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**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA DE CHEANTAR BARDASACH THRÁ LÍ A
THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN
CÉADAÍN, 23RD MEÁN FÓMHAIR, 2020.**

**MINUTES OF THE SPECIAL MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF
TRALEE HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
WEDNESDAY 23RD SEPTEMBER 2020.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

D. Ferris	J. Finucane	C. Foley
S. Locke	M. Sheehy	J. Wall
T. O' Brien (Mayor)		

IN ATTENDANCE/I LÁTHAIR

Mr. M Scannell	Delegated Executive for the Municipal District of Tralee
Mr. C. Nagle	Acting Senior Executive Engineer Tralee Municipal District
Mr. P. Corkery	Meetings Administrator
Mr. T. Sheehy	SE Capital Infrastructure Unit
Mr. S. O' Sullivan	SEE Capital Infrastructure Unit
Mr. O. O' Shea	Press & Communications Officer
Ms. M C Sweeney	ASO Corporate Services

The meeting commenced at 9:30 am

Cllr. T. O' Brien, Mayor, took the Chair.

Mayor T. O' Brien advised the members that this was a Special Meeting called for the Part VIII for Tralee-Fenit Greenway (Bawnboy) Bawnboy to Ballynahoulort, Tralee and stated that it was very exciting to see the Greenway started. It will be a huge game changer for the Tralee MD area and will be a source of much needed revenue.

Mr. P. Corkery outlined details of the protocols in place in relation to attendance at Council meetings which were in place to protect public health.

**20.09.23.01 Business Prescribed by Statute, Standing Orders or
Resolutions of the Municipal District Members for transaction at such meeting.**

To consider the Chief Executive's Report and Recommendation, in accordance with Section 179 (3) (a) of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) for the following development

Tralee-Fenit Greenway (Bawnboy)
Bawnboy to Ballynahoulort, Tralee

Mr. P. Corkery, Meetings Administrator, advised members of duties under Ethics Legislation as follows: "I wish to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual councillor. Under the beneficial interest provision and should that provision apply, a councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected person's interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed, and accordingly, he/ she shall take no part in the discussion of the matter and shall refrain from voting in relation to it.

Mr. T. Sheehy read the report, which was previously circulated to the members into the record of the meeting and stated that the development of the Tralee-Fenit Greenway has been an objective of Kerry County Council since the 1980's and something that the Cllrs. had always been hugely supportive of. The Cllrs. have greatly aided Kerry County Council in getting the original Part VIII across the line.



Comhairle Contae Chiarraí

Kerry County Council

Chief Executive's Report and Recommendation, in accordance with Section 179 (3) (a) of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) for the following development

Tralee – Fenit Greenway (Bawnboy)

Bawnboy to Ballynahoulort, Tralee

September 2020

Prepared by:
Capital Infrastructure Unit
Princes Quay
Tralee

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1. Introduction

Overview

The proposed greenway is approx. 1.3km in length and located in the townlands of Bawnboy and Ballynahoulort. The greenway will form part of the Tralee-Fenit Greenway and will be for the sole use of pedestrians and cyclists.

The Tralee-Fenit Greenway received Part 8 Planning approval in September 2018. Kerry County Council received funding for the project under the National and Regional Greenways Fund, from the Department of Transport, Tourism and Sport (DTTAS), in August 2019. The permitted greenway is currently under construction.

The Tralee Fenit Greenway is a project to progress the completion of approximately 10.65km of rural greenway along the former corridor of the disused Tralee to Fenit railway line which was closed in 1978 as part of the overall closure of the Great Southern railway line. The urban section of the route consisting of approximately 2.2km of amenity trail in Tralee Town centre was completed by Kerry County Council in 2016 and links Tralee (Casement) Railway Station to Mounthawk at Bracker O'Regan Road.

This project aims to complete a route from Ballynahoulort to Fenit by constructing a 3m wide greenway suitable for off road walking and cycling in a rural area.

The key objectives of the project are:

- Develop the local tourist economy by building a safe cycling and walking amenity which allow locals and tourists to cycle safely in a car free environment.
- Provide a new link between Fenit, Tralee and the surrounding townlands and thereby improve the social fabric of our local communities.
- Provide an amenity that allows for universal access attracting families, the elderly and disabled persons.
- Compliment a range of existing and future tourism trails throughout County Kerry



Figure 1.0 – Tralee to Fenit Greenway (red)

2. Proposed Development

Site Location and Description

The Bawnboy greenway design will follow that of the Tralee to Fenit Greenway. It is a proposed amendment to the Tralee to Fenit Greenway. The amendment is in the townlands of Bawnboy and Ballynahoulort.

The Bawnboy greenway proposed development is off the original railway corridor and through a green field site for approx. 500m. The route then follows the line of the former Tralee to Listowel railway for approx. 750m. The proposal re-joins the permitted Tralee to Fenit Greenway 230m west of its end point, in Tralee.

The characteristics will follow that as outlined in the Tralee to Fenit Greenway Project Briefing Document, June 2018 and is informed by the TII design standard, Rural Cycleway Design (Offline) DN-GEO-03047, April 2017.

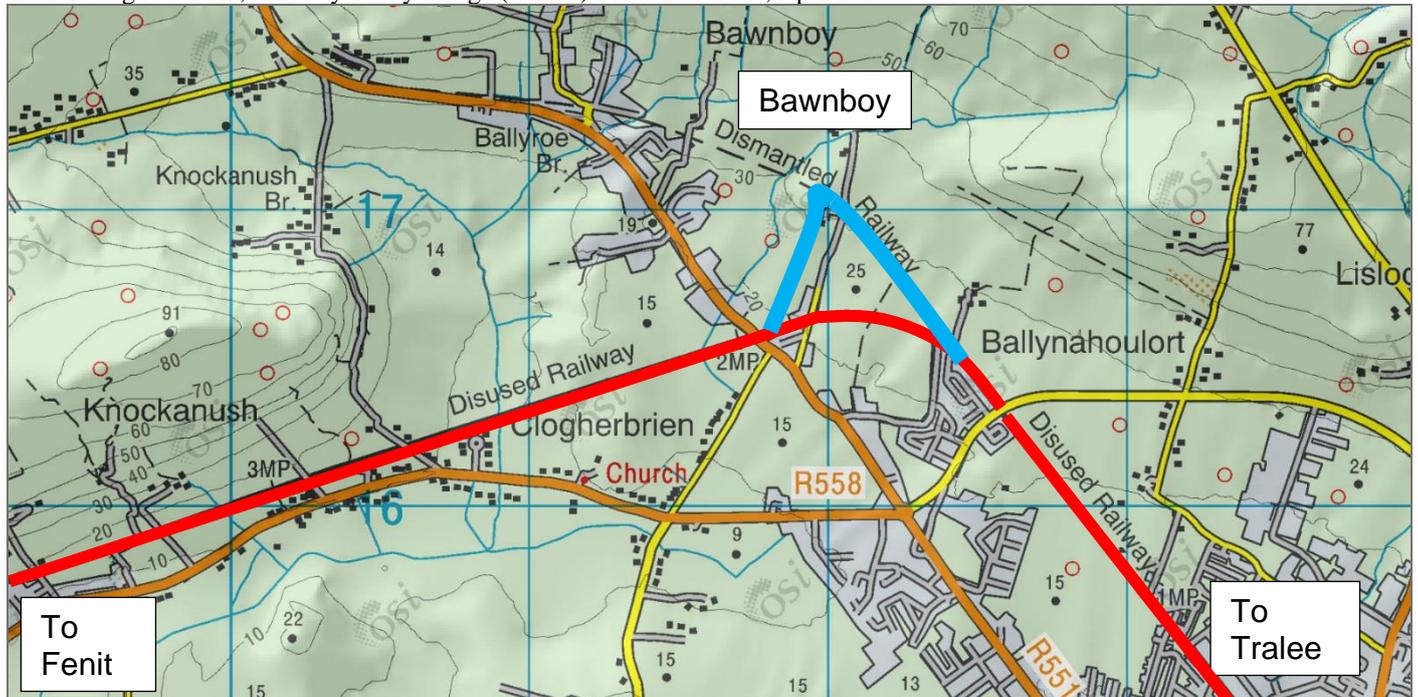


Figure 1.1 – Bawnboy Greenway (blue)

The proposed works will consist of:

- lifting of the old railway rails, where present
- removal of the topsoil, where greenfield
- construction of a 3m wide paved surface (asphalt concrete) with a 1m wide grass verge on each side of the paved surface
- retaining existing hedgerows, where present, to be left in-situ and repaired as required
- stock proofing fence, where required
- boundary fencing or treatments, as agreed
- signage, road markings and traffic calming measures
- pedestrian / cycle and agricultural crossing points and gates, where required
- retaining and making good the existing drainage
- new drainage, as over the edge to drainage channels or filter drains, as necessary, and to existing drainage outlets
- additional landscaping / screening, where required
- all other associated site works

Planning Context

Kerry County Council believes that this project will provide clear positive economic impacts to Fenit and Tralee and will stimulate economic activity between neighbouring townlands. It is consistent with both the *Local Economic and Community Plan (LECP)* and the *Kerry County Development Plan 2015-2021* and is supported by National policy in particular the *National Planning Framework 2018-2027*, *Smarter Travel- A New Transport Policy for Ireland 2009-2020* and *Strategy for the Future Development of National and Regional Greenways- July 2018*. See Appendix A of this report for full planning policy context supporting this development.

Environmental Assessment

Final Screening Determinations are contained in Appendix D to this report.

3. Public Consultation

In accordance with S.179 of the Planning and Development Act 2000 (as amended), the Statutory Consultation, Public Notice, regarding the proposed works was advertised in the Kerry's Eye newspaper from **Thursday 23rd July 2020 until Thursday 3rd September 2020**.

3 no. site notices were erected on lands adjacent to the proposed route on Thursday 23rd July 2020 and inspected regularly thereafter. The site notices at the trail head on the Bracker O'Regan Road and on the R551 Ardfert Road at the 'Black bridge' in the townland of Bawnboy remained in place for the duration of the statutory period. The site notice in the townland of Bawnboy located at a private road and the former Tralee to Listowel line was removed. The site notice was replaced and subsequently removed. 4 notices were erected and removed in total. The site notices were inspected weekly and recorded.



