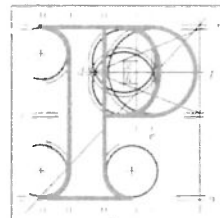


Our Case Number: ACP-324410-26



An
Coimisiún
Pleanála

John Purtill
Moyasta
Kilrush
Co. Clare

Date: 07 September 2026

Re: Proposed West Clare Railway Greenway Section 1: Kilrush to Kilkee Project
Kilrush to Kilkee via Moyasta, Co. Clare

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed road development and will take it into consideration in its determination of the matter.

Please note that the proposed road development shall not be carried out unless the Commission has approved it or approved it with modifications.

If you have any queries in relation to this matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

HA02C

Teil
Glao Áitiúil
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Website
Email
(01) 858 8100
1800 275 175
www.pleanala.ie
communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

From: John Purtill <bayview.moyasta@gmail.com>

Sent: Thursday 20 August 2026 20:51

To: LAPS <laps@pleanala.ie>

Subject:

You don't often get email from bayview.moyasta@gmail.com. [Learn why this is important](#)

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

****To:****

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

****RE:** Clare County Council Compulsory Purchase Order – West Clare Railway
Greenway, Section 1: Kilrush to Kilkee******

****CPO Case Reference:** KA03.324416******

****Landowner:**** John Purtill

****Property:**** Moyasta, Kilrush, County Clare

Dear Sir/Madam,

STATEMENT OF CONCERNS AND STATUTORY OBJECTION

I wish to place on record the following concerns regarding the Clare County Council Compulsory Purchase Order relating to the proposed West Clare Railway Greenway, Section 1, Kilrush to Kilkee.

The proposed acquisition directly affects my home, farmyard and working agricultural holding at Moyasta.

I wish to make clear at the outset that I am ****not** opposed to the principle of developing a Greenway in West Clare******, nor should this submission be interpreted as a refusal on my part to continue engaging with Clare County Council through the voluntary land acquisition process.

I have engaged constructively with the project over a period of approximately five years and I remain willing to continue discussions with a view to reaching an acceptable voluntary agreement if the outstanding matters affecting my property can be satisfactorily resolved.

However, significant concerns remain regarding the necessity, proportionality and detailed design of the particular alignment proposed through my property and the consequences for the continuing operation of my agricultural holding.

These concerns include:

- * the significant agricultural severance identified in Clare County Council's own environmental assessment;
- * agricultural access and crossings;
- * the adequacy of proposed accommodation works;
- * farm safety;
- * fencing and drainage;
- * residential privacy and farm security;
- * landscape and screening impacts;
- * whether a less damaging local alignment has been adequately examined; and
- * the circumstances surrounding statutory service of the CPO documentation.

****For the purposes of protecting my statutory position, I request that this submission be treated as an objection to confirmation of the CPO insofar as it affects my property while the matters set out below remain unresolved.****

This statutory objection should not be interpreted as terminating voluntary negotiations, refusing to reach agreement, or withdrawing from the Voluntary Land Acquisition Agreement process.

I respectfully request that An Coimisiún Pleanála consider the following matters before determining whether compulsory acquisition of my lands on the presently proposed basis is necessary and justified.

1. STATUTORY SERVICE AND CHRONOLOGY OF THE CPO NOTICE

I have concerns regarding the circumstances in which the statutory CPO notice concerning my property was served and request that Clare County Council demonstrate that the applicable statutory requirements were fully complied with.

The postal item containing my CPO documentation bears An Post tracking number ****CB197283234IE****.

The An Post tracking history available to me records:

- * **29 June 2026 at 18:06:** An Post received information concerning the incoming item from the sender;**
- * **1 July 2026 at 16:29:** An Post recorded that it had received the item and would process it for delivery;**
- * **3 July 2026 at 07:19:** the item was recorded as out for delivery; and**
- * **3 July 2026 at 13:17:** the item was recorded as ***"delivered to your safe spot."****

I was not personally handed the item and, to the best of my knowledge, no signature was requested or obtained from me.

A family member received the post at the property that day and the item was left aside with other household post. There was nothing apparent from the manner of delivery that drew my attention to the fact that it contained important statutory documentation concerning the compulsory acquisition of my property.

As a result, I did not personally become aware of and open the CPO documentation until the 12th of July..

I appreciate that the date upon which I personally opened the correspondence is not necessarily determinative of the legal date of service. I therefore do not seek to make an unsupported assertion that service was invalid simply because I did not personally receive or sign for the item.

My concern is that the statutory chronology and method of service should be clearly established.

