the fact that the human population in the Exe Estuary is much higher than in the area of the proposed development.
3. In response to the submission relating to the final paragraph on page 53 of the NIS, the statements regarding bird numbers within 20m of the greenway relate to birds exhibiting natural behaviours such as feeding or roosting, not birds flying away from the observer. The survey methodology involves counting birds and recording their natural behaviour, and surveyors (all of whom were trained ecologists) make a conscious effort to avoid disturbing birds. If birds are flushed during surveys, the surveyor would have recorded the birds from where they took off. The statement in the NIS that birds beyond 100m will not experience any level of noise disturbance is based on the ambient noise levels, the sources of noise (i.e. a dog barking at 100Db) and how soon the source will reduce to background levels.

4. The data presented in Table 2-15 of the NIS is taken directly from the scientific literature. The reference for each is presented in the fourth column of the Table. Section 2.5.1.3 of the NIS presents the background to the data in Table 2-15, including its limitations. In relation to the stated disturbance buffers, we agree with the material presented in the submission that disturbance is complex and depends on several variables. This is repeated throughout the NIS and EIAR biodiversity chapter. Importantly, the source of disturbance (e.g. a person walking vs pile driving) and how visual and aural stimuli interact is key. This has been considered in the assessment as demonstrated in Section 2.5.3.5 of the NIS "*Aural stimuli can also differ in effect depending on whether they are in combination with visual stimuli or solely noise, with aural only stimuli eliciting a lower-level response".*

3.4.6 Greenway User Predictions

Issue

Concerns raised in relation to the Greenway User Prediction Exercise in the NIS Section 2.5.3 and pages 42-45 as follows:

1. Modelling is based on disturbance from Greenway visitors from Oct-Mar– surely there will be more visitors in the Summer period?
2. Modelling is based on Greenway visitors accessing the Greenway from Kilkee, Moyasta and Kilrush 'trailheads only...but there are many more points of access deliberately omitted. examples provided
3. Modelling does not take into account the expected flow of visitors coming along the 40 kms or so of Greenway, to Moyasta, from Ennis.

Response

1. The introduction to Section 2.5.2.2 (Greenway User Number Estimates) states that "*The main risk associated with greenway visitors is disturbance to wintering birds, therefore the following paragraphs deal with greenway visitors from October to March inclusive*".
2. The official trailheads will be at Kilrush and Moyasta, and there are pre-existing parking facilities in Kilkee, as presented in Chapter 5 of the EIAR. The presence of other points of entry to the greenway is recognised in Section 5.4.6 of the NIS: "there is always a risk of people and dogs accessing the coastal areas where existing access is to be maintained, specifically at Brew's Bridge, Carrowncalla, and the local roads leading from the N67 to the coast to the west of Moyasta Bridge". Modelling by its nature involves certain assumptions (e.g. how fast a person walks or cycles, favourable weather conditions) and therefore it was appropriate to use the most populated areas (Kilkee and Kilrush) and the trailhead at Moyasta which will include a car park. The other access points such as Blackweir Bridge and the local roads between Blackweir Bridge and Moyasta that lead from the N67 to the shore do not have official parking or do not have space for more than a few cars to park. Given the potential for access from these points is proportionally so low, these are not included in the modelling, and indeed measures are included in the scheme to prevent informal parking at Blackweir.

   The modelled usage numbers are based on the average usage of other greenways across Ireland and provide a satisfactory basis for assessment of the scheme's impacts. Perhaps some local users may access the greenway at intermediate points rather than from trailheads. At the same time, it is not unusual for locals, in particular those intending to walk the greenway, to drive relatively short distances to parking facilities, or to combine visits to the greenway with other business in the towns. The approach adopted is preferable to avoid underestimating parking demand.
3. There is no greenway between Ennis and Moyasta. The potential interactions between the proposed development and potential future development including other greenways in the region is presented in the in-combinations assessment in Section 6 of the NIS.

Further, given the user numbers are based on the average of other greenways across the country, they are not expected to change appreciably with the development of further sections of the West Clare Railway Greenway. Indeed, the availability of alternative greenways may result in some reduction in usage of the greenway by pedestrians, which would likely offset any increase in usage by long distance cyclists, particularly during winter months.

3.5 John Purtill

3.5.1 Statutory Service and Chronology of the CPO Notice

Issue

The objector has concerns regarding the circumstances in which the statutory CPO notice concerning his property was served and request that Clare County Council demonstrate that the applicable statutory requirements were fully complied with.

Response

A compulsory purchase order has been made under the Housing Act 1966, as extended to acquire the land required for the construction of the Scheme. Section 3 of the Housing Act sets out the requirements for the service of notices.

The Act provides that notice can be served in the following ways:

a. where the notice is addressed to a person by name, by delivering it directly to them;
b. by leaving it at the address where the person ordinarily resides, or, if an address for service has been provided, at that address;
c. by sending it by prepaid registered post to the address where the person ordinarily resides, or the address for service if furnished;
d. where the person's usual address cannot be reasonably ascertained, by delivering it to someone aged 16 or over who resides or works on the premises, or by affixing it in a conspicuous place on or near the land or premises.

Only after the issue of the letters did Clare County Council become aware of local An Post arrangements with landowners to leave registered post parcels at a safe place. When we became aware of this practice, we reviewed An Post's records of delivery of letters and confirm that all of those instances where the letter was left in a safe place have engaged with the process. Despite Mr. Purtill's delay in reading the letter sent, Clare County Council notes that the documentation was received by him in time to make his submission to the statutory process.

3.5.2 Serious Agricultural Impacts

Issue

With reference to property number 223, where the Council's own assessment identifies an impact of this high magnitude, the objector submits that particular scrutiny is required as to whether the impact can reasonably be avoided or materially reduced rather than relying solely upon mitigation after the farm has been severed.

Response

A number of route options for the proposed greenway were assessed as part of the Option Selection stage, with the preferred route option selected on the basis of least impact considering a range of assessment criteria, including agricultural impacts. This process is summarised in Chapter 3 of the EIAR.

The preferred route option carried forward as part of the Proposed Development has been refined and assessed as part of the EIAR. Where impacts to agriculture cannot be avoided based on the selection of the preferred route, these have been reduced through the scheme design including provisions for access arrangements, fencing and boundary treatments, road crossings and agricultural accommodation measures. These elements are described in Chapter 4 of the EIAR, in particular Sections 4.3.3 Access to the Greenway, 4.3.4 Road Crossings, 4.4.3 Level Crossings / Farm Accommodation Crossings and 4.5.8 Access Points Including Junctions and Crossings.

Impacts to individual agricultural properties subject to acquisition are assessed in EIAR Chapter 17 Material Assets and Land (Agriculture). Where impacts cannot be avoided, the Applicant considers these impacts have been reasonably reduced through the implementation of suitable mitigation measures, with no impacts to agricultural properties identified as being significant after the implementation of such measures.

3.5.3 Necessity, Proportionality and Less Damaging Local Alternatives

Issue

Necessity, proportionality and less damaging local alternatives. Why can local deviations not be used instead, would like CCC to explain process of eliminating alternatives.

Response

Throughout the assessment and design process, various alternative routes have been investigated which are documented in Chapter 3 of the EIAR, Assessment of Alternatives which summarises the findings documented in the Feasibility and Options Report. The route selection process included the identification and assessment of potential route links, route corridor options, refinement of alternatives, public consultation, consultation with landowners and the selection of a preferred route corridor. The proposed route represents the outcome of the assessment having regard to engineering, environmental, land use, property, agricultural constraints and public consultation considerations. The EIAR demonstrates that reasonable alternatives have been examined and evaluated prior to selection of the proposed route and is in accordance with the principles of the Code of Best Practice for National and Regional Greenways. Appendix 3.1 of the EIAR, Stage 1 Sifting Tables, in addition to Appendix 3.2, Stage 2 TAF Tables, demonstrates a detailed assessment of the process of eliminating alternatives.

3.5.4 Permanent Severance of a Working Agricultural Holding

Issue

Permanent severance of a working agricultural holding. Mitigation does not in itself establish that creation of the severance is necessary.

Response

As outlined above, the Proposed Development has been subject to an assessment of alternative route options, with the preferred option generally following the route of the former rail corridor. Where an existing farm is located either side of the former rail corridor, this will result in farm division which is unavoidable based on the selection of the preferred route. Where such impacts cannot be avoided, these have been identified and assessed as part of the EIAR with suitable mitigation to be implemented to reduce impacts. In the case of farm division, this will involve the provision of a gated farm crossing of the greenway to maintain connectivity (refer to Chapter 4 of the EIAR), as is the case for property number 223.

3.5.5 Agricultural Access, Crossings And Operational Safety

Issue

Agricultural access, crossings and operational safety. Requests CCC identify any farm-specific operational safety assessment undertaken.

Response

The scheme design includes provisions for access arrangements, fencing and boundary treatments, road crossings and agricultural accommodation measures. These elements are described in Chapter 4 of the EIAR, in particular Sections 4.3.3 Access to the Greenway, 4.3.4 Road Crossings, 4.4.3 Level Crossings / Farm Accommodation Crossings and 4.5.8 Access Points Including Junctions and Crossings. Agricultural crossings will be provided to comply with TII DN-GEO-03047. A Standard Agricultural At Grade Crossing Plan Layout is provided in Figure 4-47 in Chapter 4 of the EIAR (page 34). Gates will be hung on opposite piers either side of the greenway, and when opened, will temporarily close off the greenway to allow for safe movement of livestock and machinery across the greenway. Stockproof fencing will be provided along either side of the greenway, with vegetation screening provided for privacy and to reduce visual impacts.

These measures have been incorporated to ensure the continued operation of farms and the safe movement of livestock and agricultural vehicles and machinery across or adjacent to the Greenway. The agricultural assessment in Chapter 17 Material Assets & Land (Agriculture) considers potential impact on farming operations, including access. Through proposed mitigation measures and accommodation works as agreed through landowner engagement, impacts can be appropriately managed.

In accordance with EIAR Chapter 4 Section 4.8.1 'Maintenance of the Proposed Development', the greenway will be managed in accordance with standards set out in the 'Strategy for the Future Development of National and Regional Greenways' published by the Department of Tourism, Transport and Sport. In accordance with this and as outlined in EIAR Appendix 4.2 Maintenance and Management Plan, a Code of Conduct will be prepared by CCC taking account of the suggested code of conduct for shard use trails published by the National Trails Office, or similar. The Code of Conduct will encourage all greenway users to adhere to the Rules of the Road and the seven principles of 'Leave No Trace' including to leave gates as you find them (open or shut).

Earlier design iterations included a farm overpass for this landowner, through further engagement the landowner requested that this overpass was not included in the final scheme and an alternative crossing arrangement was agreed.

The agricultural operations outlined in the submission are noted and all have been considered as part of the likely affected activities on this farm holding. The assessment of the agricultural impact on this property in Chapter 17 Material Assets and Land (Agriculture) is deemed to be Significant (pre-mitigation). This assessment primarily reflects the effects of farm division on the agricultural holding including the permanent operational changes to affected farming activities. As outlined above, the agricultural crossings will be provided to comply with TII specifications and will allow for livestock and machinery movements across the greenway in a controlled and safe manner.

3.5.6 Accommodation Works Remain to be Fully Resolved

Issue

Accommodation works remain to be fully resolved.

Response

Consultation with landowners is ongoing through the VLAA process and CCC will continue to engage with the landowner to agree appropriate accommodation works. The Code of Best Practice for National and Regional Greenways recognises that accommodation works and landowner-specific measures may continue to be refined through ongoing engagement as the project progresses. The fact that all accommodation works have not yet been finalised does not indicate a deficiency in the design or assessment of the scheme, particularly where the EIAR has demonstrated that agricultural access and farm operations can be maintained through the proposed mitigation and accommodation measures. Any further agreements with landowners are part of the statutory compensation code should the CPO be confirmed and made operative.

3.5.7 Long-Term Responsibility, Fencing And Liability

Issue

Requests that the long-term responsibility for inspection, maintenance, repair and replacement of Greenway-related boundaries, gates, crossings and associated accommodation works be made clear.

Response

CCC will be responsible for the maintenance of the greenway, including the proposed fencing and boundary treatments, crossings of the greenway and associated gates that will form part of the proposed Greenway. Please refer to EIAR Volume 4a Appendix 4.2 Maintenance and Management Plan for further details regarding maintenance.