Site Notice – Bracker O'Regan Road



Site Notice – on the R 551, 'Black Bridge'

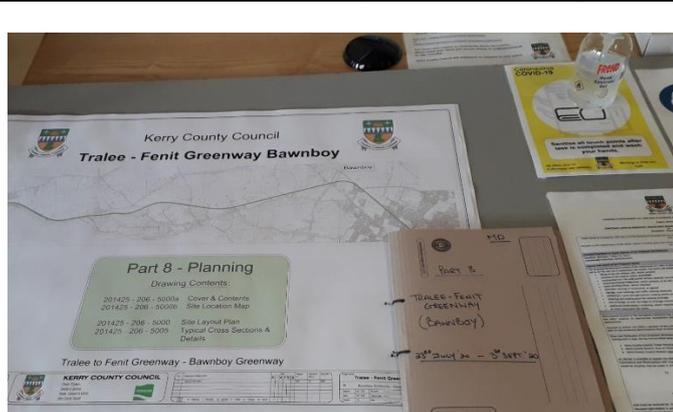


Site Notice No. 3 – Private Road & Tralee-Listowel Greenway

The Plans and Particulars for the development were on display from **Thursday 23rd July 2020 until Thursday 3rd September 2020** at the following locations:

- Kerry County Council, Tralee Municipal District, Princes Quay, Tralee, Co. Kerry
- Kerry County Council, Roads, Áras an Chontae, Rathass, Tralee, Co. Kerry
- Kerry County Council Website www.kerrycoco.ie

Submissions and observations with respect to the proposed development dealing with proper planning and sustainable development of the area were invited on or before **5:00pm on Friday 4th September 2020**.



Plans and Particulars on display at Tralee Municipal District Office, Princes Quay, Tralee during the prescribed period.



Plans and Particulars on display at Kerry County Council, Áras on Chontae, Rathass, Tralee during the prescribed period.

4. Submissions or Observations

Persons or Bodies who made submissions or observations within the prescribed period.

176 submissions were received by Capital Infrastructure Unit, Kerry County Council.

The following is a list of Persons or Bodies who made submissions or observations within the prescribed period.

SUBMISSION NO.	NAME
<u>Statutory Bodies</u>	
S-1	Aiden Kelly, Office of the Minister for Agriculture, Food and the Marine, Dublin 2
S-2	Mark Byrne, Regulatory & Administration Unit, TII, Parkgate Business Centre, Parkgate Street, Dublin 8
S-3	Alice Byrne Kelly, South Regional Assembly, Assembly House, O'Connell Street, Waterford
S-4	John M O'Sullivan, John McEniry Water Services, Kerry County Council, Maria O'Dwyer Irish Water
S-5	Brendan Dunne, John Moynihan, HSE South, Unit 4, Liber House, Monavalley Business Park, Tralee, Co. Kerry

SUBMISSION NO.	NAME
<u>General Submissions</u>	
G-1	Friends of Tralee Fenit Greenway
G-2	Ristead Pierse
G-3	Xavier Maher
G-4	Keith Phelan
G-5	Brian Monaghan
G-6	Anne Counihan
G-7	Pauline Connolly
G-8	Gortbrack Organic Farm
G-9	Brian Phelan
G-10	Fedor Bunge
G-11	Bill Downes
G-12	Dr Andrew Foley
G-13	Gearoid O' Foighil

G-14	Jarrod Mullins
G-15	Murray Nolan
G-16	Mark Grehan
G-17	Simon Doyle
G-18	Alan Tiernan
G-19	Damien Mc Guinn
G-20	Martin Doyle
G-21	Damien Byrne
G-22	Desmond Griffin
G-23	Fiona Irwin
G-24	Tommy Shaughnessy
G-25	Eoin Broderick
G-26	Brendan Quinn
G-27	Dr Jane McCafferty
G-28	Julie Arnison (1) – See G-60
G-29	Kelly & Co solicitors
G-30	Billy Kemp
G-31	Marc Evers
G-32	Eoin Maher
G-33	Ina McGrath
G-34	Danny Sheehy
G-35	Patrick Dinneen
G-36	John O’Hora
G-37	Quentin O’Connor
G-38	Carmel O’Regan
G-39	James Wrenn, Friends of Tralee Fenit Greenway
G-40	Clara Clark – cycling without age.ie
G-41	Fergus Courtney
G-42	Matthew Hopper
G-43	Shane Commene
G-44	Cormac Costello

G-45	Elisabeth Koch
G-46	Michael Galvin
G-47	Catherine Melody
G-48	Judy Griffin
G-49	Brian Tubbert
G-50	Peter O'Regan
G-51	Geraldine McGettigan
G-52	Colm MacCarthy
G-53	Darragh Enright
G-54	Roslyn Steer
G-55	Paul Waldron
G-56	Kieran McDonogh
G-57	Peter Walker
G-58	Brian McArdle
G-59	Colin Boyle
G-60	Julie Arnison (2)
G-61	Evelyn O'Connell
G-62	Ivor McCormack
G-63	Steve Brennan
G-64	Holger Lorenz
G-65	John O'Brien
G-66	John O'Loughlin
G-67	Fergal D.Daly
G-68	Gavin Dempsey
G-69	David Bulter
G-70	Cathal Brennan
G-71	Máirtín Savage
G-72	Leonie O'Connor
G-73	Brandon Cronin
G-74	Robert Yeomans
G-75	David Keane

G-76	Killian Bannon
G-77	Fergal Buckley
G-78	Paul Keogh
G-79	Michael Guerin, GST
G-80	Adam Pierse
G-81	Donnacha Clifford
G-82	Anluan Dunne (1) (see G-116)
G-83	Brendan Guilfoyle
G-84	Kevin Corrigan
G-85	Adrienne McLoughlin
G-86	Brian Wade
G-87	Nathan Moore
G-88	Gerry Durham
G-89	Fiachra Dunne
G-90	Tim Lacey
G-91	Brendan O'Regan
G-92	Hannah Dardis
G-93	Tighearnach Dunne
G-94	Gerard Dornan
G-95	Stephen Hand
G-96	Cathal Turner, Tralee Swimming Diving Club
G-97	Colm Ryder, Cyclist.ie
G-98	Brendan McCarthy
G-99	Marguerite Egan
G-100	Simon Bellchambers
G-101	Jim McNamara
G-102	Colin McLeod
G-103	Tom O'Grady
G-104	Clare Hatcher
G-105	Máiréad O'Carroll
G-106	John Gilmartin

G-107	Daire Dunne
G-108	Cathal Gunton
G-109	Jack O'Callaghan
G-110	Maria Hayes
G-111	John Lane
G-112	John Ross
G-113	Carína Pierse (1) (see G-118)
G-114	Garoid Pierse
G-115	Brendan Guilfoyle
G-116	Anluan Dunne (2), Kerry Cycling Campaign
G-117	Brian Cotter
G-118	Carína Pierse (2)
G-119	Liz Shanahan
G-120	Paddy O'Callaghan
G-121	Stephen Moggan
G-122	Marianne O'Sullivan
G-123	Irene O'Connell
G-124	Donal O'Mahony
G-125	Shane McGillicuddy
G-126	Micheál Pierse
G-127	Nuala Rigney
G-128	Joe Cotter
G-129	Lily NíDhomhnaill
G-130	John V.Lawlor
G-131	Alan Doolan
G-132	Kieran Corcoran
G-133	Thomas O'Mahony
G-134	Gretta Walsh
G-135	Lola Scollard
G-136	Laurence Dunne
G-137	Linda Pierse

G-138	Jane Murphy
G-139	Arthur Spring
G-140	Norma O'Connor
G-141	Brian Leddin, Green Party TD Limerick City
G-142	Orla Foley
G-143	Tim Supple
G-144	Kerry Green Party
G-145	John Moriarty
G-146	Declan Lawless
G-147	Joan Swift, Sligo Cycling Campaign
G-148	Julienne Barrett
G-149	Liam O'Mahony, GST
G-150	Anthony Dawson
G-151	Peter Jackson
G-152	Mike Hayes
G-153	Conor Reen
G-154	Malachy Kelly
G-155	Mark Callanan
G-156	Seamus and Anne Kane
G-157	Colm O'Doherty
G-158	The Grove Residents Association
G-159	Con And Una O'Connor
G-160	John Shanahan
G-161	Jack Barry
G-162	George Murray
G-163	James Brown
G-164	Paul Steen
G-165	Mary Keane
G-166	Donal Mahon
G-167	Maurice Wrenn
G-168	Eileen Shirsat

G-169	Dermot Mangan
G-170	Gavin Drew
G-171	Stella O'Mahony

Issues Raised, with Respect to the Proposed Planning and Development of the Area, by Persons or Bodies who made Submissions or Observations, and CE Response and Recommendations

S-1 Aiden Kelly, Office of the Minister for Agriculture, Food and the Marine, Dublin 2

Submission

Acknowledgement of receipt of correspondence in relation to the proposed development.

CE Response:

Submission noted.

S-2 Mark Byrne, Regulatory & Administration Unit, TII, Parkgate Business Centre, Parkgate Street, Dublin 8

Submission

Acknowledged receipt of correspondence and TII (Transport Infrastructure Ireland) had no specific observations to make in relation to the development.

CE Response:

Submission noted.

S-3 Alice Byrne Kelly, South Regional Assembly, Assembly House, O'Connell Street, Waterford

Submission:

Acknowledgement of receipt of correspondence in relation to the proposed development.

CE Response:

Submission noted.

S-4 John M O'Sullivan, John McEniry Water Services, Kerry County Council, Maria O'Dwyer Irish Water (IW)

Submission:

Kerry County Council / Irish Water has no objection to the development as there are no impact to IW assets and no wayleaves required. The development has no impact to IW water source.

CE Response:

Submission noted.

S-5 Brendan Dunne, John Moynihan, HSE South, Unit 4, Liber House, Monavalley Business Park, Tralee, Co. Kerry

Submission:

It is recommended that the proposed development comply with all the legal limits, as appropriate, and that all necessary control measures using the best available technology area undertaken during the construction of the development. All measures shall be implemented to control waste, public health nuisances, traffic impacts and all associated emissions in order to remediate any health impacts.

It is recommended that all measures be implemented to protect any sensitive receptors in the area from construction impacts such as dust, rodents, interruptions to services, access issues etc. it would be recommended that a system or procedure be put in place to effectively deal with complaints during the construction of the development. Any such system should include the designation of a competent person to liaise with the local community in the event of public complaints and to ensure that remedial action is undertaken where necessary.

CE Response:

Submission has been noted and all measures will be implemented to protect any sensitive receptors in the area from construction impacts. There are full time liaison staff on the ground to deal with complaints during the construction of the development.