The statutory CPO procedure requires notice to be served upon affected owners before the CPO is submitted for confirmation.

In circumstances where the material available to me describes the item as an An Post parcel and records delivery to a "safe spot", I respectfully request that Clare County Council be required to establish:

1. the precise postal product and method of statutory service relied upon;
2. the date and time upon which the Council contends statutory service upon me was effected;
3. the statutory method of service upon which it relies;
4. the date and, insofar as it can be established, the time upon which the CPO was submitted to An Coimisiún Pleanála;
5. whether the required statutory notice had been served in accordance with the applicable requirements before submission of the CPO for confirmation; and
6. the documentary evidence upon which the Council relies in establishing compliance.

I enclose photographs of the original postal packaging together with the An Post tracking history.

Compulsory acquisition constitutes a serious interference with private property rights. I therefore respectfully request that An Coimisiún Pleanála satisfy itself that the applicable statutory notification and service requirements were complied with before determining the CPO.

2. CLARE COUNTY COUNCIL'S OWN ASSESSMENT IDENTIFIES A SERIOUS AGRICULTURAL IMPACT

My holding at Moyasta is identified as ****Farm Reference 223**** in the agricultural assessment prepared as part of the project documentation.

Of particular importance, the acquiring authority's own assessment identifies serious consequences for this holding, including:

- * permanent reduction in agricultural land;
- * division of the farm into two separate areas;
- * loss of direct access between the southern portion of the holding and the farmyard; and
- * impacts upon existing field boundaries and normal agricultural operations.

The assessment categorises the ****magnitude of impact upon Farm Ref. 223 as High****, with a ****Significant pre-mitigation effect****.

These impacts are therefore not simply concerns raised by me as the landowner. Serious agricultural consequences have been identified within the acquiring authority's own environmental assessment.

The permanent division of a working agricultural holding cannot, in my view, be adequately assessed merely by reference to the area of land proposed to be acquired.

The practical consequences for:

- * livestock movement;
- * machinery access;
- * farmyard access;
- * field management;
- * drainage;
- * farm security; and
- * the efficient management of the retained holding must also be properly considered.

Where the Council's own assessment identifies an impact of this magnitude, I respectfully submit 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.

3. NECESSITY, PROPORTIONALITY AND LESS DAMAGING LOCAL ALTERNATIVES

I recognise that Clare County Council has undertaken a wider route-selection and alternatives process.

My concern is more specific.

I do not consider that it has been adequately demonstrated why a localised modification or deviation in the immediate vicinity of ****Farm Ref. 223**** could not

reasonably avoid or materially reduce the substantial agricultural severance identified by the Council's own consultants.

Where a proposed compulsory acquisition will result in a ****High magnitude**** impact and ****Significant pre-mitigation effect**** upon an established agricultural holding, I respectfully submit that a less damaging local solution should be properly examined.

I therefore request that Clare County Council explain:

- * what specific local alternatives were considered in the immediate vicinity of my holding;
- * whether an alignment following or more closely respecting existing field boundaries was considered;
- * whether minor deviations capable of reducing or avoiding severance were examined;
- * what agricultural assessment was undertaken of any such alternatives;
- * why those alternatives were rejected; and
- * why the presently proposed alignment is considered necessary despite the identified agricultural impact.

The proposed Greenway is not required in every location to follow the precise former railway alignment regardless of local circumstances.

I understand that modifications and deviations have been incorporated elsewhere where considered appropriate.

I respectfully request that equivalent detailed consideration be applied to Farm Ref. 223.

Where an identified serious impact could potentially be avoided or materially reduced through a localised alteration, I respectfully submit that avoidance should be fully examined before compulsory acquisition is relied upon to create the severance and mitigation measures are then used to manage its consequences.

4. PERMANENT SEVERANCE OF A WORKING AGRICULTURAL HOLDING

One of my principal concerns is the permanent severance of my agricultural holding.

The proposed Greenway does not simply involve acquisition of a narrow strip of agricultural land.

It introduces a permanent public recreational route through land which presently operates as part of one agricultural unit.

It changes the practical relationship between my farmyard and the surrounding agricultural lands and the manner in which livestock, tractors, trailers, agricultural machinery and persons working on the farm can move through the holding.

Land which is currently traversed as part of ordinary farm management would instead be divided by a public Greenway with associated fencing, gates and controlled crossing points.

That represents a permanent operational change.

Movements which presently take place entirely within a private agricultural holding would potentially become interactions between agricultural activity and members of the public.

I respectfully submit that consideration should first be given to whether this severance can reasonably be avoided or substantially reduced through modification of the alignment.