The proposed greenway will be managed in accordance with standards set out in the 'Strategy for the Future Development of National and Regional Greenways' produced by the Department of Tourism, Transport and Sport. The Strategy includes guidelines on encouraging users to follow certain etiquette for using greenway in a way as to maximise the safety of its users. The Strategy also outlines general upkeep, such as maintenance to lighting, vegetation, fencing and drainage. CCC will also provide management of litter facilities, toilet facilities, periodic monitoring for littering and general maintenance of trailheads as required. To promote responsible outdoor recreation, users will also be encouraged to follow the seven principles of 'Leave No Trace' through provision of appropriate signage along the greenway route. A Maintenance and Management Plan is included in Appendix 4.2 in Volume 4 of the EIAR.

In accordance with Section 6 of the Maintenance and Management Plan (Appendix 4.2 of the EIAR), Clare County Council, through the Code of Conduct to be displayed on information boards and the project website, will remind all dog owners of their responsibilities to keep their dogs under control, including the requirement to keep dogs on a lead at all times while using the greenway.

Liability will be as with any public road, where the primary maintenance responsibility rests with the local authority

3.5.8 Residential Privacy and Farm Security

Issue

Introducing public access into an area closely associated with a private residence and agricultural holdings.

Response

As outlined in Chapter 4 of the EIAR, stockproof boundary fencing will be provided along either side of the greenway to prevent livestock from entering the greenway and prevent greenway

users from accessing adjacent private property. Where existing vegetation is sparse, screening vegetation will be provided along the greenway. Gated agricultural access crossings will be provided at locations agreed with landowners to allow for safe crossing of the greenway. In accordance with EIAR Appendix 4.2 Maintenance and Management Plan, a Code of Conduct will be developed. In accordance with the code and through the provision of appropriate signage along the route, greenway users will be encouraged to follow the seven principles of 'Leave No Trace' including leaving gates as they are found (open or closed). Dog owners will be made aware of the requirement to keep dogs on a lead at all times while using the greenway. Security details, including barriers and gates, can be agreed between CCC and the landowner and included within the landowner accommodation works as part of the CPO statutory compensation code – see also s. 216 of the PDA.

In relation to the private residence referred to in this submission, it is noted that the greenway will be in a cutting where greenway users will be less visible from the private residence and surrounding farmland and that it is intended to provide vegetation screening along the top of the cutting.

3.5.9 Landscape, Seascape and Boundary Screening

Issue

Concerns over the impact of boundary or screening treatments on the landscape and seascape character, and viewpoints of Poulnasherry Bay for residents.

Response

Boundary treatments are outlined in Chapter 4 of the EIAR and generally include stockproof fencing and vegetation screening. Details regarding landscape and visual impacts can be found in Chapter 15 of the EIAR, although it is noted that specific viewpoints from private properties are not assessed. Photomontages have been prepared for the Proposed Development and are included in Volume 4B of the EIAR. This includes Viewpoints 7 and 8 which are relevant to the properties referred to in this submission and provide an indication of indicative boundary treatments. The Landscape and Visual Impact Assessment concluded that the operational impacts of the scheme will be neutral to positive as outlined in Table 15-8 of the EIAR.

3.5.10 Consultation and Outstanding Matters

Issue

Concerned about outstanding matters regarding agricultural access and crossings, land severance, fencing, drainage, privacy and security, safety, and the detailed treatment of the route through the agricultural holding.

Response

Mr. Purtill submits that, despite a prolonged period of engagement with Clare County Council, a number of matters affecting the future operation of his holding remain unresolved. Clare County Council acknowledges Mr. Purtill's extensive engagement with the project and notes that significant consultation has taken place over a number of years in an effort to understand and address the issues raised.

Most recently, a meeting was held with Mr. Purtill on-site on 10th August 2026, during which the proposed Greenway and associated accommodation works were reviewed in detail. During this engagement, amendments to the accommodation works were discussed and incorporated to reflect Mr. Purtill's preferences where feasible.

Prior to this, Clare County Council representatives visited Mr. Purtill on 24th February 2026 to discuss the proposed Voluntary Land Acquisition process and to review the current scheme

drawings. Correspondence regarding the Voluntary Land Acquisition process was subsequently issued to Mr. Purtill on 20th May 2026. This meeting follows a previous meeting with Mr Purtill and Clare County Council representatives on site 12th February to discuss the design progress.

On 4th December 2025, representatives of Mr. Purtill met with Clare County Council and the project team to discuss a range of issues relating to the scheme, including proposed land crossing points, a bridge crossing to facilitate movement across the Greenway, and the provision of ducting within the Greenway corridor. In addition, a letter was issued to Mr. Purtill on 14th November 2025 inviting engagement and discussion regarding the proposed scheme.

Clare County Council also wrote to Mr. Purtill on 18th July 2025 advising him of the opportunity to appoint an independent agronomist to assess the potential impact of the scheme on his farming operations. This formed part of the Council's commitment to ensuring that agricultural impacts were fully considered during the design and land acquisition process.

In relation to the request for consideration of cumulative impacts on the holding, the Council confirms that the effects of the scheme have been assessed, as shown in Chapter 20 of the EIAR Interactions & Cumulative Effects, having regard to the overall operation of the farm, including access arrangements, accommodation works, land acquisition requirements, agricultural movements and farm management considerations. These matters have informed the ongoing design development and engagement process.

Clare County Council is satisfied that extensive and meaningful engagement has been undertaken with Mr. Purtill and his representatives throughout the progression of the scheme and remains committed to continued engagement on any outstanding matters as part of the CPO statutory compensation code – see also s. 216 of the PDA.

3.5.11 Continuing Voluntary Negotiations and VLAA Process

No responses needed.

3.5.12 Cumulative Effect Upon Holding

Issue

Request impact be considered cumulatively rather than each concern in isolation.

Response

Interactions and Cumulative effects for the full scheme are assessed in EIAR Chapter 20. These are scheme wide impacts and are not assessed at an individual property level. Impacts to individual agricultural properties have been assessed in Chapter 17 Material Assets and Land (Agriculture). The summary of impacts for each property assessed is included in Table 7-17, including property number 223. This incorporates the assessment of key parameters that have potential to result in likely significant effects including land-take, farm division, farm enterprise and effects on farm buildings / farm facilities (if any).

3.5.13 Request for an Oral Hearing

A decision to conduct an oral hearing is for the decision-maker.

Any additional issues are addressed under the statutory code governing compensation under the principle of equivalence – see also s 216 of PDA.

3.6 John Roche

3.6.1 Request For Alternative Route

Issue

1. Notes unnecessary interference with the operation of his grazing platform at a number of locations and requests the Greenway be realigned to follow the bank of the estuary / river and notes any future maintenance of the associated embankment should be the responsibility of the acquiring authority.

Response

1. We acknowledge the request for an alternative route south of the proposed route. Throughout the process various alternative routes have been investigated which are documented in Chapter 3 of the Environmental Impact Assessment Report, Assessment of Alternatives. The route selection process included the identification and assessment of potential route links, route corridor options, refinement of alternatives, public consultation, consultation with landowners and the selection of a preferred route corridor. The proposed route therefore represents the outcome of the assessment having regards to engineering, environmental, land use, property, agricultural constraints and public consultation considerations.

   The suggested alternative route follows south of the proposed route adjacent to the upper reaches of Poulnasherry, is low and very exposed. The receiving environment at this location has been considered as too ecologically sensitive and subject to flooding risk. Further details regarding this assessment and conclusion can be seen in Chapter 3 of the EIAR, Section 3.8.8. This suggested alternative would also increase severance to other landowners' farms. Through assessments and consultation with landowners, the suggested route was ruled out as a viable alternative. The EIAR demonstrates that reasonable alternatives have been examined and evaluated prior to selection of the proposed route and is in accordance with the principles of the Code of Best Practice for National and Regional Greenways.

3.6.2 Impact On Drainage

Issue

Concerned about the impact of the proposed scheme on the land drainage system on his land and his neighbours land both running to a sluice gate on the Objector's land.

Response

The proposed scheme has been designed to maintain existing drainage patterns and to ensure that existing land drainage infrastructure functions effectively. As described in Chapter 4 Description of the Proposed Development, Section 4.2.3 Drainage, the drainage design has been undertaken to avoid the use of pipework where feasible. Drainage will generally be over the edge, outfalling to existing watercourses via field drains. Pipes, culverts and headwalls will be provided as required where the greenway crosses existing field drains and to connect the larger surfaced areas at the trailheads to the drainage network. The sluice gate is located at the Shannon Estuary and will not be impacted due to its distance from the Greenway. A hydrological assessment has been carried out, findings of which can be found in Chapter 10, Hydrology, of the EIAR.

3.6.3 Requests For Agricultural Underpasses

Issue

1. Requires an agricultural underpass to provide access to severed lands at the south-western extremity of his holding, and an extension to his farm passageway to access leased land.

2. Requests an agricultural underpass at this crossing point (of local road approaching Blackweir Bridge), thereby eliminating the need for livestock and agricultural machinery to cross the public road.

Response

1. This was not previously requested by the landowner and therefore the environmental impacts have not been assessed as part of the Scheme, however a limited clearance underpass here appears feasible. Clare County Council will continue to liaise with the landowner in this regard, as part of the CPO statutory compensation code – see also s. 216 of the PDA.s.
2. This agricultural property is a dairy farm holding comprised of approximately 73.3ha of owned and leased lands. The dairy farm operates from a milking platform of approximately 40ha from the farmyard at the dwelling house and includes owned and leased lands located east of the L2016 and L20161 local roads. The proposed greenway will involve landtake of approximately 0.6ha and farm division of an area of approximately 1.0ha. The proposed greenway will involve landtake and farm division on leased lands that are rented on an annual basis. Mitigation measures have been considered and include provision of a crossing on the proposed greenway at Ch. 3+475. This will facilitate livestock and machinery crossing of the proposed greenway to include the dairy herd. Further mitigation measures are included in respect of the leased lands to provide crossings at suitable locations. The provision of an extension to the farm passageway to leased lands will form part of discussions with the landowner from whom the lands are leased as part of the CPO statutory compensation code – see also s. 216 of the PDA. The agricultural impact to property number 153 has been assessed in Chapter 17 - Material Assets and Land (Agriculture) as Moderate after the implementation of suitable mitigation measures including the provision of stockproof fencing along the greenway and access crossings (refer to Table 17-7). These measures are shown on the Proposed Greenway Layout drawings included in Volume 3 of the EIAR (specifically Figure 4.39 and Figure 4.40).

   This local road will not become a principal access point for the Greenway. The greenway will primarily be accessed from the trailheads and the towns along the route. The greenway will not be signposted along this road. Due to its high speed nature, with a speed limit of 80kph, cyclists and pedestrians are not expected to use this as an access point. Locals may access via the local road but at a low volume. There is no expected increase in vehicular traffic along this road. Within the proposed scheme, landscaping features have been included as a deterrent for parking as shown in the extract from Fig 4.12 of the EIAR as shown in Figure 3-3 below and outlined in Section 4.8.2 – in particular just north of Blackweir Bridge, where the existing roadway is excessively wide and irregular uncontrolled parking might otherwise occur.

   The operation of the greenway will be monitored to address any illegal or irregular parking that arises, in which case the local authority may consider additional measures to restrict parking on the local roads at the greenway access points.



Figure 3-3 Extract from Fig 4.12 of the EIAR

3.6.4 Site Potential

Issue

Land closest to Blackweir Bridge has road frontage and site potential. This potential will be eliminated should the scheme proceed as proposed.

Response

There is no impact to road frontage on the residual lands. The greenway is proposed at a lower level to the field within a retained structure which will ensure continued privacy to the field and existing residence to the north. All proposed structures are described in Chapter 4 Section 4.5.9.2.

3.6.5 Security

Issue

Concerned about the security of his farm yard, request for a security gate and surveillance cameras.

Response

These matters can be agreed through the accommodation works process as part of the CPO statutory compensation code – see also s. 216 of the PDA.

3.6.6 Oral Hearing Request

Issue

Considers that the issues raised in this submission warrant examination at an Oral Hearing; willing to attend and give evidence and / or to be represented.

Response

A decision to conduct an oral hearing is for the decision-maker.

3.7 Michael Shannon

3.7.1 Access Via Moyasta Bridge

Issue

Concerns regarding impacts to “Red Bridge” (Moyasta Bridge) as only means of access to lands at folio no 4563F. No workable solution found over past 5 years.