G-1 Friends of Tralee Fenit Greenway (Walk the Line) Group

Submission:

We, the Friends of Tralee Fenit Greenway (Walk the Line) group wish to strongly oppose this Part 8 proposal to deviate and divert the Greenway from the original rail line at Bawnboy, Tralee.

To assist in the preparation of this submission we requested background information from Kerry County Council on the reasons for the proposed deviation from the original Part 8 but have had no reply to date.

We are led to believe that an unauthorised business is refusing to vacate a short section of the line or to adapt to accommodate the greenway passage.

Tralee train station, the most westerly in Europe, connects with Fenit by the disused railway which was in continuous use for almost 100 years from 1887 to 1978.

Unlike most disused railways elsewhere in the state, this line was not at the time formally abandoned by C.I.E. because of its importance, linking the county's capital town, Tralee to the strategic port of Fenit.

Since closure there have been a number of attempts to develop the line including the Great Southern Railway Preservation Society proposal in 1987 and the failed purchase by Shannon Development and Kerry Co. Council in 1988.

The development of the line has been a constant 'objective' in the Co. Kerry Development Plan from as far back as 1989 but has been continuously ignored until recent times.

We formed a pressure group 9 years ago in 2011 to advocate advancement of the 'objective' and argue the case for the development of the rail line to form a Greenway. This was against the backdrop nationally of similar successful high profile greenway developments in Limerick, Mayo, Cork & Waterford.

The 2 km long urban section of the line within Tralee was successfully completed in two stages in 2013 & 2015. To date this is the only dedicated Greenway on disused railway that has been developed in Kerry.

We have consistently advocated for a full Part 8 planning application for the project to address in a public forum all of the concerns which would undoubtedly arise.

In 2018 the Part 8 planning permission for completion of the rural section to Fenit was met with widespread public support reflecting the pent up demand for this long overdue project and was passed with measures to mitigate its impact on adjoining landowners and residents.

This followed the transfer of the full ownership of the line from C.I.E. to Kerry County Council.

The only submissions relating to the Bawnboy stretch of line related to potential flooding and also potential issues with the old railway cottage known as Shinawill. As part of that submission it was requested that the building be used as part of the promotional material for the greenway. The proposed detour from the route will now bypass and disenfranchise this historic railway cottage.

It is consistent in the CE responses in addressing many concerns that the route 'offers the most direct and safest route to Fenit'

We are opposed to this new Part 8 plan for a number of reasons including the following:

The integrity of the line will be compromised.

The section of the 133 year old line that will be lost is the natural sweep from the shared line leaving Tralee to Clogherbrien bridge. Instead, a zig-zag switch back detour route is proposed which jars with the journey expectation and bypasses an historic railway building and signage.

0.7 Km (1.4km round trip) will be unnecessarily added to the journey.

This will undoubtedly lead to cycle commuters who live near Tralee opting for the much shorter route by public road.

Precedent being set for future Greenway development.

To effectively abandon a stretch of line which is in full public ownership and has achieved planning permission for a Greenway creates the wrong precedent for future greenway development.

Rewarding behaviour.

We commend adjoining landowners for not encroaching on the disused line over the last 30 years. This responsible behaviour contrasts with that of the individual who has set up an unauthorised business on public property and now refuses to move or adapt to allow passage. This Part 8 is an accession to this unlawful behaviour and sends out a message to the public of 'who will be rewarded'.

Unfairness.

The original Part 8, while achieving widespread support raised a number of concerns from individuals which were addressed as part of that planning process. This new Part 8 shows unfortunately that the original Planning can be unpicked by an intransigent individual, who appears to have made no submission and raised no concerns in that planning process. This completely undermines the original planning process and puts its validity in doubt

Cost.

The deviation of the route adds a cost to the project including the purchase/ lease of the extra land needed, the development of extra greenway length and the cost of this new part 8 process.

Time overrun.

We believe that the project should be completed in time for the 2021 season. The plan to deviate from the line makes this more difficult to achieve.

Failure.

This proposed part 8 for a detour represents failure in many areas including failure to protect public land and a public right of way, failure to protect and uphold the statutory planning process, failure to understand the nature and essence of Greenways on disused railways and

failure of resolve to properly carry out a project which has full planning permission.

We are strongly of the opinion that if the Greenway development was to commence and proceed on both sides of this individual that common sense and public opinion would ensure that the situation would be quickly resolved and that the public right of way on public land which has full planning permission for a Greenway would be protected and completed.

Should this Part 8 be passed and the detour proceed we request that it be a temporary measure and that the original plan be progressed with whatever legal means are necessary. The submission objects to the proposal at Bawnboy.

CE Response:

This submission raises the majority of the issues raised in the submissions received. In order to avoid repetition in the CE responses it is not proposed to answer each submission individually but where issues not raised in this submission are made they will be responded to individually. The issues raised in this submission are dealt with individually as follows:

The Part 8 proposal went on display on 23rd July 2020. On the 5th August a representative of KCC called to and spoke with a member of the Friends of Tralee Fenit Greenway explaining the reasons for the Part 8.

As stated in the submission it has been an objective of the Kerry County Council as far back as the 1980's to develop a Greenway along the old Tralee to Fenit Line. It is incorrect however to say that this objective had been ignored, as the land necessary for the development of the Greenway was not in KCC ownership during this intervening period. The land necessary for the development of the Greenway remained in CIE ownership until June 2017 when, following ongoing negotiations and having completed the abandonment process, CIE transferred the land to KCC. Following this transfer KCC commenced consultations with adjoining landowners and held a number of Public Open Days for both the Tralee to Fenit and Listowel to Limerick lines prior to commencing the Part 8 process. It is considered that proceeding with a Part 8 proposal without consulting and having regard to the views of the adjoining landowners would be unfair to those most impacted by the development. Following the completion of this consultation period, preparation of preliminary design drawings and finalising the environmental screening for the route, in June 2018 the Part 8 process for the development of the line was published.

Issue raised: The integrity of the line will be compromised.

The section of the 133 year old line that will be lost is the natural sweep from the shared line leaving Tralee to Clogherbrien bridge. Instead, a zig-zag switch back detour route is proposed which jars with the journey expectation and bypasses an historic railway building and signage.

Response: The most relevant objectives of the Kerry County Development plan 2015 to 2021 relating to this development are as follows:

T-27 Promote and facilitate the sustainable re-use of existing former railway lines for amenity purposes, such as cycleways, walkways and other recreational activities in order to develop a network of 'green routes' throughout the County.

RD-31 Support the sustainable establishment of a network of interlinked cycle ways and walkways within the County and the adjoining Counties including:

Tralee-Fenit,

Lough Leane Loop,

Glenbeigh-Renard

Great Southern Trail

Ballyseedy-Blennerville-Spa

and linking them where possible, where it can be demonstrated that the development will not have a significant effect on the environment, including the integrity of the Natura 2000 network.

To describe the proposal as a zig zag switch back detour misrepresents the proposal. The proposal introduces 2 bends on a route that is 10.6km in length while developing 700m along the Tralee to Listowel line. Objective RD-31 supports establishing a cycleway from Tralee to Fenit. This is exactly what the proposal is intended to achieve. Objective T-27 promotes the use of existing railway lines for amenity purposes such as cycling routes. Less than 5% of the Tralee to Fenit line will not be on the old railway line. While it is desirable that the use of the old railway line is maximised the main objective and the main expectation of the public is the provision an off-road segregated Greenway from Fenit to Tralee. This proposal will achieve this.

Issue raised: 0.7 Km (1.4km round trip) will be unnecessarily added to the journey.

This will undoubtedly lead to cycle commuters who live near Tralee opting for the much shorter route by public road.

Response: As outlined in the Strategy for the Future Development of National and Regional Greenways, a ‘Greenway is a recreational or pedestrian corridor for non-motorised journeys..... Greenways are not simply a means of getting from A to B, they are an experience in and of themselves’. The Tralee to Fenit greenway will provide a safe segregated off-road cycling and pedestrian amenity. If used by commuters it is not accepted that they will use the public road in preference to the segregated Greenway.

Issue raised: Precedent being set for future Greenway development.

To effectively abandon a stretch of line which is in full public ownership and has achieved planning permission for a Greenway creates the wrong precedent for future greenway development.

Response: There are very few locations on the abandoned railway lines throughout the County where there are existing structures on the line. The extent to which avoiding structures is setting a precedent is therefore very limited. Cognisance must also be taken of the particular circumstances at each location including the duration that the structure has been on the line.

Issue raised: Rewarding behaviour.

We commend adjoining landowners for not encroaching on the disused line over the last 30 years. This responsible behaviour contrasts with that of the individual who has set up an unauthorised business on public property and now refuses to move or adapt to allow passage. This Part 8 is an accession to this unlawful behaviour and sends out a message to the public of ‘who will be rewarded’.

Response: As mentioned previously, and while it is preferable that adjoining landowners would not have occupied the line, this is the only instance on the Tralee to Fenit line where a structure has been built on the line. This is a legacy issue and is outside the control of KCC.

Issue raised: Unfairness.

The original Part 8, while achieving widespread support raised a number of concerns from individuals which were addressed as part of that planning process. This new Part 8 shows unfortunately that the original Planning can be unpicked by an intransigent individual, who appears to have made no submission and raised no concerns in that planning process. This completely undermines the original planning process and puts its validity in doubt.

Response: This Part 8 process does not put the validity of the original Part 8 process in doubt. This proposal is a stand-alone proposal and is subject to the statutory process required.

Issue raised: Cost.

The deviation of the route adds a cost to the project including the purchase/ lease of the extra land needed, the development of extra greenway length and the cost of this new part 8 process.

Response: The cost of the scheme is not a relevant matter in consideration of the proper planning and development as it relates to this scheme. Kerry County Council was fully aware of the development on the line at the time of purchase from CIE in 2017 and were fully aware that all alternatives, and the cost of these alternatives, would need to be examined in relation to developing the Greenway at this location. In addition to negotiations with the landowner Kerry County Council examined all options in relation to the route and it is considered that the proposal is the most cost-effective means of constructing the Tralee to Fenit Greenway.

Issue raised: Time overrun.

We believe that the project should be completed in time for the 2021 season. The plan to deviate from the line makes this more difficult to achieve.

Response: The construction of an additional 500m of Greenway through a Greenfield site is not significant in the context of the overall timescale for the development of the Greenway and will not delay its completion. There will be minimal earthworks required as the gradient in the existing field is suitable for Greenway construction standards.