The availability of proposed mitigation measures does not in itself establish that creation of the severance is necessary.

5. AGRICULTURAL ACCESS, CROSSINGS AND OPERATIONAL SAFETY

The project documentation proposes agricultural crossing arrangements associated with my holding, including crossings in the vicinity of approximately **Ch. 7+275 and Ch. 7+575**.

I remain concerned that these arrangements do not provide an equivalent replacement for the agricultural access and freedom of movement presently available within my holding.

An at-grade crossing of a public Greenway is fundamentally different from movement across one's own farm without the presence of a public recreational route.

The proposed arrangements should therefore be assessed against actual agricultural operations, including:

- * tractors and agricultural machinery of normal modern dimensions;
- * trailers and loaded machinery;
- * livestock movements;
- * seasonal silage operations;
- * slurry and manure operations;
- * turning and manoeuvring requirements;
- * sight lines and visibility;
- * the ability of Greenway users to see and react to agricultural machinery;
- * the ability of tractors and loaded agricultural vehicles to stop safely;
- * pedestrians and cyclists approaching at different speeds;
- * children;
- * dogs, including uncontrolled dogs;
- * persons using wheelchairs or other mobility equipment;
- * management of Greenway users while livestock or machinery is crossing;

- * gate security;
- * emergency access; and
- * the consequences of an accident or escaped livestock.

A public Greenway is being introduced into an existing agricultural workplace.

It is therefore important that the agricultural operation remains capable of continuing safely and practically rather than the landowner being left to manage conflicts created by the introduction of the public route.

I have not been provided with a farm-specific operational health and safety assessment demonstrating that my agricultural holding can continue to be operated safely following the proposed severance and with the proposed crossing arrangements.

I respectfully request that Clare County Council identify any farm-specific operational safety assessment undertaken for Farm Ref. 223 and demonstrate that the proposed design has been assessed against the real agricultural activities which will continue on these lands.

If no such assessment has been undertaken, I respectfully submit that the adequacy of the proposed crossing arrangements has not yet been fully demonstrated.

6. ACCOMMODATION WORKS REMAIN TO BE FULLY RESOLVED

A number of important accommodation works affecting the future operation, access and security of my holding remain unresolved to my satisfaction.

These include:

- * stockproof boundary fencing appropriate to the agricultural use of the adjoining lands;
- * agricultural gates of adequate width and specification;
- * livestock crossing arrangements;
- * machinery crossing arrangements;
- * drainage and culvert reinstatement;
- * protection of existing farm drainage;
- * construction access and subsequent reinstatement;
- * protection of water supplies;
- * long-term maintenance of fencing and gates;
- * measures to prevent dogs entering agricultural lands;
- * measures to discourage Greenway users from entering private lands;
- * security adjacent to my farmyard and agricultural buildings; and
- * arrangements necessary to maintain practical access between all parts of my holding.

These matters are not minor construction details.

They directly affect whether the retained agricultural holding can continue to function safely and efficiently after acquisition.

I respectfully request that the accommodation works necessary to address the identified impact on Farm Ref. 223 be clearly identified and resolved through the ongoing process rather than being left uncertain until after the lands have been compulsorily acquired.

The fact that I raise these concerns should not be interpreted as refusing to discuss or agree appropriate accommodation works. I remain willing to engage constructively in seeking practical solutions.

7. LONG-TERM RESPONSIBILITY, FENCING AND LIABILITY

The proposed Greenway introduces interactions and potential risks which do not presently exist on my holding.

New Greenway boundaries, gates and crossings will form the interface between a working farm and a public recreational route.

Their adequacy and long-term maintenance are therefore fundamental.

I have concerns about the consequences if, for example:

- * boundary fencing proves inadequate;
- * a gate is damaged or left open;
- * livestock gain access to the Greenway;
- * a Greenway user or dog enters adjoining agricultural land;
- * a collision occurs at an agricultural crossing; or
- * a defect in an accommodation work contributes to an incident.

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

A landowner should not be exposed to additional uncertainty or liability because infrastructure required solely as a consequence of the introduction of a public project later proves inadequate.

These matters should, in my view, form part of any satisfactory resolution of the outstanding issues between the parties.

8. RESIDENTIAL PRIVACY AND FARM SECURITY

The proposed Greenway will introduce public access into an area closely associated with my brothers private residence and my farmyard and agricultural operations.

This represents a significant permanent change in the character, privacy and security of my property.