Response

The Greenway will be a public road, having no restrictions on the landowners farming activities. Design measures have been incorporated to prevent general vehicular access while facilitating ongoing landowner access.

The EIAR does not identify any significant residual impact arising from the operation of the proposed Greenway on access to lands associated with Folio No. 4563F via Moyasta Bridge (Red Bridge). The proposed Greenway will be a public road, which can be used by the landowner, and therefore has no restriction on accessing their land via the bridge. The proposed development includes measures to maintain access and agricultural functionality, and no evidence has been presented demonstrating that access to these lands would be permanently compromised by the scheme. The agricultural assessment contained within Chapter 17 - Material Assets and Land (Agriculture) recognises the importance of maintaining access to agricultural holdings and identifies mitigation measures intended to ensure the continued operation and viability of affected lands, including shared use of Moyasta Bridge.

Through landowner consultation passing bays are provided in the landowner accommodation works for ease of use and to minimise any potential interactions with greenway users, allowing for safe movement across the greenway.

3.7.2 Landowner Responsibilities

Issue

Onus on landowner to open and close gates and avoid greenway users and clean up dirt after access.

Response

Agricultural crossings will be provided to comply with TII DN-GEO-03047. A Standard Agricultural At Grade Crossing Plan Layout is provided in Figure 4-47 in Chapter 4 of the EIAR (page 34). Gates will be hung on opposite piers either side of the greenway, and when opened, will temporarily close off the greenway to allow for safe movement across the greenway.

As outlined above, following further recent landowner consultation (and confirmation that there would be no change in environmental impact), passing bays will be provided on each approach to Moyasta Bridge, and at the Bridge itself, which is wider between parapets than its embanked approaches. In accordance with EIAR Appendix 4.2 Maintenance and Management Plan, a Code of Conduct will be developed. In accordance with the code and through the provision of appropriate signage along the route, greenway users will be encouraged to follow the seven principles of ‘Leave No Trace’ including leaving gates as they are found (open or closed).

3.7.3 Health & Safety and Risk Assessments

Issue

No H&S or risk assessment carried out.

Response

A Designer’s Assessment Report (DAR) has been undertaken in accordance with the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (Construction) Regulations 2013. As part of the design process, foreseeable hazards have been identified, and risks have been eliminated where practicable or reduced through appropriate design measures, in line with the general principles of prevention and the Designer’s statutory obligations.

3.7.4 Insurance & Liability

Issue

No mention of insurance or liability.

Response

Liability will be as with any public road, where the primary maintenance responsibility rests with the local authority.

3.7.5 Frequency of Access

Issue

Disputes that this access is used infrequently and calculates on average 8 trips per week during spring, summer and autumn as well as use for other farming activities.

Response

As outlined above the proposed mitigation for this property involves access via a shared section of the proposed greenway over Moyasta Bridge. This access will be unrestricted in terms of movement for agricultural machinery and will facilitate necessary movements to and from the agricultural lands for both agricultural activities and those activities raised in the submission regarding oyster fishing along the foreshore.

3.7.6 Impacts to Source of Income for Family

Issue

Impacts to source of income for family - potential for oyster farming and seaweed harvesting at Poulnasherry Bay.

Response

The objection refers to a potential future source of family income through oyster farming and seaweed harvesting in Poulnasherry Bay. The route selection process and environmental assessments undertaken considered land use, environmental constraints and designated sites as part of the assessment of alternatives and the overall EIAR process. No significant impact on existing aquaculture activities or marine resource use has been identified. The proposed development does not directly affect any existing licensed aquaculture operation associated with the landowner or family. The Greenway will not cut off access to the shore. Poulnasherry Bay forms part of the Lower River Shannon Special Area of Conservation (SAC) and activities within such area are subject to separate statutory licensing and environmental requirements.

3.7.7 Machinery To Now Be Road Worthy

Issue

Cost implications of all machinery now needing to be fully road worthy.

Response

The objection raises concerns regarding potential additional costs associated with agricultural machinery. However, the proposed development does not remove or alter the means of access to the lands in question. The scheme includes provision for access arrangements and farm accommodation crossings where required, and the continued operation of agricultural holdings formed part of the design and environmental assessment process. Chapter 4 - Project Description includes details of access provisions, road crossings and farm accommodation crossings incorporated into the scheme. Agricultural impacts were also assessed as part of the Material Assets and Land (Agriculture) assessment within Chapter 17 of the EIAR. These lands are separately located from the main farm holding and any access with farm machinery is via the N67 and local road network. No evidence has been provided

to demonstrate that the proposed Greenway would necessitate the purchase, modification or relicensing of agricultural machinery, nor that it would alter existing legal requirements governing the use of agricultural vehicles on public roads. These issues are part of the CPO compensation code – see also s. 216 of PDA.

3.8 Noel Purtill & Brid Purtill

3.8.1 Failure to Provide Plans

Issue

Failure of Local Authority to Provide Visual Plans or Consult Hand in Hand with concrete plans of what is proposed.

Response

The Applicant acknowledges an unfortunate delay in the sharing of some working visual assessments with the landowner during scheme design development. However, the Applicant has endeavoured to engage with the affected landowners on an ongoing basis, and acknowledges the ever courteous nature of that engagement.

3.8.2 Severe Privacy Invasions and Structural Security Deficiencies

Issue

Privacy concerns regarding proximity of the greenway overlooking their residential property. No details provided of measures to prevent trespassing, anti-social behaviour, or security breaches.

Response

Various proposals, including screening of the landowner's property have been explored and included in the proposed design at this location. Indeed, the Proposed Development includes a lower alignment than is likely to be adopted for the final scheme following further consultation with the landowner (which will reduce the environmental impact of the scheme by maintaining existing ground levels at this location). Clare County Council is committed to working with the landowner in refining the screening proposals along the edge of the greenway with a view to securing a Voluntary Land Acquisition Agreement. Through consultation with the landowner various accommodation works have been agreed to date and others are in discussion. Following a consultation with the landowner, dated 10th of August, agreement in principle was reached in relation to a boundary wall that, in combination with the level difference of the original railway cutting, would result in a 8 feet high boundary on the greenway side, which would be 4 feet high on the landowner side, with complementary vegetation provided to further enhance the screening. At the landowner's request, an earlier proposal for a similar boundary on the seaward side will be omitted.

3.8.3 Material Safety Risks to Young Children and Increased Footfall / Noise

Issue

Concerned about the safety of their children and noise impacts with their home being in such close proximity to the greenway.

Response

As outlined in EIAR Chapter 4, boundary fencing will be provided along either side of the greenway to prevent greenway users from entering adjacent private property. The boundary wall being discussed with the landowner and mentioned above exceeds the minimum required height for a standard pedestrian parapet on a bridge (1.2m).

Operational Noise and vibration impacts have been assessed in EIAR Chapter 14 including potential noise impacts at residential receivers near the works. During operation as outlined

in Section 14.5.2.2 of the EIAR, noise generated by greenway users walking and cycling along the route although not readily quantified, is expected to remain well below the recommended external noise criteria at nearby noise sensitive receivers.

3.8.4 Obstruction of Bay Views and Direct Waterfront Access.

Issue

Concerned about obstruction of scenic views of the bay and physical access to the waterfront.

Response

Landscape and visual impacts of the scheme are assessed in EIAR Chapter 15, although it is noted that viewpoints from private property are not individually assessed. Photomontages of the scheme are provided in Volume 4B of the EIAR including specifically viewpoint 8 from this property. The greenway is located in a cutting at this location and is therefore situated below the residence, and is not expected to obstruct views of the bay. The proposed development works based on earlier landowner engagement include a proposed footbridge to provided access over the greenway towards the shore, as indicated in proposed viewpoint 8 (Volume 4B). More recent discussions have indicated that the landowner may prefer the omission of this structure. Final accommodation works will be agreed through further landowner engagement as required to ensure physical access to the waterfront is maintained. The boundary works described above that are subject to ongoing discussion with the landowner would not appreciably impact the existing views of the bay from the house, since there is currently vegetation along each side of the old railway cutting to a similar height.

3.8.5 Failure to Prioritize Human Welfare Over Ecological Conveniences

Issue

Concerned that planning prioritised old railway line due to ecological constraints, disregarding consideration for the health and safety of the submitters family.

Response

Chapter 3 of the EIAR, Assessment of Alternatives, in particular Section 3.8.6 describes how the options were considered and assessed. CCC has considered human welfare through this engagement. Appropriate mitigation measures were feasible and discussed with the landowners. This includes earth retaining measures at CH7300 to accommodate the greenway in cutting as discussed and agreed in consultation with landowners. Following further consultation on10th August further amendments to the accommodation works were discussed, including the provision of a privacy wall that would obviate the need for lowering the railway alignment. While acknowledging the particular concerns of this landowner, the Applicant is confident that the ongoing engagement can result in a mutually satisfactory outcome, especially so if works to lower the railway alignment (as suggested by the landowner) can be agreed.

3.8.6 Conclusion

Request that ACP refuse consent for the CPO intersecting the property boundary or front entranceway, and direct Clare Co. Co. to present transparent, property-specific drawings and modify the alignment away from front door.

Request for an oral hearing.

Response

A very detailed investigation of alternatives has been undertaken at this location. This has concluded that the only viable route is to follow the old railway line. A second option closer to the bay was considered, but the landowner had a preference for the selected route, which aligned with the outcome of the option selection process. Clare County Council is committed

to working with the landowner to allay the concerns and to ensure that the final accommodation works minimise the impacts on the family. Ongoing discussions indicate that this may be possible with a lower environmental impact scheme involving less construction that what is documented in the EIAR.

A decision to conduct an oral hearing is for the decision-maker.

3.9 Patrick O'Donoghue

3.9.1 Breach in Code of Practice

Issue

Suggests the provisions of the Code of Practice have been breached due to voluntary land acquisition agreements not being completed prior to the issuing of any compulsory purchase orders.

Response

The objection suggests that the provisions of the Code of Best Practice for National and Regional Greenways have been breached because voluntary land acquisition agreements had not been concluded prior to the publication of the CPO. The Code provides that, following selection of the preferred route and development of the preliminary design, the "Voluntary Land Acquisition Process commences", while the project continues through environmental assessment and statutory approval stages. The Code therefore envisages that land acquisition negotiations and statutory processes may progress in parallel rather than sequentially.

3.9.2 Disproportionate Impact; Severs Working Farm; Unnecessary Loss of Land

Issue

1. This project will have a disproportionate impact on the referenced lands. CH 12250 to CH 12850; This project severely severs an existing integrated working farm enterprise; This project will result in unnecessary loss of land.

Response

This agricultural property is a beef farm enterprise comprised of approximately 24.4ha of owned lands as a single farmed unit. The beef farm enterprise consists of a suckler cow herd. The proposed greenway will involve land take of approximately 0.7ha along the disused rail line and will result in farm division into two separate areas. The farmyard on approximately 12.5ha will be divided from an area of approximately 9.0ha located south of the proposed greenway. Mitigation measures have been considered and include provision of a private access accommodation overbridge structure of the proposed greenway at Ch. 12+400 and access crossings at Ch. 12+520, Ch. Ch. 12+560 and Ch. 12+850. These measures will facilitate all necessary livestock and machinery crossings of the proposed greenway. The agricultural impact to property number 402 has been assessed in Chapter 17 - Material Assets and Land (Agriculture) as Moderate after the implementation of the above mitigation measures relating to land access and include the provision of a stockproof fencing along the greenway (refer to Table 17-7). These measures are shown on the Proposed Greenway Layout drawings included in Volume 3 of the EIAR (specifically Figures 4.37 - 4.39).

3.9.3 Consideration of Viable Alternative Routes

Issue

This project has failed to consider alternative viable routes to avoid disproportionately affecting this landholding.

Response

Throughout the process various alternative routes have been investigated which are documented in Chapter 3 of the Environmental Impact Assessment Report, Assessment of Alternatives. The route selection process included the identification and assessment of potential route links, route corridor options, refinement of alternatives, public consultation, consultation with landowners and the selection of a preferred route corridor. The proposed route therefore represents the outcome of the assessment having regard to engineering, environmental, land use, property, agricultural constraints and public consultation considerations. Table 3.20 summarises the assessment of alternative routes away from and around this landowner.

3.9.4 Disproportionate Effect

Issue

This project will have a disproportionate effect of the type of farming enterprise carried out on this landholding.