Issue raised: Failure.

This proposed part 8 for a detour represents failure in many areas including failure to protect public land and a public right of way. failure to protect and uphold the statutory planning process, failure to understand the nature and essence of Greenways on disused railways and failure of resolve to properly carry out a project which has full planning permission.

Response:

The occupation of this land is a legacy issue.

There is no failure in upholding the statutory planning process. The objective is to build an off-road segregated shared pedestrian and cycling amenity from Tralee to Fenit. The purpose of this Part 8 is to achieve this, in accordance with the objective of the County Development Plan, in the most cost efficient and timely manner possible.

Issue raised: We are strongly of the opinion that if the Greenway development was to commence and proceed on both sides of this individual that common sense and public opinion would ensure that the situation would be quickly resolved and that the public right of way on public land which has full planning permission for a Greenway would be protected and completed.

Response: As stated the main objective of the Council is to develop the Greenway in the most cost effective and expeditious manner possible. It is considered that to proceed in the manner suggested would jeopardise the completion of the Greenway indefinitely.

G-2 Ristead Pierse

Submission:

I have spoken some years ago -as a member of the local cycling club- at a public information meeting hosted by the Council at Ballyroe urging the Council to get on with this Greenway project as soon as possible, embracing local concerns and issues in so far as they reasonably can.

I was impressed with such process of consultation. While progress in the past decade has been slow, I have noted that the Council made adjustments (particularly in the Fenit area) to address local concerns, and this is a positive thing.

I have read this evening in the local media of an issue regarding rerouting of the pathway at Bawnboy. I understand that the Council "came on the scene" in the past decade. Previously CIE were owners of the line, during which time a local apparently incorporated a section of the line into some business use and may now be entitled to defend any proceedings using a defence of long possession. I have studied the map of the proposed rerouting, it appears to me to be moderate and reasonable. Rather than risk the project being delayed another decade by pursuing what may be an unwinnable issue through the courts, I think that it is appropriate for the council to proceed with the modest proposed adjustment of the route at the Bawnboy section of the Greenway.

CE Response:

Submission noted.

G-3 Xavier Maher

Submission:

The submission objects to the proposal at Bawnboy.

It is evident that the council failed in their duty to enforce proper planning in the area. Please reply and tell me if planning permission was ever applied for or granted on this land. Has any planning enforcement action ever been taken in relation to this development and if not why?

I believe strongly that it is the duty of the council to vindicate the right of the people to the use of this land for the greenway as planned. Court action must be taken to secure access and if the courts find against the council steps must be taken to purchase the land by compulsory purchase.

Action to stop the use of the land for a business must be taken immediately and any purchase price must reflect that there is no planning permission for commercial activity on the site.

N.B. By law it is illegal to trespass on railway property, so it is impossible to gain adverse possession.

CE Response:

See response to Submission G-1.

The land referred to in the submission was occupied when the land not in the ownership of KCC. No planning permission was ever granted for this development as such it remains unauthorised. The development does not have planning permission but given the length of time that the development has been in place it is outside the statutory timeframe for seeking a remedy under the provisions of the Planning and Development Acts. The current proposed alternative is the most cost-effective and quickest way to complete the Tralee to Fenit Greenway.

G-4 Keith Phelan

Submission:

The railbed of the Tralee to Fenit railway has been in place for 133 years, it is my understanding that the Tralee-Fenit railway was abandoned in 2014 and the ownership of the line in its entirety was transferred from Irish Rail to Kerry County Council in 2017 which means that land constituting the railway is in public ownership.

Kerry County Council previously requested planning permission to convert this land into a greenway, this proposal was passed unanimously by our elected representatives thus the route has full planning permission.

Given these facts it is confusing as to why Kerry Council Council is now requesting permission to divert the greenway route around a section of land which is both in public ownership and has full planning permission to be developed as a greenway.

According to the Strategy for the Future Development of National and Regional Greenways the preferred model for Greenways is to use lands already in control of the State, either through Government Agencies, Government Departments or Local Authorities, purchasing land to divert around public land run contrary to this guidance.

If someone in the area in question has an objection to the development of the former railway as a greenway one would have expected that they would have taken advantage of their statutory right to make their concerns known as part of the original Part VIII planning process, but after reviewing the manager's report it seems that no objection was made.

To make the proposed changes to the planned route after the fact serves to undermine the robustness of the planning process.

While the effects of the proposed diversion may not be seen as major for walking and cycle traffic the effect of this action will prevent any future use of the route as a railway which is contrary to the objectives of the county development plan to protect former railway routes for the potential of revived railway use.

*9.7.7 There are significant stretches of land that were formerly in use as railway lines. To the extent that these are engineering works negotiating difficult topographical obstacles, they constitute significant resources, with potential for use as corridors for amenity access, free from motorised traffic, **and even have potential for a revived railway use.** It will be the policy of the planning authority to consider proposals for development in these areas for local heritage and outdoor activities including the provision of recreational walkways.*

Directness is one of the most critical factors in the development and effectiveness of cycle infrastructure as highlighted in both the Department of Transport's **National Cycle Policy Framework** and the National Transport Authority's **National Cycle Manual**.

Five Needs of a Cyclist:

- *Road Safety*
- *Coherence*
- *Directness*
- *Attractiveness*
- *Comfort*

Cycling infrastructure should be as direct as possible, minimising any delays or detours. A well-designed urban cycle network should confer an advantage in terms of average distance or journey time when compared with other transport networks. – (National Cycle Policy Framework)

CE Response:

See response to G-1. Notwithstanding the transfer of CIE's interest in the land to Kerry County Council, Kerry County Council have to accept the legacy issues. The main objective of the Council, in accordance with the provisions of the Kerry County Development Plan, is to develop

the Greenway in the most cost effective and expeditious manner possible. It is considered that to proceed other than in the manner proposed would jeopardise the completion of the Greenway indefinitely.

The Strategy states *'The objective of this Strategy is to assist in the strategic development of nationally and regionally significant Greenways in appropriate locations constructed to an appropriate standard in order to deliver a quality experience for all Greenways users.'* While the document does state that the preferred model is to use lands in state ownership, it does not confine the development of Greenway to railway lines and this is certainly not the intention of the document. The document states:

'The nature of some route proposals can mean that the route is somewhat pre-determined as the majority of it might be on State-owned land or along former railway lines or canal towpaths. Nonetheless, the plan to construct a Greenway will intensify the use of that land and thus, potentially, impact on adjacent landowners. It is vital that all landowners that could potentially be impacted, either directly or indirectly, should be consulted and their concerns taken on board.'

'However, whilst there are significant amounts of land in State ownership around the country that are suitable for the construction of Greenways or sections of Greenways, there are also likely to be a small number of proposed Greenways that also traverse land that is in private ownership.'

Objections to the statutory Part 8 planning process are matter for the individual concerned to consider.

The current proposal is subject to the statutory planning and public consultation process and does not undermine the robustness of the planning process.

The proposal is not contrary to the provisions of the County Development Plan. Unused railway lines have the potential for revived railway use as well as amenity trails as stated in the County Development Plan. The objective states *'It will be the policy of the planning authority to consider proposals for development in these areas for local heritage and outdoor activities including the provision of recreational walkways.'* In this instance the abandonment of the railway line by CIE indicated that there was no intention to reopen this line and Kerry County Council, in accordance with the provisions of the County Development Plan, proposed the development of a recreational amenity. The proposal is not contrary to the provisions of the County Development Plan.

Directness is not a primary objective in the development of Greenways. The Strategy states *'Greenways are not simply a means of getting from A to B, they are an experience in and of themselves'* and also *'For the purposes of this Strategy, a Greenway is a recreational or pedestrian corridor for non-motorised journeys, developed in an integrated manner which enhances both the environment and quality of life of the surrounding area'*. It is considered that the additional 500m will not impact on its use for amenity or commuting purposes. The section quoted from the National Cycle Policy Framework refers to *'A well designed urban cycle network'*. The Greenway is not an urban cycle network.

The Greenway will add an additional 1km to the round trip.

G-5 Brian Monaghan

Submission:

The submission relates to concerns of anti-social behaviour which may arise and a request what measures are being provided to prevent anti-social behaviour, such as CCTV as installed elsewhere, and to protect private houses whose rear gardens back onto the greenway.

CE Response:

Kerry County Council met with Mr. Monaghan. Arising from the legislative provisions of GDPR, prior to the installation of CCTV cameras in any public area Garda Siochana authorisation is necessary. In order to obtain this approval, the applicant must demonstrate a clear necessity for their installation. A necessity test involves the examination of the proposed measure(s), supported by evidence describing the problem to be addressed by the measure(s), how the measure(s) will address the problem and why existing or less

intrusive measures cannot sufficiently address the issue. This test of necessity requires the preparation of a Data Protection Impact Assessment in order to support the subsequent application to An Garda Siochana. Kerry County Council are therefore not the decision maker on whether CCTV surveillance can be installed. Should a situation arise where there is clear evidence to support their use, an application to An Garda Siochana will be necessary and their approval sought. At present there is no such evidence to support such an application. It is proposed however that public lighting will be provided along this section of the route in order to discourage anti-social behaviour in this area. Should it become necessary in the future the ducting for this lighting can be used for CCTV installation. Refer to submission G -98.

G-6 Anne Counihan

Submission:

The submission requests that the route follows the Tralee to Fenit Greenway at Bawnboy.

CE Response:

See response to Submission G-1

G-7 Pauline Connolly

Submission:

Strongly objects to the proposal on the following grounds:

It is not the historical route and bypasses an old original level crossing and the first railway cottage on the line.

It will cost more and public money should not be used unnecessarily.

It will take longer to complete.

No explanation has been given as to why it is necessary.

Why has there been no public consultation?

Why was planning permission only on display for 2 days?

Why were hard issues left unresolved as a consequence of the rerouting?

CE Response:

See response to Submission G-1. The planning documents were on display and submission accepted for a period of 6 weeks as part of this public consultation on the proposal.

G-8 Gortbrack Organic Farm

Submission:

The submission requests that the route follows the Tralee to Fenit Greenway at Bawnboy.

CE Response:

See response to Submission G-1

G-9 Brian Phelan

G-10 Fedor Bunge

G-11 Bill Downes

G-12 Dr Andrew Foley

G-13 Gearoid O Foighil

G-14 Jarrod Mullins

G-15 Murray Nolan

G-16 Mark Grehan

G-17 Simon Doyle

G-18 Alan Tiernan

G-19 Damien McGuinn

G-20 Martin Doyle

G-21 Damien Byrne

G-22 Desmond Griffin

G-23 Fiona Irwin

G-24 Tommy Shaughnessy

Submission:

The submission objects to the proposal at Bawnboy.