My concerns include:

- * residential overlooking;
- * intrusion into the privacy associated with my brother's home;
- * unauthorised access to the farmyard or agricultural fields;
- * dogs entering lands containing livestock;
- * interference with gates;
- * security of machinery and agricultural equipment;
- * persons entering areas in which agricultural operations are taking place; and
- * potential conflicts between Greenway users and normal farming activity.

The provision of a public amenity should, insofar as reasonably practicable, be reconciled with the reasonable privacy, security and continuing use of the adjoining home and working agricultural holding.

I request that appropriate and effective measures be agreed and incorporated into the design to provide adequate separation between the public Greenway and my private residential and agricultural areas.

9. LANDSCAPE, SEASCAPE AND BOUNDARY SCREENING

I also have concerns regarding the proposed boundary and screening treatments along the Poulmasherry Bay area.

I recognise that particular boundary or screening treatments may be required for ecological or other identified reasons.

However, insofar as reasonably practicable, these requirements should also have regard to residential amenity, the established landscape and seascape character, and existing views towards Poulmasherry Bay.

My property contains approximately **340 metres of the former railway alignment** affected by the proposal.

The cumulative effect of extensive opaque or solid screening along this coastal location could create a substantial and permanent visual barrier.

I therefore request that the precise:

- * extent;
- * location;
- * height;
- * construction;
- * planting;

- * maintenance requirements; and
- * visual permeability

of proposed screening adjoining my property be clearly identified.

Where opaque screening is not demonstrated to be necessary for a specific environmental, ecological, safety or privacy purpose, I request that less visually intrusive boundary treatments be considered.

10. CONSULTATION AND OUTSTANDING MATTERS

I have engaged constructively with Clare County Council and its representatives throughout the Greenway consultation and land acquisition process over a period of approximately five years.

Despite this lengthy period of engagement, important matters relating to the future operation of my holding remain unresolved.

These include:

- * agricultural access;
- * permanent farm severance;
- * agricultural crossings;
- * accommodation works;
- * fencing;
- * drainage;
- * privacy;
- * security;
- * safety; and
- * the detailed treatment of the route through my property.

I am concerned that the project has progressed to compulsory acquisition while these fundamental matters affecting the future operation of my farm remain unresolved.

The existence of several years of consultation should not in itself be treated as demonstrating that the issues affecting my holding have been satisfactorily addressed.

The relevant question is whether practical solutions have actually been agreed which enable my remaining holding to continue to operate safely and efficiently.

I remain willing to work towards such solutions.

11. CONTINUING VOLUNTARY NEGOTIATIONS AND VLAA PROCESS

For the avoidance of doubt, this submission should ****not**** be interpreted as:

- * a refusal to participate in the Voluntary Land Acquisition Agreement process;

- * a withdrawal from voluntary negotiations;
- * a refusal in principle to reach a voluntary agreement;
- * a refusal to consider appropriate accommodation works;
- * a refusal to agree compensation or other terms; or
- * a statement that agreement cannot be reached.

I remain willing to engage constructively with Clare County Council and its representatives with a view to resolving the outstanding concerns identified in this submission.

That may include consideration of:

- * an alternative or modified local alignment;
- * measures capable of avoiding or materially reducing farm severance;
- * appropriate agricultural access and crossings;
- * suitable accommodation works;
- * fencing and drainage arrangements;
- * appropriate privacy and security measures;
- * voluntary land acquisition; and
- * compensation and other applicable arrangements.

If satisfactory terms and appropriate accommodation measures can be agreed which properly address the agricultural, access, safety, residential and property concerns affecting my holding, I remain willing to consider concluding a voluntary agreement.

The purpose of this statutory submission is to protect my position while the proposed compulsory acquisition is before An Coimisiún Pleanála and while these substantive matters remain unresolved.

****Nothing contained in this submission is intended to waive, prejudice or surrender any entitlement I may have under the Voluntary Land Acquisition Agreement process, the applicable Code of Best Practice, any Greenway-related payment scheme, or the statutory compensation regime.****

I respectfully request that the Commission take account of the consultation history relating specifically to my property, including relevant correspondence, meeting records, maps, proposed accommodation works and representations made by or on my behalf during the consultation and land acquisition process.

12. CUMULATIVE EFFECT UPON MY HOLDING

I respectfully request that the impact upon my property be considered cumulatively rather than treating each concern in isolation.

The combined consequences include:

- * permanent acquisition of agricultural land;

- * division of an established agricultural holding;
- * loss or alteration of direct agricultural access;
- * dependence upon controlled livestock and machinery crossings;
- * interaction between agricultural machinery and members of the public;
- * additional fencing and gates;
- * drainage implications;
- * additional maintenance requirements;
- * public access adjacent to my brother's home and my farmyard;
- * residential privacy impacts;
- * farm security concerns;
- * landscape and visual impacts; and
- * additional long-term management and safety obligations resulting from introduction of the Greenway.