Response

The effect of the proposed greenway on this agricultural property has been considered and assessed within Ch. 17 Material Assets and Land (Agriculture). The primary effects of the proposed greenway will involve landtake of disused railway bed and agricultural lands and the division of the farm holding into two separate areas. The division of the farm holding will impact on the operation of the beef farm enterprise in terms of the regular and seasonal farming activities that involve machinery movements within the farm holding. The provision of a private overbridge structure close to the internal farm road crossing together with proposed greenway crossings at existing field gates will ensure continued access to all lands for movement of livestock and machinery. The mitigation measures with regards to access will ensure the beef farm enterprise on the farm holding will not be disproportionately affected by the proposed greenway.

3.9.5 Access To Main Farm Crossing

Issue

This project will restrict the landowner’s access to his severed landholding by denying unhindered access to his main farm crossing between CH12500 and CH12550.

Response

Provisions for access arrangements, fencing and boundary treatments, road crossings and agricultural accommodation measures have been included within the proposed design, and agreed through consultation with the landowner. These elements are described in Chapter 4 of the EIAR, in particular Sections 4.3.3 Access to the Greenway, 4.3.4 Road Crossings, 4.4.3 Level Crossings / Farm Accommodation Crossings and 4.5.8 Access Points Including Junctions and Crossings. A farm crossing and overpass have been agreed with the landowner in order to provide alternative access arrangements.

Impacts to individual agricultural properties subject to acquisition are assessed in EIAR Chapter 17 Material Assets and Land (Agriculture). Where impacts cannot be avoided, the Applicant considers these impacts have been reasonably reduced through the implementation of suitable mitigation measures, with no impacts to agricultural properties identified as being significant after the implementation of such measures.

3.9.6 Removal of Farm Roadways

Issue

This project will remove farm roadways currently in use.

Response

As above, provisions for access arrangements, fencing and boundary treatments, road crossings and agricultural accommodation measures have been included within the proposed design, and agreed through consultation with the landowner. These elements are described in Chapter 4 of the EIAR, in particular Sections 4.3.3 Access to the Greenway, 4.3.4 Road Crossings, 4.4.3 Level Crossings / Farm Accommodation Crossings and 4.5.8 Access Points Including Junctions and Crossings.

3.9.7 Right of Way

Issue

This project will negatively effect access over a registered private right of way at CH 12850.

Response

The right of way in question will not be impacted by the proposed scheme. The greenway works and interface with the carpark stops before this registered right of way.

3.9.8 Increased Traffic

Issue

Traffic within the public area at CH12850 to CH 12900 approx. will be substantially increased and constricted on an existing multiple use zone.

Response

The location in question is an existing public area, managed by CCC. An assessment as part of the EIAR has demonstrated that there is ample parking for the greenway available elsewhere in Kilkee, Moyasta and Kilrush (refer to Chapter 5). These existing parking facilities will be advertised on the project website and trailheads will be signposted throughout the scheme and publicised for users travelling to the greenway. As stated in Chapter 4 Clare County Council will monitor user behaviour of parking areas and will implement additional enforcement, if required, to ensure parking for the greenway is contained in designated parking areas.

The statutory CPO compensation code will address any outstanding issues – see also s. 216 of PDA.

3.10 Robert Fitzgerald

3.10.1 Public Safety Concerns

Issue

Registered owner of Folio County Clare 44379F and the owner of a private roadway which intersects with the proposed Greenway at Lisdeen, Kilkee which is currently used to access lands. Allowing access to the private roadway by the public will have serious health and safety concerns, liability concerns also noted.

Response

Appropriate gates and fencing will be considered as part of landowner accommodation works and decided in consultation with the landowner as part of the statutory CPO compensation code. In accordance with EIAR Chapter 4 Section 4.8.1 Maintenance of the Proposed Development, the greenway will be managed in accordance with standards set out in the 'Strategy for the Future Development of National and Regional Greenways' published by the Department of Tourism, Transport and Sport. In accordance with this and as outlined in Section 5 of EIAR Appendix 4.2 Maintenance and Management Plan, a Code of Conduct will be prepared by Clare County Council with greenway users encouraged to follow the seven

principles of 'Leave No Trace' through provision of appropriate signage along the greenway route, cyclists encouraged to take extra care with joining and cycling on road, and all users to adhere to the Rules of the Road among other suggestions. In addition, a Road Safety Audit has been undertaken in accordance with the requirements and scheduling of GE-STY-01024 – Road Safety Audit where the greenway interacts with the road network.

3.10.2 Impact on Ability to Farm

Issue

Owner of private road (already used to access recycling facilities), more public on it will interrupt his ability to farm, resulting in a loss of livelihood.

Response

As outlined in EIAR Chapter 4, specifically Section 4.3.4 Road Crossings, the interactions between users of the greenway and road traffic will be regulated by clear signage and road markings. EIAR Section 4.5.8 indicates that greenway users may deviate onto the road network at local crossings to make side trips to points of interest and to undertake loops through the countryside adjoining the route. However, it is expected that such trips will be limited to locals accessing the greenway who in turn will be more familiar with the local road network. In accordance with EIAR Appendix 4.2 Maintenance and Management Plan Section 5, a Code of Conduct will be developed by CCC in which all greenway users will be encouraged to adhere to the Rules of the Road, and cyclists encouraged to take extra care with joining and cycling on road.

3.10.3 Request for Meeting With CCC

Issue

Has requested meeting with Clare CoCo but as of the submission date (14/08/2026), no official has attended on site to meet, concerns also raised with the Agronomist employed by Clare County Council.

Response

Mr. Fitzgerald submits that he requested a meeting with Clare County Council and that, to date, no official has attended on site to meet with him. Clare County Council notes that engagement has been undertaken with Mr. Fitzgerald on a number of occasions throughout the development of the project. Records indicate direct engagement with Mr. Fitzgerald on 09th August 2021, 26th November 2025 (at Kilkee Library), and 30th June 2026, as well as telephone calls on 19th January and 8th April 2026 between Mr. Fitzgerald and Clare County Council representatives in relation to the scheme and the proposed route.

In addition, correspondence was issued to Mr. Fitzgerald by Clare County Council on 11th March 2024, 14th November 2025, and 20th May 2026. Through these engagements and communications, the Council sought to provide project information, discuss the proposed works, and address concerns raised in relation to the scheme.

The Council also notes in Mr. Fitzgerald's submission that concerns were raised with the project Agronomist. These concerns were considered throughout the design development and the EIAR in Chapter 17. Insurance details have been provided to Mr. Fitzgerald by Clare County Council for legal consideration.

Additional telephone conversations were held between Mr. Fitzgerald and Clare County Council representatives on 5th October and 20th October 2026 following the end of the Statutory Public Consultation period. A further meeting was held on site on 22nd October 2026 with Mr. Fitzgerald. Clare County Council remains committed to continued engagement with

affected landowners and will continue to provide opportunities for discussion as the project progresses.

Any further issues can be addressed as part of the statutory CPO compensation code.

3.11 Rosaleen Willson-Waugh

The matters raised are compensation issues and will be dealt with under the CPO statutory compensation code in the event of the scheme being confirmed – see also s. 216 of PDA.

3.12 Sean Keogh

3.12.1 Impact On Farming

Issue

Concerns about localised impact on the community, the environment and local livelihoods, noting the greenway cuts directly through working farms disrupting livestock movement and farm operations.

Response

Throughout the process various alternative routes have been investigated which are documented in Chapter 3 of the Environmental Impact Assessment Report, Assessment of Alternatives. The route selection process included the identification and assessment of potential route links, route corridor options, refinement of alternatives, public consultation, consultation with landowners and the selection of a preferred route corridor. The proposed route therefore represents the outcome of the assessment having regard to engineering, environmental, land use, property, agricultural constraints and public consultation considerations. The EIAR demonstrates that reasonable alternatives have been examined and evaluated prior to selection of the proposed route and is in accordance with the principles of the Code of Best Practice for National and Regional Greenways. Extensive Public Consultation has been carried out throughout the process to determine an appropriate route.

The scheme includes provision for access arrangements and farm accommodation crossings where required, and the continued operation of agricultural holdings formed part of the design and environmental assessment process. Chapter 4 - Project Description includes details of access provisions, road crossings and farm accommodation crossings incorporated into the scheme. Agricultural impacts were also assessed as part of the Material Assets and Land (Agriculture) assessment within Chapter 17 of the EIAR. Agricultural crossings will be provided to comply with TII DN-GEO-03047. A Standard Agricultural At Grade Crossing Plan Layout is provided in Figure 4-47 in Chapter 4 of the EIAR (page 34). Gates will be hung on opposite piers either side of the greenway, and when opened, will temporarily close off the greenway to allow for safe movement across the greenway.

3.12.2 Proximity To Properties

Issue

The greenway comes into close proximity with private residential properties and farmyards raising privacy concerns.

Response:

Boundary fencing will be provided along either side of the greenway to prevent greenway users from unauthorised access to adjacent private property. In addition, vegetation will be provided along the greenway to screen visual impacts in accordance with the Landscape Strategy for the proposed development as outlined in Chapter 15 of the EIAR (section 15.6.1 Landscape Strategy). This will be managed in accordance with the Maintenance and Management Plan (EIAR Appendix 4.2) to ensure safe usage of the greenway.

3.12.3 Local Ecosystems

Issue

Concerns over localised impact on environment – Moyasta has sensitive local ecosystems, and the submitter is concerned they will be disrupted by the route.

Response

The Applicant has taken careful consideration researching the local environment to assess the ecological impact on the sensitive receptors around Moyasta. Volume 2 of the EIAR, Chapter 8 Biodiversity.

- Section 8.3.8.5 *Breeding Birds* outlines the background research undertaken.
- Section 8.4.4.2 *Wintering Waterbirds* (Figure 8-5) Wintering bird surveys were undertaken by qualified ecologists in the Moyasta area.
- Section 8.7.2.1.3 *Sensitivity to Disturbance Distances* identifies and assesses wintering waterbird populations associated with the nearby Special Protected Area (SPA) and surrounding habitats.
- Moyasta Bridge is recognised as a particularly sensitive location due to the surrounding intertidal habitats and the elevated, exposed nature of the bridge and causeway.

With consideration to the sensitive receiving environment around Moyasta, the Applicant has outlined detailed design measures in Volume 2 of the EIAR, Chapter 4 Description of the Proposed Development.

- Section 4.5.6 Boundaries and Verges identifies Moyasta Bridge as a sensitive location for wintering birds and incorporates a 1.4m-high screening barrier to reduce disturbance.
- Section 4.5.9.2 Repair Works to Existing Structures provides details on stockproof fencing and waterside planting that are also proposed along the causeway to provide additional screening. Vegetation removal from Moyasta Bridge will be undertaken using handheld tools only and no herbicide spraying or in-stream works will be permitted.

The Applicant has proposed a number of standard and established mitigation measures in Volume 2 of the EIAR, Chapter 8 Biodiversity.

- Section 8.8.2.2 Fencing and Landscaping provides details for the proposed 1.4m-high screening barrier on Moyasta Bridge to reduce disturbance to wintering birds, based on measures successfully implemented on comparable greenway schemes. To mitigation against predation, steel deterrent wires will be installed on the bridge parapets, to prevent raptor perching and avoid increased predation risk.
- Section 8.8.2.3 Lighting outlines the mitigation measures around the provision of lighting around the Moyasta crossing and trailheads and will be designed to minimise impacts on wildlife through the use of low-level, warm-white LED lighting with strict light-spill controls.
- Section 8.8.3.2 Wintering Waterbirds (KER 2) outlines the adherence and responsibility of appropriate construction work periods, which will be restricted during the wintering bird season (October to March), unless approved by the Ecological Clerk of Works.

Research, design, and mitigation measures have been developed and proposed with careful consideration to the local receiving environment. Proposals in the design have been considered alongside published guidance documents, while considering previously successfully implemented mitigation measures.

3.12.4 Engagement With Landowners and Residents

Issue

Urges Clare CoCo to engage in more meaningful consultation with landowners and residents of Moyasta.

Response

Mr. Keogh urges Clare County Council to engage in more meaningful consultation with landowners and residents of Moyasta. Clare County Council notes this submission and confirms that efforts have been made to engage directly with Mr. Keogh throughout the development of the scheme.

Records indicate that attempts were made to contact Mr. Keogh by telephone on 20th November 2025, 5th May 2026, and again on 30th June 2026; however, no contact was established on any of those occasions.