Summary of issues:

- 0.7 Km (1.4km round trip) will be added to the journey, cyclists will opt to travel by the public road
- There is no obstruction to the original planning
- No justification for the amendment
- It claims additional cost associated with the proposed amendment
- There will be a delay in delivery of the project
- This amendment should form part of the Tralee to Listowel greenway
- It allows for unauthorised development on public property
- Not in the public interest
- It is against the approved Part 8 planning proposal
- A precedent is set for future Greenway development

CE Response:

See response to Submission G-1

G-25 Eoin Broderick

Submission:

The submission objects to the amendment to the Tralee to Fenit Greenway and the consequent delays.

CE Response:

See response to Submission G-1

G-26 Brendan Quinn**Submission:**

The submission objects to the proposal at Bawnboy.

Summary of issues:

- Access / gradients for disabled users
- It allows for unauthorised development on public property
- Not in the public interest

CE Response:

See response to Submission G-1. In addition, the Greenway is for all users and will accommodate access and suitable gradients for the elderly and disabled.

G-27 Dr Jane McCafferty**Submission:**

The submission objects to the proposal at Bawnboy.

The submission states the greenway will be an asset to the people of Kerry and will draw an enormous amount of tourists into North Kerry. The current road from Tralee to Fenit is a death trap for pedestrians and cyclists, with repeated accounts of near misses with cars.

Summary of issues:

- Delay to the project as it is
- Delay to the construction
- Waste of public finances
- With COVID-19 - access to amenity is needed

CE Response:

See response to Submission G-1

G-28 Julie Arnison (1) – see to G-60**Submission:**

Please could you assist my understanding of this before I inspect more closely, by explaining, very simply, why the diversion has now been deemed necessary? A couple of sentences to précis that would be very helpful.

CE Response:

See G-60

G-29 Kelly & Co. Solicitors, Gerard Griffin**Submission:**

Mr Griffins property abuts the Greenway and had no difficulty with the original route which abutted his property. Until a satisfactory explanation is received in relation to the reason for the amendment which takes it away from the traditional route Mr Griffin is objecting to the proposal.

CE Response:

See response to Submission G-1

G-30 Billy Kemp**Submission:**

The submission objects to the proposal at Bawnboy. Very disappointed to hear of the proposal to change the planned route despite it being accepted in recent times. It is also very disappointing to hear that this route change is due to the capitulation by KCC at the hands of a private individual. This is not in the interest of the taxpayer, the cyclist, the heritage of the former railway and only this private individual is to gain. I would urge that the original decision would be returned to immediately.

G-31 Marc Evers

Submission:

The submission objects to the proposal at Bawnboy.
Submission claims additional cost.

CE Response:

See response to Submission G-1

G-32 Eoin Maher

Submission:

The submission objects to the proposal at Bawnboy.
The efficiency of the route should be treated with priority over a private property who wishes to keep land that is owned by the public.

CE Response:

See response to Submission G-1

G-33 Ina McGrath

Submission:

The submission requested suitable and sustainable screening to ensure privacy and safety. Refer to submission G -98.

CE Response:

Kerry County council has met with Ina Mc Grath to discuss her submission. Suitable fencing will be provided.

G-34 Danny Sheehy

Submission:

The submission objects to the proposal at Bawnboy.

CE Response:

See response to Submission G-1

G-35 Patrick Dinneen

Submission:

The submission objects to the proposal at Bawnboy.

Summary of issues:

- It is against the approved Part 8 planning proposal
- It delays the construction
- It claims additional cost associated with the proposed amendment

CE Response:

See response to Submission G-1

G-36 John O'Hora

Submission:

The submission objects to the proposal at Bawnboy.

Summary of issues:

- A precedent is set for future Greenway development
- It claims additional cost associated with the proposed amendment

CE Response:

See response to Submission G-1

G-37 Quentin O'Connor

Submission:

The submission objects to the proposal at Bawnboy.

Summary of issues:

- It is against the approved Part 8 planning proposal

CE Response:

See response to Submission G-1

G-38 Carmel O'Regan

Submission:

I agree with the Friend's of Tralee Fenit Greenway (walk the line) group and I wish to strongly oppose this part 8 proposal to deviate and divert the Greenway from the original rail line at Bawnboy Tralee.

Why add 1.4km round trip to the journey not to mention the extra cost this will entail.

A precedent will be set for future Greenway developments

Why is this person being rewarded after upsetting the natural run of the Railway line when he is running an unauthorised business on Public property?

Please consider what you are doing in the best interest of this wonderful development which will be a wonderful amenity to Tralee.

CE Response:

See response to Submission G-1

G-39 James Wrenn, Friends of Tralee Fenit Greenway (Walk the Line) Group

Submission:

This is a duplicate of the submission by the Friends of Tralee Fenit Greenway (Submission 1)

CE Response:

See response to Submission G-1

G-40 Clara Clark -CYCLING WITHOUT AGE.IE

Submission:

The submission is from Cycling Without Age www.cyclingwithoutage.ie and refers to a number of benefits in relation to greenways, social, environmental, amenity, tourism-related, active travel, sustainable travel, sustainable links to schools, towns and villages along the route, climate change impacts.

Greenways have become instrumental in creating an increasing interest in active travel, in cycling and walking by people of all ages and abilities. In fact, Cycling Without Age, see attached leaflet with more details on how this voluntary initiative works, is driving a demand for greenways and

other safe, off-road routes all over Ireland to take out residents of care homes and community hospitals for slow-cycling spins on these specially-designed trishaws. We now have at least two trishaws operating in Co. Kerry, with more enquiries coming in all the time, including one from Tralee.

Value of Greenways: Greenways have a huge amount to offer in any community they are located. They will draw in walkers and cyclists, families wanting to get out on those bicycles they bought this summer because of Covid-19, visitors who are now taking their holidays in Ireland, people wanting to get and keep fit after working from home, as well as people and school students commuting from towns along the route. We know that the Waterford-Dungarvan Greenway has totally enhanced those towns and villages all along the route. We now have two CWA trishaws in Waterford City and two in Dungarvan as a result of that Greenway.

Employment benefits: Greenways also create employment along their route: bicycle sales and repairs, cafes, ice-cream parlours, and eating places. Local and artisan food producers will soon see the benefits of supplying their produce and services along these routes.

Access: Greenways must be universally accessible to users of all ages and abilities, walkers, cyclists, wheelchair users, double buggies, mobility aids etc. Please note that our CWA trishaws measure 1.2 m wide at the front and are 2 metres long. They also have a wide turning circle. They cannot navigate barriers and 'kissing gates'.

No Barriers: NO BARRIERS must be constructed that will make it impossible for bicycles with trailers, disabled mobility aids, buggies, hand-pedalled bikes and our trishaws to navigate.

Public Ownership Access: We all, as taxpayers, own this public space and we would object to it being handed over to any private landowner. If this route already has full planning permission for a greenway, then there should be no further options available. A major diversion to the original agreed route is a breach of commitment to your own County and its planning decisions. There is a National Greenway Strategy in place, which we welcome and endorse. We ask that Kerry County Council abide by and support this Strategy by going ahead with the route as currently planned

CE Response:

See response to Submission G-1. The Tralee to Fenit Greenway will be universally accessible to users of all ages and abilities, walkers, cyclists, wheelchair users, double buggies, mobility aids. The proposed development complies with all elements of The Strategy for the Future Development of National and Regional Greenways.

G-41 Fergus Courtney

Submission:

The submission objects to the proposal at Bawnboy.

The submission requests that the route follows the Tralee to Fenit Greenway at Bawnboy.

CE Response:

See response to Submission G-1

G-42 Matthew Hopper

Submission:

Objection to the proposed Bawnboy deviation of the Tralee - Fenit greenway currently under construction.

It is my view that any deviation from the planned route of the Tralee - Fenit railway line would compromise the integrity of the project as a whole. It was always intended that the greenway should follow the railway line over its entirety - and that plan should be adhered to.

My understanding is that the proposed deviation is to accommodate a business which has encroached onto the old railway track without approval from the owners of the land. If this is indeed the case then I feel that rewarding the business owner for his/ her recalcitrant behaviour would set an unhelpful precedent with regard to future greenway development elsewhere in the county and beyond.

CE Response:

See response to Submission G-1

G-43 Shane Commene

Submission:

Objection to the proposed diversion from the railway path for the greenway in order to avoid a private individual using public land.

It is incomprehensible that such a precedent should be considered. Particularly, when the path was already approved. This will undoubtedly add time to the construction and expense due to the need to obtain new land rather than use the land that is already in public ownership.

Additionally, this will cause greater harm to the environment by building unnecessarily on unbuilt land rather than using land that is already built upon.

The already approved path of the greenway should be built and the private occupant of public land told to vacate.

CE Response:

See response to Submission G-1

G-44 Cormac Costello

Submission:

Disappointed to hear of the proposal to divert an agreed greenway route around a private property. The old railway line is in public ownership and anyone annexing this land would have known of the possibility of the 'right of way' being activated.

As a child growing up in Caherslee in the 80s I walked to Fenit along this line many times and it will be a stunning addition to local tourism both for Tralee and Fenit.

Please do not stray from the original route to accommodate one property owner. Stand strong for the people of Tralee.

CE Response:

See response to Submission G-1

G-45 Elisabeth Koch

Submission:

Opposed this Part 8 proposal to deviate and divert the Greenway from the original rail line at Bawnboy for a number of reasons including the following:

The integrity of the line will be compromised.

The section of the 133 year old line that will be lost is the natural sweep from the shared line leaving Tralee to Clogherbrien bridge. Instead, a zig-zag switch back detour route is proposed which jars with the journey expectation and bypasses an historic railway building and signage.

0.7 Km (1.4km round trip) will be unnecessarily added to the journey.

This will undoubtedly lead to cycle commuters who live near Tralee opting for the much shorter route by public road.

To effectively abandon a stretch of line which is in full public ownership and has achieved planning permission for a Greenway creates the wrong precedent for future greenway development.

This Part 8 is an accession to unlawful behaviour.

The deviation of the route adds a cost to the project including the purchase/ lease of the extra land needed, the development of extra greenway length and the cost of this new part 8 process.