Taken together, these represent a substantial and permanent alteration to the operation and enjoyment of my property.

That cumulative impact is particularly important where Clare County Council's own agricultural assessment identifies a ****High magnitude**** and ****Significant pre-mitigation effect**** upon Farm Ref. 223.

I respectfully submit that the question of whether these impacts can reasonably be avoided or materially reduced should be fully examined while voluntary engagement remains ongoing.

REQUEST ARISING FROM MY CONCERNS

Having regard to the unresolved matters set out above, I respectfully request that An Coimisiún Pleanála ****not confirm the proposed compulsory acquisition of my lands on the basis presently proposed while these substantial matters remain unresolved****.

In particular, I respectfully request proper consideration of whether the acquisition and severance proposed are necessary where:

- * Clare County Council's own assessment identifies a serious agricultural impact;
- * my working holding will be permanently severed;
- * the adequacy and operational safety of the proposed crossings remain unresolved;
- * important accommodation works remain outstanding;
- * the long-term implications for the operation, security and management of my farm require further resolution; and
- * it has not been adequately demonstrated to me that a less damaging localised alignment capable of avoiding or materially reducing these impacts is not reasonably practicable.

Alternatively, I request that consideration be given to a modified or less damaging local alignment and/or other measures capable of avoiding or materially reducing the severance and associated impacts upon my holding.

I further request that agricultural access, farm-specific operational safety, crossings, accommodation works, fencing, drainage, privacy, security and screening arrangements be satisfactorily addressed.

These requests are entirely compatible with my continuing willingness to engage through the voluntary land acquisition process and seek an agreed solution.

REQUEST FOR ORAL HEARING

Given the nature and extent of the unresolved matters affecting my agricultural holding, I formally request that An Coimisiún Pleanála convene an ****Oral Hearing**** in respect of the CPO.

An Oral Hearing would provide an appropriate opportunity to examine and clarify:

- * the agricultural severance identified in the Council's own assessment;
- * the necessity of the particular alignment through my holding;
- * potential less damaging local alternatives;
- * agricultural access and crossing arrangements;
- * farm-specific operational safety;
- * outstanding accommodation works;
- * the adequacy and long-term maintenance of boundaries and gates;
- * residential privacy and farm security impacts; and
- * the circumstances and chronology of statutory service.

These are substantive matters concerning the proposed acquisition and future operation of my holding and are not confined to the assessment of monetary compensation.

An Oral Hearing would also allow the relevant mapping, agricultural assessment, proposed accommodation works and other evidence to be properly examined.

My request for an Oral Hearing should not be interpreted as terminating or obstructing ongoing voluntary discussions with Clare County Council.

I remain willing to resolve the concerns identified in this submission through constructive engagement if satisfactory solutions can be agreed.

SUPPORTING DOCUMENTATION AND RESERVATION OF RIGHTS

I enclose and/or reserve the right to provide further material relevant to the concerns raised in this submission, including:

- * An Post tracking documentation;
- * photographs of the postal packaging;
- * maps;

- * photographs of the holding;
- * correspondence with Clare County Council and its representatives;
- * records concerning consultation and proposed accommodation works;
- * agricultural or professional reports; and
- * any additional documentation necessary to respond to matters raised by Clare County Council or arising during consideration of the CPO.

Nothing in this submission should be interpreted as limiting any statutory, constitutional, property, compensation or other rights available to me.

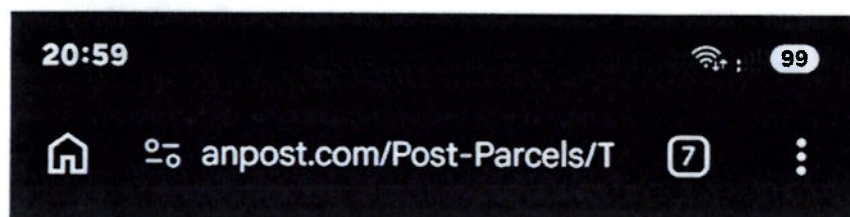
Nothing in this submission is intended to prevent or prejudice the reaching of a satisfactory voluntary agreement with Clare County Council.

Please acknowledge receipt of this submission and statutory objection.

Yours faithfully,

****John Purtill****

Moyasta
Kilrush
County Clare



Item history



CB197283234IE

Order Number: **60**

● 03 July 2026 13:17
Your item has been delivered to your safe spot.

● 03 July 2026 07:19
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