In addition, correspondence was issued to Mr. Keogh on 14th November 2025 inviting him to engage with the project team and arrange a meeting to discuss the proposed scheme. Further correspondence was issued on 20th May 2026 in relation to the Voluntary Land Acquisition process and encouraging further engagement regarding the project.

Clare County Council also wrote to Mr. Keogh on 18th July 2025 advising him of the opportunity to appoint an independent agronomist to assess any potential impacts of the scheme on his farming operations.

Clare County Council remains committed to engaging with all affected landowners and residents and will continue to provide opportunities for consultation and discussion as the project progresses. The Council remains available to meet with Mr. Keogh at a mutually convenient time to discuss any concerns he may have regarding the scheme with a view to agreeing final accommodation works as part of the statutory CPO compensation code..

3.13 William J.A. Williams & Others

3.13.1 Signage

Issue

Signage at the end of L6093 to discourage swimming due to strong currents.

Response

It is assumed that any reference to the L6093 in this submission is interpreted to be a reference to the L6092 Carrowncalla South where it meets the coast adjacent to Mr Williams' lands. Access to the shore will be maintained at this location. Signage to discourage swimming due to strong currents will be provided.

3.13.2 Farm Access Restrictions

Issue

Greenway users not to access farmland and to always close gates when required.

Response

EIAR Appendix 4.2 Maintenance and Management Plan refers to a Code of Conduct to be developed by CCC (EIAR Volume 4A Appendix 4.2, Section 5). Greenway users will be encouraged to follow the seven principles of 'Leave No Trace' through provision of appropriate signage along the greenway. This includes the Leave no Trace principal to "Respect property

– leave gates as you find them (open or closed)". Appropriate signage will be installed on farm access gates where reinstated as part of the proposed development.

3.13.3 Privacy Screening

Issue

Adequate natural hedging to be provided to ensure privacy at dwellings that the greenway passes, in keeping with existing hedging.

Response

Hedging will be provided along the greenway to screen visual impacts in accordance with the Landscape Strategy for the proposed development as outlined in Chapter 15 of the EIAR (section 15.6.1 Landscape Strategy). This will be managed in accordance with the Maintenance and Management Plan (EIAR Appendix 4.2) to ensure safe usage of the greenway.

3.13.4 Shore Access

Issue

Shore access at the end of L6093 to facilitate local access. This degree of access has always been in place for this community but more importantly it is imperative that the Emergency Services have such access available when necessary.

Response

Access will be maintained at this location, as requested by Mr Williams as shown in Figure 4.35 of the EIAR. This includes existing access arrangements for local users of this area as well as emergency services access when required.

3.13.5 Access To Public Roads

Issue

If Greenway users choose to access the public road adjacent to the Greenway, they may need to be aware that there is regular traffic of heavy vehicles.

Response

As outlined in EIAR Chapter 4, specifically Section 4.3.4 Road Crossings, the interactions between users of the greenway and road traffic will be regulated by clear signage and road markings. EIAR Section 4.5.8 indicates that greenway users may deviate onto the road network at local crossings to make side trips to points of interest and to undertake loops through the countryside adjoining the route. However, it is expected that such trips will be limited to locals accessing the greenway who in turn will be more familiar with the local road network. In accordance with EIAR Appendix 4.2 Maintenance and Management Plan Section 5, a Code of Conduct will be developed by CCC in which all greenway users will be encouraged to adhere to the Rules of the Road, and cyclists encouraged to take extra care with joining and cycling on road.

3.14 Tim Danaher and Others

A submission was lodged on behalf of twelve (12) households directly impacted by the route for the West Clare Railway Greenway as it enters Kilkee via Dough and the Percy French estate. An alternative route option is requested - specifically that the previously considered N67 corridor be re-evaluated and adopted.

The key issues raised in the submission are summarised and responded to below.

3.14.1 Lack Of Transparency And Procedural Unfairness

Issue

Lack of Transparency and Procedural Unfairness due to

1. Omission on Public Drawings – it is stated that the drawings indicate the greenway stopping at the eastern end of the Estate and that its continuation is not discussed.
2. Deflection of Civil Works – it is stated that Council representatives confirmed that no works were proposed at this location and that the proposed development would result in the cul de sac becoming a high capacity public corridor.

Response

We can confirm that the extent of proposed construction works is as per Figure 4.2 in Volume 3 of the EIAR. However, the potential impacts of the proposed greenway in its entirety, including on its environment, have been assessed throughout the EIAR for both the construction and operational stages.

The anticipated number of greenway users has been assessed in Chapter 5, Traffic and Transportation of the EIAR, in particular Section 5.5.3.1. Specifically, Table 5-3 details the anticipated usage:

Table 5-3 from EIAR

	Central Scenario			High Growth Scenario		
	Peds	**Cyclists**	**Total**	**Peds**	**Cyclists**	**Total**
Annual Average	486	321	807	608	401	1009
Summer Average	474	464	938	593	580	1173
Winter Average	343	87	430	429	109	538
Summer Saturday	505	703	1208	631	879	1510
Summer Sunday	609	756	1365	761	945	1706

This is the total usage of the 15.2km greenway. The EIAR assesses that 50% of the greenway parking will be at the Kilrush end, with the remaining 50% spread between Moyasta and Kilkee (existing parking). The usage numbers are based on surveyed usage of the other greenways across the country. Based on the data assessed, average expected usage of the greenway is 807 users a day. Of these, 60% are pedestrians, who would not be expected to travel the full distance. Even allowing for 50% of these pedestrians and all cyclists to traverse the Percy French Estate, that would be an average of 564 users a day. Spread across a 10 hour day, that's an average of less than one user a minute. The peak summer Sunday would have 305 pedestrians and 756 cyclists (381 and 945 in the high growth scenario), or approximately 2 - 2.2 users a minute. Winter numbers will be considerably lower.

The TII Publication DN-GEO-03047 Section 3.1 describes how rural offline cycleways may include inter alia existing road infrastructure. The standards states that the Designer shall take cognisance and due care in designing the integration of rural cycleway to urban cycle and active travel networks and the urban environment generally.

Section 4.5.9 of DN-GEO-03047 (Cycleway Transitions) states that the requirements of national Standards and guidelines shall be considered, including but not limited to the Cycle Design Manual and the Design Manual for Urban Roads and Streets. Given that the Percy French Estate forms part of the urban fabric of Kilkee town, the Cycle Design Manual is considered most appropriate in this location. Table 2.1 of the Cycle Design Manual sets out

the cycle facilities selection for various speeds and traffic volumes. With reference to this table, whereby the cul-de-sac is a 30kph zone with less than 200 two-way PCU traffic in the peak hours, it states that provision for mixed traffic cycle facilities *should be suitable for most users*. Pedestrians will use the existing available footpaths through the estate, and cyclists will be located on the road carriageway.

Examples of similar greenway interaction with cul-de-sac estates, whereby pedestrians use the existing footpaths and cyclists are on road, include the:

- Ballybrack Valley Pedestrian and Cyle Path that joins the Calderwood Road residential area in Douglas, Cork,
- The Limerick Greenway into the Bishop's Court residential area
- The Limerick Greenway as it joins Listowel,
- Corbally Baths & Red Path Walkway in Limerick.
- Tramore Valley Park in Cork into Half Moon Lane.
- Dodder Greenway in Dublin at Kilvere (Butterfield Avenue)



Figure 3-1 Ballybrack Valley Pedestrian and Cycle Path Intersection with Calderwood Road (Source: Google Maps)



Figure 3-2 Ballybrack Valley Pedestrian and Cycle Path Intersection with Calderwood Road (Source: Google Maps)



Figure 3-3 Limerick Greenway into the Bishop's Court residential area (Source: Google Maps)



Figure 3-4 Limerick Greenway End Point as it interacts with Kenny Heights (Source: Google Maps)



Figure 3-5 Corbally Baths & Red Path Walkway Interaction with Mill Road (Source: Google Maps)



Figure 3-6 Tramore Valley Park into Half Moon Lane (Source: Google Maps)

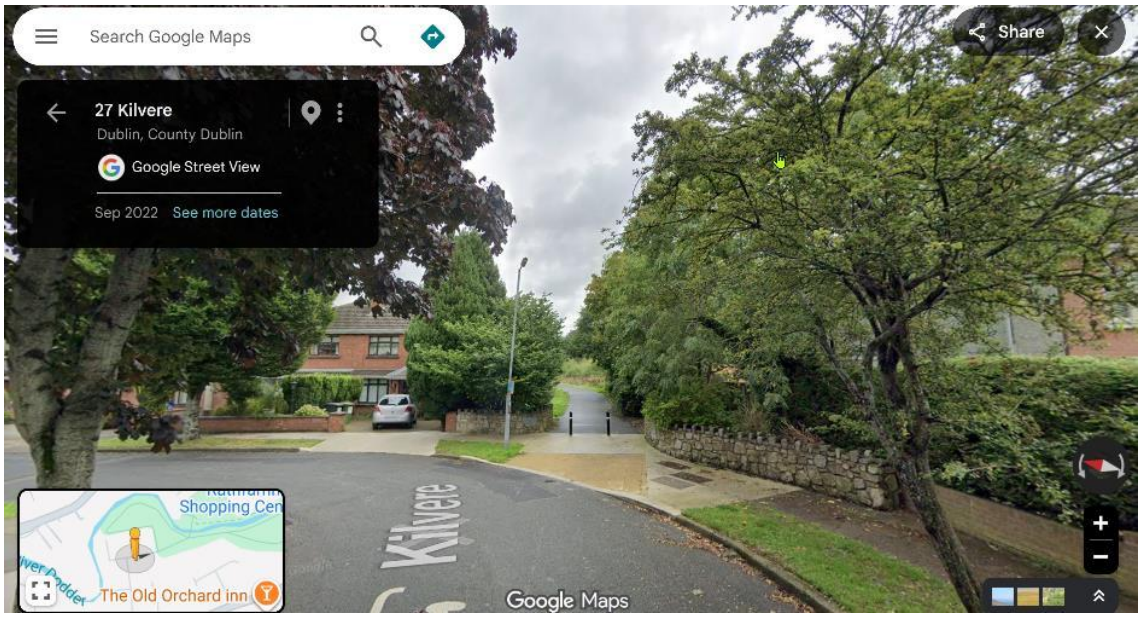


Figure 3-7 Dodder Greenway at Kilvere, Dublin (Source: Google Maps)

Air quality impacts of the proposed development are assessed in Chapter 12 of the EIAR. This includes potential dust impacts at nearby residential receivers during construction, with the worst-case receptors located within 20m of the proposed development boundary including

receivers within the Percy French Estate. Suitable mitigation measures will be implemented during construction to minimise potential dust related impacts. The impacts on the local community have been assessed in the EIAR in Chapter 6 Population and Chapter 7 Human Health.

Noise and vibration impacts have been assessed as part of the EIAR in Chapter 14 including potential noise impacts at residential receivers near the works such as those within the Percy French Estate. Noise mitigation measures will be implemented during construction to minimise noise impacts. During operation, as outlined in Section 14.5.2.2 of the EIAR, noise generated by walking and cycling although not readily quantified, such noise levels at nearby noise sensitive receivers is expected to remain well below the recommended external noise criteria.

As outlined in Chapter 15 landscape and Visual, adverse visual impacts are expected at nearby residences during construction however these will be temporary and short-term in duration. Expected visual impacts during operation of the greenway at this location are assessed as low, specifically Viewpoint 1 in Section 15.5.2.2 which concludes that the proposed development is likely to improve the quality of the public realm at this location, while not detracting from the inherently weak visual amenity of the town edge at this road end. On balance, the magnitude of visual change is considered Low.

The Proposed Development boundary extends to a section of private roadway within the Percy French Estate to facilitate operation of the Greenway at this location. There will be no acquisition of any residential property or the curtilage of any residential properties at this location. The impact of this acquisition of the roadway was assessed in the EIAR as part of Chapter 18 Material Assets (non-Agricultural), specifically Table 18-7 where the significance of effect of this property acquisition (plot no. 100) is assessed as neutral, imperceptible and permanent.

3.14.2 Loss Of Residential Amenity and Privacy

Issue

Severe Loss of Residential Amenity and Privacy

1. Destruction of Communal Green Space (due to safety issues for children)
2. Total Eradication of Privacy
3. Security, Loitering, and Night-Time Traffic

Response

1. Destruction of Communal Green Space (due to safety issues for children)

   The green space referred to in this submission is outside the proposed development boundary and will not be directly or indirectly impacted by the proposed development.