I believe that the project should be completed in time for the 2021 season. The plan to deviate from the line makes this more difficult to achieve

CE Response:

See response to Submission G-1

G-46 Michael Galvin

Submission:

Objection to the Bawnboy amended greenway route which goes against the general public benefit and sets an unfortunate precedent. I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1

G-47 Catherine Melody

Submission:

As a taxpayer, can I ask why public land is being given away to an unauthorised business?

CE Response:

See response to Submission G-1. For clarity no private land is being given away an unauthorised private business.

G-48 Judy Griffin

Submission:

I feel the greeway should proceed as planned without diversions. Please take account of the public views on this issue and proceed as planned.

CE Response:

See response to Submission G-1

G-49 Brian Tubbert

Submission:

Please keep the Fenit greenway on public land-the old railway line

CE Response:

See response to Submission G-1

G-50 Peter O'Regan

Submission:

As a frequent visitor to North Kerry and a sometime cyclist I was looking forward to the completion of the Tralee-Fenit Greenway in order that my family and I could have yet another child friendly

amenity available to us in the area. It is with some concern, however, that I noted the proposal to divert around private property with the resultant addition of a pointless 700m diversion to the original plan (Irish Examiner, Wed. 2nd Sept). Since the original railway line is in public ownership then this proposal makes very little sense. It will result in the expenditure of public money to facilitate, in effect, the illegal annexation of publicly owned lands by a private landowner. If the land is in public ownership then I can only assume that the facilities of Southwest Pallet Production (and dwelling house of the owner?) have been constructed illegally on public land and do not have even a hint of planning permission. Should the Council not, instead, be spending its time vigorously asserting its rights to what it already owns? To do otherwise is to create a dangerous precedent, both locally and nationally, which will have the potential to negatively impact developments with significant social and touristic benefit. If the council is even to consider the diversion then I presume that there are plans in place to force the squatter to purchase the stolen lands (how is this even being considered as an option??) at full current market value in order that the taxpayers money going into this project will not be increased by one solitary cent. Someone cannot, quite simply, be allowed to get away with the theft of publicly held land but yet it appears that this is exactly what Kerry County Council is proposing.

To conclude, as an Irish taxpayer and visitor to Kerry, I must object in the strongest possible terms to the amendments to the route which are being carried out in order to pander to the needs of an individual making an illegal claim on the land through their current use of that land. There is absolutely no need to facilitate this illegal claim and add both to the cost and completion time of the long awaited project.

CE Response:

See response to Submission G-1

G-51 Geraldine McGettigan

Submission:

Opposed to the Part 8 proposal.

No reason has been given for this late change to a project which is already under way and has full planning permission, as well as strong community support.

This Part 8 proposal is a waste of time and public money. As noted above, the project has full planning permission and strong community support. The route has been agreed and building works have already commenced. It is entirely unnecessary to go back and change things now.

It would seem that this Part 8 proposal is the result of unauthorised use of part of the railway line by a business or individual. It is unjustifiable that this project be compromised now at this late stage because of this unlawful use of public land. It is unacceptable that the voices of those who participated in the original planning process are now being ignored and this one individual or business is being rewarded for their unlawful behaviour.

As this railway line is in full public ownership, and planning has already been granted, there is no legal reason why Kerry County Council should consider this detour. Public right of way on public land which has full planning permission for a greenway should be protected. Think of the precedent this will set. Kerry County Council is undermining the planning process which has already been completed.

The proposed route would result in the old railway cottage known as Shinawill being bypassed. It would be an insult to the heritage and history of the railway line to cut out this important building. It would deprive all Kerry residents and visitors of the opportunity to see this piece of Kerry history.

The proposed route adds 0.7km to the journey and makes the route less direct. Cyclists choose the shortest and most direct route to get to their destination. Adding this awkward dog leg will deter commuter cyclists from using the greenway. This defeats the purpose of the project as it would not provide a safe and direct off-road cycle route that is attractive to commuters - they will continue to use the road. Making the round trip between Tralee and Fenit 1.4km longer would also

deter some families with young children, beginner cyclists, older people and people with limited mobility from using this amenity.

In the interest of fairness and transparency, if Kerry County Council does go ahead with this unnecessary and expensive change to the route, all costs should be recouped from the business or individual which has forced this situation. They must pay the full market value of the land they are using and all costs of the additional 0.7km of the greenway.

CE Response:

See response to Submission G-1

G-52 Colm MacCarthy

Submission:

Concern about the proposed rerouting of the greenway.

This morning I dropped my children to Mounthawk school, it was as usual very congested and not all classes are back yet. The greenway will be an excellent option and allow children cycle to into schools from the west side of Tralee. The proposed rerouting will add approximately an extra 1.4km to the return commute. That mounts up, day after day, year after year. This is a significant disadvantage when trying to persuade children to cycle. For tired young legs in the mornings and after school 1.4 km is a considerable extra distance and a major disincentive for both children and their parents. We need to make this work, it needs to be and it needs to be seen to be as efficient as possible. Every avenue including legal should be exhausted before this rerouting would be considered.

Being firm and taking proper action now will be the best public interest outcome in the long run. I would strongly urge the council to reconsider.

CE Response:

See response to Submission G-1

G-53 Darragh Enright

Submission:

I recently learned about the proposed Bawnboy diversion. I am very disappointed to learn about this change, as I do not believe it is in the public interest, and as such I am adding my voice to the objections.

I concur with all the objections to this diversion laid out by Colm Ryder of Cyclist.ie, namely:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the originally agreed greenway route.

The Tralee-Fenit Greenway is an exciting and welcome development — of which walkers and cyclists from the locality, nationally and beyond will benefit — and I applaud Kerry County Council's vision and initiative.

I make my objection in good faith and in the belief that Kerry County Council will observe that it is overwhelmingly in the public interest to revert to the original plan, and abandon this proposed diversion.

CE Response:

See response to Submission G-1

G-54 Roslyn Steer

Submission:

Objection to the proposed change of route (Bawnboy diversion) on the greenway between Tralee and Fenit. This diversion needlessly adds 700m to the route for no practical purpose other than to skirt around a private property which is using public land (the former railway line) effectively rewarding the illegal use of public land by an unauthorised business. The diversion will add time and expense to the route that was originally agreed, referred to in the EIA and AA statements as “the previously approved and assessed Tralee to Fenit greenway”. To go ahead with a route other than that originally agreed undermines the integrity of this process.

CE Response:

See response to Submission G-1

G-55 Paul Waldron

Submission:

I fully support the planned greenway which will benefit the county in many ways, as have greenways in Waterford and Mayo benefited those counties. However, I note the bizarre diversion of almost 1 km off the railway route at Bawnboy, and am objecting to this in the strongest possible terms. I have been advised that this diversion is to permit publicly owned land be handed over to a private landowner. It provides absolutely no benefit to the thousands of walkers and cyclists who will use this amenity for many years to come, and their rights must trump those of any private individual.

Please restore the original plan, and follow the logical route of the railway.

CE Response:

See response to Submission G-1

G-56 Kieran McDonogh

Submission:

I support the Kerry Cycling Campaign and national group Cyclist.ie in their request not to divert the Tralee-Fenit Greenway. The diversion is takes cyclists off on an unnecessary awkward detour instead of letting them continue on the gently curved route. Surely it is better in the long term for the occupier of this stretch of the route to be relocated. Watering down projects like this undermines their success. I doubt that the engineers who created the train line in the first place would have contemplated anything but the best and most sensible route for trains the same approach needs to be adopted now and keep the cyclists and all greenway users on the original line. The greenway route should not include route yielding to private driveways and the proposed chicanes gates which are narrower than recommended by groups like Wheels for Wellbeing, which advocates for access to cycling for people with disabilities and mobility issues.

CE Response:

See response to Submission G-1. The design of the chicanes will be reviewed to ensure easy access for all.

G-57 Peter Walker

Submission:

The planned routing for the Tralee to Fenit routing at Bawnboy is unacceptable. A business has illegally built on the old rail line and Kerry County Council are just going to accept that and reroute the greenway at extra cost to the taxpayer? Following the old Listowel line for approx. 750m and then cutting across a field for 500m will increase the cost of the greenway due to the requirements to purchase the farmland for the route. It sets a terrible precedent for future projects if someone is allowed to bully the state and council into allowing squatting on state land. Inform the business they must move from state land and continue the greenway along the old rail line. Also some of the planned gates along the route are not compatible with cargo bikes or bikes used for disabled people and plans need to be readjusted to allow for easier access for all.

CE Response:

See response to Submission G-1. The design of the chicanes will be reviewed to ensure easy access for all.

G-58 Brian McArdle

Submission:

The proposed Bawnboy diversion is worrying for a number of reasons. It means the greenway leaves the natural protection and amenity of the railway, and creates a jarring turn on what should be a pleasurable free-flowing journey. It will add to the cost and construction time of the greenway. Most of all, it is rewarding squatting behaviour by private individuals on public land. The precedent this sets is significant for many other construction projects around the country. It seems that Kerry County Council is choosing to give a benefit to unauthorised use of the land by a local individual at the expense of future uncountable visiting and local cyclists.

CE Response:

See response to Submission G-1.

G-59 Colin Boyle

Submission:

Objection or the detour from the approved railway tour and the use of chicane gates smaller than those needed for people with mobility needs. Non-motorists get precious few infrastructure projects, so when we have this chance, at least do this one right.

CE Response:

See response to Submission G-1. The design of the chicanes will be reviewed to ensure easy access for all.

G-60 Julie Arnison (2)

Submission:

I wish to make a submission in response to the above as follows: -

1) I am at a loss as to how, and why this proposed Diversion has now been brought about.

It is some years since the original development plan of the Greenway was formally ratified by all parties and the Council. Work has been underway for some while on its construction and although delayed, primarily by Covid, has been continuing to make fair progress.

When I contacted the Council to have clarification on the reason for this late application for Diversion now, I was told

"The proposed diversion is due to an existing development on the line". But the only designated "development" I am aware of though is that of the existing and original railway line. I also understand that to now be in Public Ownership.

2) Given that the due process of the original Greenway development took up a number of years and has now long-since been formally ratified, had some third party wished to raise objection, or make other claim as to why it should not proceed as fully presented then, that party had every opportunity to do so then. If this is what is now generating the Council considering diverting, then I do not understand why the Council was prepared to entertain any further variation to the approved plan under such circumstances. There has to be a cut-off point for determination and that was firmly set some years ago.

Furthermore, the extensive review and report which the Council has now presented must have expended a substantial amount of valuable resources and time. These should have been more effectively deployed elsewhere in dealing with other more urgent and needy Council matters.

3) The current Greenway Development is over previously developed land as a railway line. The whole concept of Greenways is that previously developed access ways, such as railway lines, which have become redundant are now put to good use while being kept in the public domain. This is a perfectly worthy and excellent idea for the common good and enjoyment of the people and for posterity.

The current Diversion proposal entirely breaks that well-established principle by suggesting new development of previously undeveloped Greenfield land.

This is not only a serious step away from the established Greenway principle, but likely to set an undesirable precedent elsewhere.

I am unaware of such a significant Diversion having been applied to any other national Greenway.

4) The proposed Diversion is clearly an alien and artificial arrangement which makes little sense in its plan form compared with the current line. It would artificially divert the user and for no discernible benefit, in fact much to the contrary.

5) The current construction is already behind schedule. This proposal will likely most unreasonably prolong its completion.

This will subsequently not only delay the direct enjoyment of it by all users but will also have repercussions on the undoubted economic benefits of it to Tralee and Fenit.

6) In Conclusion, taking all these matters into account, I can therefore see no justifiable reason to support this Application.

CE Response:

See response to Submission G-1.

G-61 Evelyn O'Connell

Submission:

Objection to the Bawnboy amended greenway route and the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent.

I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1.

G-62 Ivor McCormack

Submission:

Objection to Kerry County Council in relation to the proposed Bawnboy diversion of the greenway from Tralee to Fenit.

Kerry County Council's proposal to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the originally agreed greenway route.

I object in the strongest possible terms to this Bawnboy amended greenway route and the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent.

I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1.

G-63 Steve Brennan

Submission:

Objection to the proposal for the following reasons:

It diverts away from a route that is in public ownership, thus encouraging people to steal land from the state and the taxpayer.

It goes against the previously agreed route in the Part 8 proposal

The diversion, for no reason, adds 700m to the route, bringing people way out of their way

It adds to the total cost and, in the end, the taxpayer ends up paying.

My granny was from the area and I was looking forward to decamping there frequently to enjoy this greenway when it's built. I just cannot believe that this diversion is even being considered. I think it is a gross mismanagement of public funds. I think it will be difficult to avoid the term 'brown envelope' being bandied about if this theft of public land is allowed to proceed. I have sometimes thought that people in the public service are very free and easy to spend "other people's money" (i.e. taxpayers'). If this diversion goes ahead then this will only serve to prove this to me.

Please stick to the original route.

CE Response:

See response to Submission G-1.

G-64 Holger Lorenz

Submission:

Objection to a proposed change in the original route of the Tralee-Fenit Greenway.

The rerouting of the proposed greenway away from the historic railway line in order to accommodate the unlawful use of public lands by a local business can in no way be tolerated.

Not only would it set the dangerous precedent that taking public resources for private use is acceptable behaviour, but it would also damage the perception of the project as well as the council.

The public would suffer twice in the process, through the loss of a valuable resource in the form of the historic section of railway line as well as by having to pay for the additional costs of the changed layout.

I urge you to not divert from the original plans and show leadership in upholding the law.

CE Response:

See response to Submission G-1.

G-65 John O'Brien

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-66 John O'Loughlin

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission

CE Response:

See response to Submission G-1.

G-67 Fergal D.Daly

Submission:

Support the opposition by Friends of Tralee Fenit Greenway to the Part 8 proposal to deviate/divert the Greenway from the original rail line.

See G-3

CE Response:

See response to Submission G-1.

G-68 Gavin Dempsey

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-69 David Butler

Submission:

Objection to the proposed diversion at Bawnboy due to the illegal occupation/squatting of land that is part of the greenway and owned by the public. The land should solely be for public use and allowing commercial activities on public land is surely a breach of planning and development regulations.

I think it would set a dangerous precedent for this greenway and other similar developments in Kerry and elsewhere if the illegal use and occupation of publicly owned land is allowed to continue.

CE Response:

See response to Submission G-1.

G-70 Cathal Brennan

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an

individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-71 Máirtín Savage

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-72 Leonie O'Connor

Submission:

On behalf of the O' Connor family we are writing both as residents and landowners on the Tralee to Fenit line to object strongly to the planning application of the Tralee to Fenit Greenway.

As you are aware, we have protested this development from the onset. This protestation has been heightened by the following instances that have recently occurred in the Tralee locality;

1. According to Radio Kerry on 3 June 2020, the 'See Something, Say Something' campaign recorded a dramatic increase in the reported cases of anti-social behaviour occurring in Tralee. This disruptive and intimidating behaviour is considerably worrying, and one in which poses a serious concern as we believe this Greenway will attract such behaviour.

2. On 2 September 2020 a local GAA club was the victim of a sinister act not only causing severe structural damage to the grounds but also resulting in financial loss for the GAA club . The criminals were not found and therefore got away with the damage they. How many more of these cases have passed without finding the vandals? How can Kerry County Council ensure my home and business is safe?

3. In 2007 our business was affected by Anti-Social behaviour that had been reported to the Gardaí at the time. This proposal is opening a passage for further damages to occur.

During this global pandemic it has been difficult for all businesses including the Agricultural industry to survive without mentioning what the results of this pandemic will leave one person's mental state in. A member of Kerry County Council has recently attempted to enter the remains of the old railway line through private property which is in fact a breach of any agreement our

community has had with Kerry County Council. This has caused further stress and anxiety and is a blatant disregard for our rights as landowners.

As one of the major landowners (1.2 km approx.) that will be affected by this proposal, we feel neglected and disrespected regarding further plans that have been put in place. The communication between your team and local landowners has been minimal and our concerns have not been attended to. We were approached numerous times to file what requirements we desire in relation to accommodating both parties and allow our business to run as normal. However, each document we have filed has not been responded to and has been avoided by each member of the Council that has approached us over the years.

Once again, addressing the problem in relation to your poor communication. We have not mutually agreed on plans to be put in place to make further progress and therefore have no right to access any point that comes in close contact with our property. It is utmost disrespect to publish numerous articles in relation to further development when landowners themselves have not been accommodated.

Therefore, we are strongly opposed to this development proposal as it will destroy our livelihood and business at a time that is severely unstable. We have not been approached with any structural plan on future developments or how we as landowners will be accommodated.

CE Response:

See response to Submission G-1. There have been a number meetings and onsite visits with the landowner in relation to their requirements for the Greenway passing through this land.

G-73 Brandon Cronin

Submission:

Objection to the proposed diversion around the Southwest Pallet Production on the Tralee to Fenit greenaway.

They have not been squatting for the required 30 years on state land, they have no say. If the diversion was to go ahead, it would set a dangerous precedent going forward.

CE Response:

See response to Submission G-1.

G-74 Robert Yeomans

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process. It is incredulous that consideration is being given to a situation where public land can be taken by a private entity with no recourse. The land should be utilised for public benefit.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-75 David Keane

Submission:

Objection to all those regarding the abandonment of the agreed route for the Greenway due to the intransigence of the business owner squatting on public land. This sort of behaviour should not be rewarded and it makes a total mockery of the planning process to deviate from the agreed route for the benefit of someone who made no contribution to the process and is using public land to run his business without permission

CE Response:

See response to Submission G-1.

G-76 Killian Bannon

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-77 Fergal Buckley

Submission:

Acquiring adverse possession of state land requires a continuous period of possession at least thirty years and, in this case, as the Tralee-Fenit railway was only formally abandoned in 2014, the clock only starts ticking from this point.

Now there is an argument in proceeding with this proposal as a TEMPORARY measure to ensure completion of the Fenit Greenway next year, but this can only be entertained if there is a cast-iron guarantee from Kerry County Council to proceed with all necessary legal action to obtain vacant possession of the affected section of the line and construct the originally-planned greenway on this at the earliest opportunity thereafter. On completion of the North Kerry Greenway, the diversion route would serve as a more direct link between Fenit and the section running northwards towards Listowel so it would not go to waste.

However, proceeding with this proposal without such a commitment would set a most unhealthy precedent and, given the fact that greenway construction in this country is still in its infancy, could have the most disastrous consequences in the future.

CE Response:

See response to Submission G-1.

G-78 Paul Keogh

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-79 Michael Guerin, GST

Submission:

This Part 8 proposes an abandonment of a section of the Tralee-Fenit railway which Kerry County Council owns. It further involves the construction of a detour of about 700 metres to the project along with associated increased costs.

Since this proposed modification of the original Part 8 appears to be at the behest and benefit of one business proximate to the original railway route the public interest necessitates answers to the following questions.

- (1) Is Kerry County Council relinquishing its ownership of this portion of the railway corridor?
- (2) What is the cost of constructing 700 metres of additional Greenway and who is paying for it?
- (3) What is the status of the new "off railway greenfield" section being proposed?
- (4) Are Kerry County Council purchasing or leasing this "greenfield" section and, if so, what are the costs involved ?
- (5) Is this "greenfield" section associated with the business proximate to the original route and, if so, is it being gifted to Kerry County Council?

CE Response:

See response to Submission G-1. The greenfield land necessary for the construction of this section is currently in agricultural use and is being purchased. It is not associated with the business proximate to the original route. Kerry County Council is not relinquishing ownership of the original route.

G-80 Adam Pierse

Submission:

Objection to the proposed rerouting of the greenway.

CE Response:

See response to Submission G-1.

G-81 Donnacha Clifford

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future

initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-82 Anluan Dunne (1) (see G-116)

Submission:

Understanding that the diversion as proposed in this Part 8 is designed to expedite the delivery of the overall project, it represents a failure to adequately engage with affected parties and come to an arrangement acceptable to all.

This diversion undermines the historic railway route, undermines the original approved planning and hands away public land without challenge.

I am opposed to the diversion of the Greenway and want to see the original route restored.

CE Response:

See response to Submission G-1.

G-83 Brendan Guilfoyle

Submission:

Objection to the proposed diversion of the Greenway at Bawnboy as it would:

1. introduce an unnecessary diversion and break the integrity of the line
2. add journey time on for every single person taking the route from here on
3. set a very bad precedent for other parts of the Greenway
4. disenfranchise users along the abandoned section of the line

CE Response:

See response to Submission G-1.

G-84 Kevin Corrigan

Submission:

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-85 Adrienne McLoughlin

Submission:

Tralee Municipal District County Councillors to refuse to grant the Part 8 planning for the proposed diversion at Bawnboy, Tralee.

Following public consultations the route as planned along the old railway tracks to Fenit was already assessed and agreed upon by all concerned and this attempt to change the route is completely wrong and unwarranted.