2. Total Eradication of Privacy

   The user numbers associated with the proposed greenway are modest, as set out in Chapter 5, Traffic and Transport, of the EIAR and repeated above. The following is the anticipated number of users, indicating 1-2 users a minute passing the houses in question during the busiest period, and fewer at other times. This is not considered to constitute a total eradication of privacy.

3. Security, Loitering, and Night-Time Traffic

   As stated in Chapter 4 of the EIAR, Page 18 regarding Kilkee Parking Facilities, Clare County Council will monitor user behaviour and will implement additional enforcement, if required, to ensure parking for the greenway is contained in designated parking areas.

EIAR Appendix 4.2 Maintenance and Management Plan Section 5 sets out that a Code of Conduct will be developed by Clare County Council with greenway users encouraged to follow the seven principles of 'Leave No Trace' through provision of appropriate signage along the greenway route, cyclists encouraged to take extra care with joining and cycling on road, and all users to adhere to the Rules of the Road. The Percy French Estate is situated at the edge of Kilkee Town, less than 500m from the beach and town centre amenities. It is not considered to be an appropriate or attractive location for loitering or causing public nuisance.

3.14.3 Health & Safety and Reversing Hazards

Issue

Critical Health, Safety, and Reversing Hazards

1. Reversing into Active Greenway Traffic
2. Extreme Proximity and Vulnerability (Nos. 1 & 2 Dough)
3. Impact on Vulnerable and Older Residents

Response

1. EIAR Section 4.3.4 Road Crossings outlines how interactions between users of the greenway and the road network will be regulated by clear signage, road markings and red surface treatment to slow greenway users on approach to this section of the greenway route. All road users are obliged to follow the Rules of the Road, taking due care and diligence when reversing out of a driveway.
2. It is expected that cyclists will join the road at the eastern end of the Estate and that pedestrians will generally use the existing footpaths. All road users will be expected to follow the Rules of the Road taking due care and diligence when reversing out of a driveway. The narrow section at the transition between greenway and shared use will assist in slowing cyclists as they join the public road.
3. There is previous evidence of anti-social behaviour at this location where a container was tipped over and remains at the eastern end of the estate. We believe that the introduction of the greenway will in fact reduce the likelihood of anti-social behaviour at this location through the introduction of greater passive surveillance. The anticipated user numbers are detailed above.

3.14.4 Emergency Service Access

Issue

1. Emergency Service Access would be compromised

Response

1. An assessment as part of the EIAR has demonstrated that there is ample parking for the greenway available elsewhere in Kilkee (refer to Chapter 5). These existing parking facilities will be advertised on the project website, and include the East End Car Park, O'Connell Street Car Park and existing public parking on Chapel Street. An assessment of parking provisions in Kilkee determined sufficient available parking with no additional trailhead or parking provisions required in Kilkee (Chapter 5). In addition, EIAR Chapter 4 Section 4.2.2 states Clare County Council will implement double yellow lines at Gurrane Road to limit irregular parking activities that could inconvenience local residents. Therefore, there will be no increased parking that could obstruct emergency services accessing this area in the event of an emergency. As stated in Chapter 4 Clare County Council will monitor user behaviour of parking areas and will implement additional enforcement, if required, to ensure parking for the greenway is contained in designated parking areas. The existing hammerhead at the end of the cul-de-sac will not be affected by the greenway.

3.14.5 Suggested Re-Routing Via the N67 Corridor

Issue

The Viable alternative: Re-routing via the N67 Corridor

1. The N67 Route Corridor
2. Preservation of Civil Safety
3. Urgent Call to Action

Response

1. It is contrary to national policy to guide a greenway along a National Road. This corridor travels along the N67 towards Kilkee town centre with the land either side of the road zoned as Open Space, Tourism, Enterprise, Commercial and Existing Residential. While the County Development Plan illustrates the 'Indicative Route of the West Clare Railway Greenway' along this route, given the urban context through which this section of the N67 travels the land use is more in keeping with urban development and improvement in active travel through town centres.

   Routing the Greenway along the N67 would require users, including families and less experiences cyclists, to travel in close proximity to a national road carrying high speed, 80kph, vehicular traffic, including heavy and articulated trucks. Such an arrangement would not provide the same level of safety, amenity and user experience as the proposed route.

   Section 4.5.9 of DN-GEO-03047 (Cycleway Transitions) states that the requirements of national Standards and guidelines shall be considered, including but not limited to the Cycle Design Manual and the Design Manual for Urban Roads and Streets. Given that the Percy French Estate forms part of the urban fabric of Kilkee town, the Cycle Design Manual is considered most appropriate in this location. Table 2.1 of the Cycle Design Manual sets out the cycle facilities selection for various speeds and traffic volumes. With reference to this table, whereby the cul-de-sac is a 30kph zone with less than 200 two-way PCU traffic in the peak hours, it states that provision for mixed traffic cycle facilities *should be suitable for most users*. Pedestrians will use the existing available footpaths through the estate, and cyclists will be located on the road carriageway.

   This approach is also consistent with the objectives of the Code of Best Practice for National and Regional Greenways, which promotes the development of Greenways on dedicated, segregated routes that provide a high-quality user experience and minimise interactions with motorised traffic where possible.

   As per the TAF Assessment in Appendix 3.2 of the EIAR, compared to the alternative routes of A-4 and A-5, Option A-3, the N67, to which this submission refers, did not perform as strongly in the categories of Social Impacts, Land Use Impacts and Safety Impacts. Each option has been assessed independently as per the Transport Appraisal Framework Guidelines.

   The Safety Impacts assessment of Option A-3 states that the N67 National Road is constrained geometrically and land acquisition would be necessary to provide a suitable segregated active travel facility. TII design standards (Table 3.2 of DN-GEO-03047) require a grass verge separation between a national road and a greenway. Further, per DN-GEO-03060, accesses must be recessed 5m from the national road to allow a car to turn off the main road before crossing the greenway (or 15m in the case of a farm access). It is not feasible to achieve this on the N67 approach to Kilkee due to the presence of private residential properties and commercial premises. As a result, the Safety Impact score for this route option was High Negative.

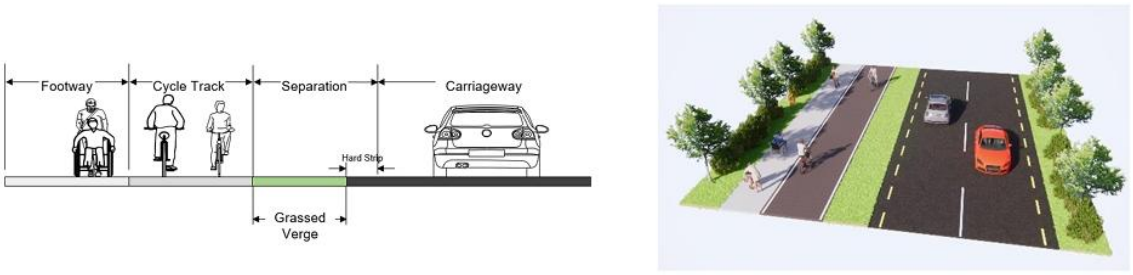


Figure 3-8 Extract from Table 1.1 of DN-GEO-03047

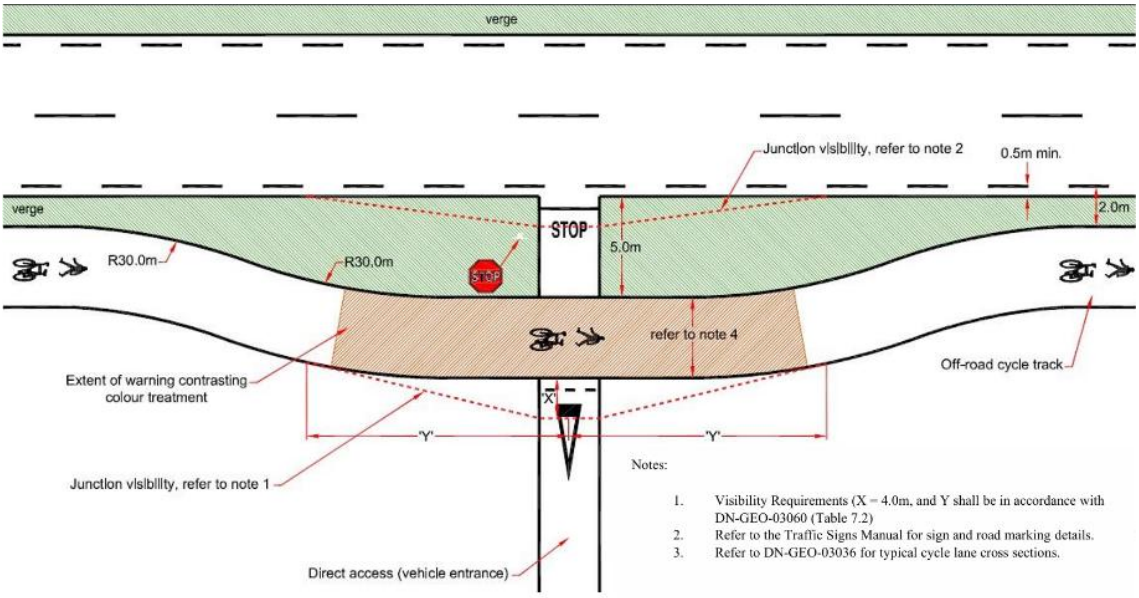


Figure 7.4 Direct Access Bend-Out Crossing

Figure 3-9 TII DN-GEO-03060 Detail for setbacks at accesses onto National Roads*

*** Note setback of 15m required in the case of a farm access**



Figure 3-10 Existing constrained N67 Approach to Kilkee (c, Google Maps)



Figure 3-11 Existing constrained N67 Approach to Kilkee (c, Google Maps)

The Social Impacts criteria for Option A-3 scored lower than the other options with a Slight Positive score, where the other options were assessed as Positive. The Gender Impacts sub-criteria assessment concluded that it would be difficult to fully remove the hostile environment associated with such a high traffic volume road for female users even if the proposed active travel facilities will be segregated from motorised traffic. This resulted is a negative score for that sub-criterion.

The Land Use Impact criteria received a Neutral score, lower than the Slight Positive score received by options A-4 and A-5. The assessment states that there is limited scope to improve the public realm along this corridor due to geometric constraints of the available road space.

2. The proposed development is considered to be a safer route for users as a result of not being alongside a national secondary road – i.e. the designated route for heavy vehicles to make deliveries around the country. The Applicant does not accept that the introduction of pedestrians and cyclists to a residential estate constitutes a significant safety hazard.

3. Further to the above, the Strategy for the Future Development of National and Regional Greenways moves away from the use of national roads in favour of off-road alternatives. The use of the N67 would therefore not be in line with Government policy and it is recommended that the proposed development, as submitted is approved by An Coimisiún Pleanála.

3.14.6 Conclusion And Formal Request

Issue

The submission urges the Commission to require Clare County Council to revise the design of the proposed development to follow the N67 into Kilkee.

Response

The Applicant considers that the suggested alternative route is inappropriate for the following reasons:

1. Government policy favour separating greenways from national roads where possible;

2. It would not be possible to achieve the separation and setback distances required by design standards along the N67 without extensive land and property acquisition.
3. The number of greenway users is modest and all prevailing design standards favour shared use of streets for the numbers in question.
4. The applicant does not accept that the proposed development introduces a significant safety concern to the Estate.

3.15 National Greenway Action Association

3.15.1 What An Coimisiún Pleanála Is Being Asked to Authorise

Issue

What An Coimisiún Pleanála is being asked to authorise

Response

Clare County Council has applied to An Coimisiún Pleanála for approval of proposed road development and for confirmation of a compulsory purchase order as submitted to it.

3.15.2 The Commission Must Make Its Own Assessment

Issue

The Commission must make its own assessment

Response

An Coimisiún Pleanála is the competent authority in respect of this statutory process for approval and for confirmation of the CPO

3.15.3 Agricultural Impacts

Issue

Agricultural impacts remain substantial after mitigation

Response

With reference to impacts outlined in Chapter 17 of the EIAR requiring “considerable management changes” as noted in the submission, it is inferred this relates to pre-mitigation impacts. The highest impact post-mitigation, as identified in Chapter 17 and reiterated in the submission, is an impact significance rating of Moderate. As defined in Table 17-5 of the EIAR, such impact may require "some management changes" due to permanent land take and/or permanent farm division. This impact rating is not considered to require “considerable management changes” such would be applicable to significant impacts which have not been identified for the Proposed Development post-mitigation.

The submission states that measures which add gates, waiting, supervision, animal handling or traffic-management duties have real operational and human consequences. Crossings have been designed in accordance with TII Standard DN-GEO-03047, including for the most part at-grade crossings, as well as a number of grade separated crossings where required and in consultation with landowners. As outlined in Chapter 4, gates will be hung on opposite piers either side of the greenway, and when opened, will temporarily close off the greenway to allow the landowner to cross.

Although no specific agricultural monitoring requirements are identified in Chapter 17 of the EIAR, general monitoring requirements are outlined in EIAR Appendix 4.2. This includes fences to be regularly inspected and repaired in the event of any damage, in particular where the fence is present for livestock containment or user safety. Similarly regular inspection and maintenance of structures, drainage infrastructure and vegetation will occur. In addition, as

outlined in Section 2.2.8 of the same appendix, Clare County Council will establish procedures to facilitate user feedback or report issues that may arise during greenway operations.

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA.

3.15.4 2021 Greenway Code

Issue

First Greenway under the 2021 Code - process and sequencing

Response

As per the 'Code of Best Practice for National and Regional Greenways', the application for development consent is accompanied by an application to acquire the land compulsorily by Compulsory Purchase Order. Should the CPO be confirmed, the statutory process involves a number of stages which work in parallel with the Voluntary Land Agreement Process with landowners and equally provide the opportunity for negotiations and for a voluntary agreement to be entered into as between landowners and the Council. The voluntary land agreement process is conducted in parallel with the statutory process including the exercise of CPO powers.

3.15.5 Farm Business Impacts

Issue

Farm-Business Loss, Unresolved Land Take and False Economy.

Response

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA

3.15.6 Necessity, Alternatives and Compulsory Acquisition

Issue

Necessity, alternatives and compulsory acquisition as last resort

Response

As summarised in Chapter 3 of the EIAR, routes were developed to follow field boundaries where possible to avoid severance impacts on agriculture. Route options were assessed in accordance with TII requirements, which included criteria for assessing impacts to agriculture as part of the overall environmental impact criteria.

Overall, the preferred route corridor was selected to best align with the objectives of the project, following the original West Clare Railway corridor where practicable, providing a safe and substantially segregated sustainable transport corridor through minimising vehicle interactions with pedestrians and cyclists.

The preferred route corridor has been selected to reduce severance impacts on existing farms and local businesses as well as minimising local environmental impacts such as archaeology and biodiversity impacts which have been minimised where possible through the route selection process.

3.15.7 Moyasta Red Bridge

Issue

Moyasta Red Bridge - Safety and Continued Farm Operation

Response

As summarised in EIAR Chapter 3, five route corridor options were assessed in total at Moyasta and crossing Poulnasherry Bay, two of which involved use of the existing bridge, two involved the construction of a new bridge and one route via an existing local private access bridge across Poulnasherry Bay. The two routes using the existing bridge scored higher due to less environmental and safety impacts, making use of the existing bridge the most viable option to take forward, taking into account all criteria assessed including agriculture impacts.

The drawings provided in Volume 3, of the EIAR in support of Chapter 4 contain the general layout arrangements which shows approximate chainage locations. A number of farm crossings of the greenway are provided to maintain access, these have been designed in accordance with TII Standard DN-GEO-03047 including for the most part at grade crossings, as well as a number of grade separated crossings where required in consultation with landowners.

3.15.8 Farm Safety

Issue

Working farms are workplaces - health and safety must be assessed as farm safety.

Response

Fencing is proposed on either side of the greenway to prevent unauthorised access of greenway users into adjacent private property. As outlined in EIAR Appendix 4.2 Maintenance and Management Plan Section 5, a Code of Conduct will be developed by Clare County Council for users of shared use trails, including Greenways. This will be developed taking account of the suggested code of conduct for shard use trails published by the National Trails Office, or similar, including 'Leave no Trace' Principals and associated signage to be installed.

A number of farm crossings of the greenway are provided to maintain access across the greenway, these have been designed in accordance with TII Standard DN-GEO-03047 including for the most part at grade crossings, as well as a number of grade separated crossings where required in consultation with landowners.

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA

3.15.9 Agricultural Machinery and Livestock Movements

Issue

Public-road status, agricultural machinery and livestock movements

Response

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA

3.15.10 Cross-Holding Biosecurity And Disease Transmission

Issue

Cross-Holding Biosecurity and Disease Transmission

Response

Fencing is proposed either side of the greenway to prevent unauthorised access of greenway users into adjacent private property. As outlined in EIAR Appendix 4.2 Maintenance and Management Plan Section 5, a Code of Conduct will be developed by Clare County Council for users of shared use trails, including Greenways. This will be developed taking account of

the suggested code of conduct for shard use trails published by the National Trails Office, or similar, including 'Leave no Trace' Principals and associated signage to be installed.

Agricultural crossings are provided to maintain access across the greenway. These crossings have been designed in accordance with TII Standard DN-GEO-03047 including for the most part at grade crossings, as well as a number of grade separated crossings where required in consultation with landowners.

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA

3.15.11 Wildlife Displacement And Farm-Disease Contact Pathways

Issue

Wildlife Displacement and Farm-Disease Contact Pathways

Response

Habitat Fragmentation and Barrier Effect have been assessed as part of EIAR Chapter 8, including the introduction of fencing which could inhibit the movement of species including badger and otter across the greenway. No signs of badger were recorded within the study area in 2026, therefore the proposed development will not directly affect badgers, however badger setts and territories could be present in the wider area. The fencing will include a continuous 100mm gap at ground level, designed to allow the movement of small mammals, including otter, while preventing access by dogs.

3.15.12 Insurance, Indemnity And Liability

Issue

Insurance, Indemnity and Liability

Response

Should the CPO be confirmed, the CPO code addresses compensation and related issues under the principle of equivalence. See also s. 216 of PDA

3.15.13 Environmental Assessment

Issue

Environmental assessment - Article 6(3), wintering birds, dogs, water quality and shellfish

Response

The introduction and increase in the numbers of greenway users including people and dogs may lead to an increase in dog fouling. The impacts of this on water-quality have been assessed in Chapter 8 and Chapter 10 as being imperceptible and of temporary duration. Similarly, impacts on shellfish are assessed in Chapter 10 as being imperceptible and of temporary duration.

3.15.14 Need for the Scheme

Issue

Demand, MOVE, modal shift, commuting, weather and existing recreation

Response

The proposed development will provide opportunities for a modal shift from private vehicles to active travel for non-recreational users (i.e., those travelling for a specific purpose or to reach a specific destination such as work, school, shopping etc.). The mode shift has not been

quantified in terms of potential reduction in traffic volumes during operation of the greenway as the impacts on traffic are expected to be minimal. However, the potential benefits of a mode shift as a result of the proposed development have been assessed in relation to potential greenhouse gas reductions and positive human health impacts as addressed in the relevant chapters of this EIAR.

Chapter 2 of the EIAR outlines the need for the scheme, with the West Clare Railway Greenway identified as having significant potential to improve active travel rates and pedestrian and cyclist safety, with particular reference to recent collision data and associated pedestrian and cyclist fatalities along the N67 between Kilrush and Kilkee.

3.15.15 Failte Ireland Tourism Support

Issue

Failte Ireland evidence - tourism support is not a project-specific net cost-benefit Analysis.

Response

As above, the need for the scheme is largely driven by safety reasons, as well as tourism related.

3.15.16 Common Good

Issue

Common good, community wellbeing, social cohesion and mental-health consequences

Response

It is respectfully submitted that the proposed development and the acquisition of land for same accords with proper and sustainable planning for the area in which the development is situate and meets the statutory test for compulsory acquisition.

3.15.17 Maintenance And Management

Issue

Maintenance and management - a lifetime development requires a lifetime plan

Response

Appendix 4.2 of the EIAR provides the Maintenance and Management Plan under Clare County Council's control, including requirements for regular inspection and maintenance.

3.15.18 Contradictions And Gaps

Issue

Principal contradictions and evidential gaps requiring resolution

Response

As noted in PAG Unit 13 - Appraisal of Active Modes, demand is often difficult to estimate for active modes. Indeed, the forecasting of walking and cycling demand can be challenging when there is an absence of a network in the base case. As such, the absence of existing cycling or walking demand (which is noted in the Preliminary Business Case for the proposed development) is related to the fact that there is currently no suitable available route for cyclists and pedestrians between Kilrush and Kilkee. In accordance with the PAG, a high level assessment is to be carried out of the types of users and trips that are realistically likely to use the infrastructure if built, and whether there are opportunities to increase walking and cycling levels. The user projections for the greenway, as included in the Preliminary Business Case, are set out in Chapter 5 of the EIAR.

It is not agreed that the EIAR identifies some farms will require 'considerable changes' but rather that some management changes may be required.

3.15.19 Oral Hearing

Issue

Oral hearing and matters NGAA asks the Commission to determine

Response

A decision to conduct an oral hearing is for the decision-maker.

3.16 Birdwatch Ireland

3.16.1 Nature Restoration

Issue

The do-nothing scenario did not take account of the Nature Restoration Regulation and the positive actions that might come about with its implementation.

Response

The Nature Restoration Regulation was enacted in August 2024. Ireland submitted its draft Plan to the European Commission in September 2026. At the time of writing and at the time of responding to this submission, the contents and specific actions of the plan, how and when they will be implemented, and whether funding will be made available to undertake restoration, is unclear. Therefore, it is considered reasonable that the do-nothing scenario will mean that the existing trends will continue.

3.16.2 Survey Period

Issue

No surveys were conducted in September.

Response

Section 1.4.3.4 of the NIS states that "*The shoreline survey methodology followed Gilbert et al. (1998) and the Irish Wetland Bird Survey (BirdWatch Ireland, 2022)*."

The purpose of the wintering bird surveys was to collect information on the species, population numbers and distribution of wintering birds in the vicinity of the greenway. October to March represents the core wintering bird season when the number of birds present is highest. This point is illustrated by iWebs data collected in the Shannon Estuary which shows that, in general, the number of bids increases from September to peaks in January/ February before dropping off as birds migrate north in early Spring. The Irish Wetland Bird Survey: results of waterbird monitoring in Ireland in 2010/11 illustrates this on a national scale:

Group	Sept	Oct	Nov	Dec	Jan	Feb	March
Wildfowl	22,348	90,641	81,254	83,195	152,005	78,279	42,440
Waders	65,762	119,980	149,927	87,190	171,954	125,529	63,399

The table below presents the sum of birds (waders, ducks, geese, divers) recorded in the Shannon Estuary where September counts were available.

Month	Sept	Oct	Nov	Dec	Jan	Feb	March
Total No.	65,768	72,587	170,481	278,112	654,578	240,122	79,123

The data recorded during surveys for the proposed development captures wintering bird abundance, variation through years and winter season and has identified the important areas for wintering birds in the vicinity of the proposed development. While it is acknowledged that the iWebs and Gilbert et al methodologies involve monthly counts from September to March and that waterbirds will be present during the shoulder months in the case of passage migrants and during the summer months in the case of summering non-breeding birds and resident breeding birds, the areas that are important for birds between October and March provide the most optimum habitat and this will also be the case in September.

Breeding bird surveys were conducted in 2024 which included monthly counts of birds in the intertidal habitats between Carrowncalla South and Moyasta from April to June.

Issue

September is still a busy month for tourism and construction is proposed during this period.

Response

West Clare and in particular Kilkee is very seasonal in terms of population, with Kilkee having a summer population of c. 15,000 and approximately 1,214 residents in the winter (Table 2-16 of the NIS). With the schools reopening after the summer holidays in late August, the number of greenway visitors will reduce significantly. TII MOVE data published in 2026 reports that locals make up the vast majority of greenway users, with 11% being tourists[2].

With regards to construction during the month of September, Clare County Council will engage with local NPWS staff regarding the appropriate cut-off point for construction in sensitive bird areas.

Issue

April/May and August/September should also have been surveyed.

Response

Wintering bird surveys have been carried out between 2021 and 2026, and monthly breeding bird surveys between April, May and June 2024. This data presents a comprehensive picture of how birds use the site. The areas that are important for birds between October and March provide the most optimum habitat and this will also be the case in September and April.

Issue

Redshank is a QI that has resident, wintering and passage population. Failure to survey the migration period could underestimate the impact on this species.

Response

It is only the wintering population of Redshank that is a Qualifying Interest of the River Shannon and River Fergus SPA. This information is provided in the Natura 2000 data form, and in the Conservation Objectives Supporting Documentation for the SPA. The surveys undertaken for the proposed development have highlighted certain areas as important for birds and this will be case for the shoulder months albeit for lower numbers of individuals.

Issue

The submission references a roost recorded in the conservation objectives supporting documentation, and the survey results for the proposed development which also highlight the importance of Poulnasherry Bay.

[2] move-key-findings-report-2026.pdf

Response

The importance of Poulnasherry Bay for Wintering Birds is highlighted throughout the NIS and Biodiversity Chapter. The wintering bird surveys carried out between 2021 and 2026, along with an extensive desk study in relation to the Shannon Estuary and Poulnasherry Bay were used to inform the assessment.

3.16.3 Sensitive Bird Areas E/6

Issue

a) The submission questions the rationale for selection of the sensitive bird areas and states that "sensitivity is not defined by the number and distribution of birds species in Poulnasherry Bay itself but rather the level of exposure of the birds to disturbance".

b) The submission also states that for each SBA, the numbers of birds recorded was small despite the number varying from 12 to 585, and that no definition of small is provided.

c) The submission states that it is not credible that the addition of a hedgerow as screening could mitigate the visual and audible impact of people and dogs.

Response:

a) The Applicant agrees with the statement in the submission that "*sensitivity is not defined by the number and distribution of birds species in Poulnasherry Bay itself but rather the level of exposure of the birds to disturbance"*. In Section 2.4.3.1 (Page 29) of the NIS, the 'Sensitive Bird Areas' are defined areas "*where the proposed development is close to the coast and where there is no existing screening or, incomplete screening, and therefore could be impacted by the proposed development*". The assessment of impacts on birds is based on the level of exposure to visual and noise stimuli which is based on the location of the greenway relative to suitable habitats and the presence or absence of existing screening from scrub, hedgerows, etc.

b) The statement that the number of birds recorded is described as small in every SBA is misleading. The total (cumulative) number of birds recorded within 100m of each SBA between 2021 and 2026 contained in Appendix E of the NIS is as follows: SBA1 (74), SBA2 (197), SBA3 (12), SBA4 (521), SBA5 (63), SBA6 (442), SBA7 (0), SBA8 (338), and SBA9 (585). The number of birds is described as "small" in the case of SBA1, SBA2, SBA3, SBA5.

   For SBA4, SBA6 and SBA8, the number of birds is described as small in the context of the total number of birds recorded within 500m of the greenway. In each of these three SBAs, the number of birds recorded accounts for 17%, 22%, 11% of the birds within 500m, respectively.

   It must be stressed that the numbers quoted represent the birds recorded during c.18 surveys, and therefore the average number is much lower, and it is the Applicant's view that in the case of SBA1 (av. 4 birds per survey), SBA2 (av. 11 birds per survey), SBA3 (av. 0.66 birds per survey) and SBA5 (av. 3.5 birds per survey), it is reasonable to describe the figures as "small". For SBA4, SBA6 and SBA8, the average number of birds per survey is 29, 25 and 33 respectively.

   In terms of the potential for adverse effects on the integrity of the site, this data should be viewed in the context of the SPA, the proposed mitigation measures including screening, and the estimated numbers of users during the winter months. The conservation objectives for the birds species that are qualifying interests are defined by the attributes 'population' and 'distribution'.

c) In response to the statement in the submission that "*It is not credible that it can be concluded that the addition of hedgerow planting as a screen could mitigate the visual*

and audible disturbance from people and dogs. Poulnasherry Bay is noted as being a site where the birds are predominantly undisturbed and unhabituated to disturbance.", we refer to the in-depth literature review included within the NIS relating to bird disturbance (Section 2.5.3.3 of the NIS). The assessment has considered the effectiveness and limitations of screening, the attenuation of noise levels associated with greenways including dogs barking, the existing screening along the proposed route, the separation from the greenway and important wintering bird habitat and the visitor numbers during the winter months. These considerations have been discussed in the context of real world examples with the Exe Estuary a notable case study. The proposed development includes screening in the areas where the greenway is close to sensitive bird habitat and where no screening exists. This is a 1.4m tall hedge and fence or parapet in the case of Moyasta Bridge. This will conceal the visual outline of people and dogs, with only the head of the average height person visible from outside the fence. This would be reduced further depending on the level of the adjacent habitats relative to the greenway, and the line of sight of the particular bird.

There are no studies which show the before and after effects of installation of visual screening around a wetland site or monitoring of human disturbance when management measures have been implemented. The lack of direct studies is likely due to acceptance that birds are not disturbed when they are unaware of the presence of people. This is demonstrated through bird hides, which are used around the world to allow people to view birds in their natural habitats without disturbing them. These rely on the concept that when the birds can't see or hear people, they are not disturbed. A study on bird disturbance (Pease et al, 2005) noted that people in hides did not disturb birds nearby, and that where vegetation, embankments or screen were used to screen the hide access paths, birds were similarly not affected by the presence of people.

3.16.4 Disturbance/ Displacement During Construction and Operational Phases

Issue

a) Concern that Moyasta would be used as a major construction depot. The only mitigation is the seasonal restriction.

b) Concern about greenway users disturbing birds during the operation of the Greenway. The submission points to remote areas of the Waterford Greenway where 1200 people weekly have been recorded in the winter.

c) The submission quotes text from the NIS and states that the non-breeding season is September to March, not October to March.

d) The submission states that the mitigation proposed for disturbance is a 1.4m high fence with planting and a 1.4m high fence over Moyasta Bridge. It asserts that the NIS says that the planting will be robust enough to screen visual and noise disturbance. It also notes that the establishment of some trees will fail.

e) The next point relates to examples and notes that the Dublin Port Greenway is not comparable to Poulnasherry Bay. It says that the 1.4m high fence would prevent access but not visual and noise disturbance.

f) In-combination effects- WCG sections and 2x windfarms.

g) Cumulative impact- aquaculture.

Response

a) The proposed development is a greenway and the type of machinery, noise and activities will be proportionate to a development of this nature, with the stockpiling of stone and other inert building materials and the use of machinery suited to this type of work. Clare County Council will engage with local NPWS staff regarding the appropriate cut-off point for construction in the sensitive bird areas. In addition to the proposed seasonal

restriction, mitigation measures in relation to the protection of water quality are also presented in Section 5 of the NIS.

b) The primary concern during the assessment of the proposed development was the operational phase impact on birds. The methodology used to estimate the number of visitors is presented in Section 2.5.3.2 of the NIS. The data collected from six operational greenways in Ireland were used. These examples include greenways with large urban centres including Limerick City (pop 102k), Athlone (pop 23k) and Waterford City (pop 60k). When compared to the winter populations of Kilrush (1214), Kilkee (2649) and the rural areas (1106), as presented in Table 2-16 of the NIS), it can be concluded that the winter usage of the proposed development would be significantly lower than these greenways.

c) Please refer to the response to 3.16.2 in relation to bird usage in September.

d) It is proposed to undertake landscape planting following site clearance to give the screening planting two seasons of growth before the greenway opens to the public. The risk of individual plants not surviving will be dealt with in a standard landscape contract for a development such as this, where a defects period would apply and any plants that die within the first two years would be replaced. The possibility that the planting does not provide adequate screening after two seasons has been considered and is discussed in Section 5.2.3.2 of the NIS. The mitigation included the provision of privacy screening which will be attached to fence: "*Mesh screening material (privacy netting) will be attached to the fencing in the sensitive bird areas, where no existing screening is present. The purpose of the mesh netting is to provide a full level of screening while the landscape planting becomes established*". It is not stated in the NIS that the screening would prevent noise disturbance, and indeed a hedgerow does little to attenuate sound. This is assessed with regards to bird disturbance in the NIS in section 2.5.3.5 'Noise disturbance from greenway visitors'.

e) Section 5.2.3.1 of the NIS details the fence proposed at Moyasta Bridge, which is similar to the fence on the Dublin Port Greenway. This fence is 1.4m high and from the outside it will appear solid to 1.4m high. This is used as an example of a fence, and there is no direct comparison to the conditions in Dublin Bay with the conditions in Poulnasherry Bay made in this section. It is never stated that the fence would prevent noise disturbance, however, a 1.4m tall fence with dense planting will prevent visual disturbance. As birds will be positioned below the level of the greenway, their line of sight will result in an effective level of screening greater than 1.4 m.

f) Table 6.1 lists the projects considered in the in-combination assessment undertaken as part of the NIS. Section 3 and 4 of the West Clare Greenway will link into the proposed development at Moyasta. The assessment of these potential in-combination effects is presented in Table 6.1 and should be considered in the context of the detailed assessment of the proposed development in terms of winter usage, screening etc. The completion of sections 3 and 4 is not anticipated to increase the number of people on Section 1, and greenway users could be attracted away from the coast in the winter time to less exposed areas inland. There are two wind farms that have been reviewed in Table 6.1 of the NIS, the Moanmore Lower Wind Farm and the Ballykett Wind Farm.

g) The in-combination assessment is in Section 6 of the NIS. An in-combination assessment is an assessment of a plan or project (the West Clare Greenway Section 1 in this case) in combination with other plans and projects. Existing agriculture, aquaculture, shooting and other ongoing activities are considered part of the baseline and are not included in the in-combination assessment. Oyster farming occurs at the south end of Poulnasherry Bay at Carrowncala North on the east side of the channel and Killnagalliagh on the west side of the channel.

3.16.5 Presence Of Other Birds/ Hen Harrier

Issue

Point 9 Presence of other birds/ Hen Harrier

a) It is notable that Hen Harrier was identified on seven occasions over the winter period in the northern section of Poulnasherry Bay, but no further investigation was undertaken or mention in the environmental assessments. It is Birdwatch Ireland's view that this is warranted and that the impacts of the proposed greenway on Hen Harrier be included in the Appropriate Assessment.

b) Hen Harrier is also the qualifying interest for several neighbouring SPAs, namely for Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161), Sliabh Aughty Mountains SPA (004168) and Slievefelim to Silvermines Mountains SPA (004165).

Response

Hen Harrier is a Qualifying Interest in the two SPAs listed in the submission . These sites are designated for the breeding population of Hen Harrier. The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 16.5km south-west of Kilrush and the Slievefelim to Silvermines Mountains SPA is 73km east of Kilrush. A study of Hen harrier hunting during the nesting season showed that they typically hunt within 2km of the nest a maximum distance of 11.4km recorded. Both of these European sites are well outside this range. The other non-designated breeding sites highlighted in the submission, which although undesignated are clearly important for sustaining the national population are the West Clare Hills and Scattery Island. The West Clare Hills (Doo Lough) is 20km north-east of Moyasta. Scattery Island is the only breeding site within the core foraging range of the proposed development.

The fact that Scattery Island is in the Shannon Estuary means there is no risk of direct disturbance to nesting sites. The only possible source of disturbance would be to hunting hen harrier in the vicinity of the greenway. Scattery Island is a tourist destination in its own right, with boats arriving daily. The nests on the island are protected from disturbance by wardens, but the birds are used to seeing people on the island. The proposed development will involve pedestrians and cyclists travelling in a contained greenway and therefore, disturbance to hunting hen harrier from greenway visitors should not arise.

During the winter months Hen Harrier move to from the uplands where they breed (with Scattery Island being an exception) to lowland areas. The risk of disturbance during this period would be to hunting hen harrier and to winter roosts. For the reasons presented in the NIS in relation to other birds, and above in relation to hen harrier during the nesting season, disturbance to hunting hen harrier should not arise.

Two records of winter roosts were provided to the developers of the Moanmore Wind Farm provided by the Irish Hen Harrier Winter Roost Survey. These records were of winter roosts on Scattery Island and Tullaghaer Lough (3km north of Moyasta). These are both isolated areas with scrub or tall vegetation. The habitats along the proposed development are generally improved grassland. There are some areas of unimproved wet grassland such as south of Moyasta, however this area is along the N67 and exposed to the coast. The proposed development will prevent people leaving the greenway itself and therefore the wider area will be undisturbed. Furthermore, there is more suitable winter roost habitat on cutover bog/ heath/ scrub habitat further inland.

4. CONCLUSION

The Applicant has responded in detail to each of the submissions received above.