The original railway line path is in public ownership and the proposed deviation flies in the face of decisions already in place. It would add more than a kilometer to the length of the greenway with no obvious gain and I think it would be inconvenient to anyone, including schoolchildren, planning to use the route as a commute option.

Please do the right thing, and let the Tralee to Fenit Greenway progress as planned, and as soon as possible so that it will be ready for Summer 2021

CE Response:

See response to Submission G-1.

G-86 Brian Wade

Submission:

Kerry County Council propose to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the original agreed greenway route.

I object in the strongest possible terms to this Bawnboy amended greenway route and the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent.

I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1.

G-87 Nathan Moore

Submission:

Kerry County Council is introducing a major diversion to the originally agreed route along public railway land. This proposal is disappointing for the following reasons:

It contradicts the original decision made by Kerry County Council to approve the original part 8 proposal as stated in both the EIA and AA statements

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700m to the length of the greenway with no public benefit or practical reason

It rewards the illegal use of public land by an unauthorised business

It delays construction and adds to the cost of the original route.

I would urge the Kerry County Council to reconsider this decision and revert to the original alignment of public land for the Tralee to Fenit Greenway

CE Response:

See response to Submission G-1.

G-88 Gerry Durham

Submission:

Stick with the original plan. Be brave. Do the right thing.

CE Response:

See response to Submission G-1.

G-89 Fiachra Dunne**Submission:**

Opposed to the diversion of the Greenway and make the following observations:

- the proposed diversion represents a failure to resolve a known issue of unauthorised occupation of public land
- takes from the Greenway as significant railway heritage will be unseen by the many people who will use the route
- extends the route by nearly 1km which will reduce the likelihood of people to use the greenway to commute to work or school

CE Response:

See response to Submission G-1.

G-90 Tim Lacey**Submission:**

Objection to the proposed diversion laid out below, I would like to comment that never in its history has Tralee or Kerry needed this tourist resource so badly.

Against the backdrop of the recent factory closures in Tralee and the huge economic downturn we are about to face due to the Covid 19 pandemic, any further delay or deviation from the route will adversely affect our local economy which is already suffering badly.

Furthermore:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the original agreed route.

CE Response:

See response to Submission G-1.

G-91 Brendan O'Regan**Submission:**

Objection to the proposed deviation to Part 8 - Tralee-Fenit Greenway (Bawnboy) which if allowed will divert the Greenway from the original rail line at Bawnboy, Tralee.

The intended use of the original rail line which is in public ownership is to be converted into a multi use public amenity. This proposal would lead to the loss of integrity of the scheme as a whole if it failed to faithfully follow the route of the old railway line.

As the land is in public ownership the illegal encroachment and building by a business on such land without authorisation cannot be allowed as it would set a dangerous precedent for future initiatives as it would give legal recourse to others and reward those who seek to circumnavigate the legal planning process.

The overall goal of completing a public amenity that will serve the town and surrounding communities for generations to come, should not fall foul to the unethical use of public lands by an individual. It will also add unnecessary delay and costs to a public project that has full planning permission.

Should the deviation be granted it will reflect poorly on Kerry County Council as it will be a failure of duty to properly carry out a project which has full planning permission.

CE Response:

See response to Submission G-1.

G-92 Hannah Dardis

Submission:

Opposed to the diversion of the Greenway and make the following observations:

- the proposed diversion represents a failure to resolve a known issue of unauthorised occupation of public land
- takes from the Greenway as significant railway heritage will be unseen by the many people who will use the route
- extends the route by nearly 1km which will reduce the likelihood of people to use the greenway to commute to work or school
- takes from the Greenway as significant railway heritage will be unseen by the many people who will use the route
- extends the route by nearly 1km which will reduce the likelihood of people to use the greenway to commute to work or school

CE Response:

See response to Submission G-1.

G-93 Tighearnach Dunne

Submission:

Opposed to the diversion of the Greenway and make the following observations:

- the proposed diversion represents a failure to resolve a known issue of unauthorised occupation of public land
- takes from the Greenway as significant railway heritage will be unseen by the many people who will use the route
- extends the route by nearly 1km which will reduce the likelihood of people to use the greenway to commute to work or school

CE Response:

See response to Submission G-1.

G-94 Gerard Dornan

Submission:

Opposed to the diversion of a cycle route from public owned land in order to facilitate a private individual. I urge Kerry County Council to revert to its decision to use the original alignment of the Tralee to Fenit railway line.

I am also opposed to the proposed gate opening – best international practice is an opening of 1.5m and not 1.2m as shown on the drawings. The Irish standard means that visitors with non-standard cycles such as disabled people or families with children on tow will have difficulty passing through gates. This will detract from the experience of greenway users and through word of mouth and social media will reduce the likelihood of other cyclists visiting Kerry.

CE Response:

See response to Submission G-1. The design of the chicanes at Greenway access points will be reviewed to ensure easy access for all.

G-95 Stephen Hand

Submission:

Objection to the proposal to divert the original route of the greenway. The short-term gain in terms of project scheduling does not justify the damage to the project and the long-term value of the greenway. To deviate from the original route will take away from the integrity and history of the greenway and has strong potential to reduce the route's utility and thus uptake by commuters and tourists. No matter the subjective opinions on the drawbacks of this diversion, there appears to be little justification. The illegal possession of the affected section of line by a local company should not be facilitated and allowed impact on a resource for the greater community.

Thank you for your time and please take the strong responses of the community into consideration in your decision on this diversion.

CE Response:

See response to Submission G-1.

G-96 Cathal Turner, Tralee Swimming Diving Club

Submission:

Support the original plan for the greenway passing through Bawnboy, Tralee.

CE Response:

See response to Submission G-1.

G-97 Colm Ryder, Cyclist.ie

Submission:

Cyclist.ie is Ireland's national cycling advocacy network, and the Irish member of the European Cyclists' Federation. Our vision is that everyday cycling becomes a normal recognised transport mode here in Ireland.

We are extremely disappointed to have to make this submission to Kerry County Council in relation to the proposed Bawnboy diversion of the greenway from Tralee to Fenit. We write this on behalf of the thousands of cyclists throughout the country. In July 2018 we made a considered submission - see link below - in good faith to Kerry County Council - <https://docs.google.com/document/d/1qL09tPeD5uoxRV5IWL61EAfullXvGRR8XOxdmuqn70M/edit>. Overall Cyclist.ie were supportive of the proposals outlined, with a number of caveats, which we described in the submission.

To now discover that Kerry County Council propose to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

- It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as - 'the previously approved and assessed Tralee to Fenit greenway'
- It diverts unacceptably from the original railway line path, which is in public ownership
- It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.
- It rewards the illegal use of public land by an unauthorised business.
- It delays the construction, and adds to the cost, of the original agreed greenway route.

Cyclist.ie, on behalf of cyclists nationwide objects in the strongest possible terms to this Bawnboy amended greenway route and the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent.

We urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1.

G-98 Brendan Mc Carthy

Submission:

Property is adjacent to the junction of Bracker O Regan Road and the Tralee Fenit Greenway, and the nearby junction of Bracker O Regan Road and The Grove. My property is on the boundary of the proposed greenway. I wish to make the following observations and submissions in respect of some concerns I have.

I am a cyclist who has used the existing Tralee Mounthawk greenway since its opening, to commute to work and to access the town centre. As a family we would use the Bracker O Regan Road and existing greenway for leisure walking, and also as a pedestrian route to shops at Gala/O Donnell's. We are also car owners and are well aware of the issues of congestion and speeding, on the BOR Road. A Crossing will have to be provided for the proposed Greenway. The existing

Zebra crossing adjacent to the school exit will need to be upgraded. Serious traffic calming measures, measures to avoid congestion at school times, elimination of dangerous parking presently experienced on and around this stretch of BOR road will need to be tackled.

Traffic Calming, Reduction of Speed and Congestion:

My major concern is traffic calming, for the stretch from the Fenit roundabout along The Bracker O Regan Road, to past the Greenway crossing. This stretch of road is heavily used by Commuter, Commercial and agricultural traffic; Mounthawk school traffic; the cars of the residents of 3 adjoining estates accessing BOR road; School children, cyclists, walkers, joggers and road runners accessing the existing greenway or carrying on BOR road.

At present every day of the week, leisure users, cyclists, walkers etc. can be seen parking and changing in the O Donnell's / Gala car park at Feint roundabout. Many then proceed on their route along BOR road and the existing greenway. Even if a dedicated (and essential) trail end car park is provided in the town (back of railway station would be appropriate) many of the users of the proposed Mounthawk Fenit extended greenway (mainly cyclists) will I'm sure access the greenway from the Caherslee road, the Gala car park, and the Fenit roundabout area.

At school time 8.15 to 9.00 and 3.30 to 4.15 there is a free for all on this BOR road section of road, (from School exit Gates up past the Zebra crossing). The No parking yellow lines and Crossing Hazard lines are ignored, and these are used for parking and set down. Some cars stop in traffic without parking and doors are opened to let out pupils. There is a high degree of congestion. No cyclist is safe, and people using the crossing are also in danger. The cyclists use the footpaths for their safety. These problems are getting worse year on year.

I have noted a small but growing number of pupils walking and cycling to school along all routes including the existing greenway. This has to be encouraged. A safe environment for those cyclists and pedestrians would be the first element in a campaign to encourage this further.

The existing zebra Crossing is beset by speeding at other times of the day, when often drivers don't even notice people waiting to cross. A crossing at this point will be used by Fenit greenway users and to be safe, a reduction of speed to around 30kph and traffic calming is necessary.

I welcome the eco and environmental objectives outlined in the Planning documents on display, I feel the traffic calming measures outlined above will also be environmentally beneficial, e.g. reduced noise pollution, emissions and air pollution. It will ensure safe and environmentally friendly travel and leisure activity. Traffic planning along recent trends of restricting the speed in residential areas/ school vicinities / access to leisure areas, (this stretch of BOR road being all 3) and parking restrictions on vehicles to deter congestion and favour cyclists and pedestrians along this stretch of Bracker O Regan Road is necessary. A joined-up approach is necessary to incorporate the full stretch starting from the exit from Gala car park to far side of greenway crossing to ensure this and achieve the safety concerns for all users.

CCTV / Access to Greenway / antisocial behaviour / Stile /Barrier.

As a resident with a boundary to greenway, close to junction of the Bawnboy section with BOR road, I am concerned about antisocial behaviour particularly at night.

It is necessary that motorbikes / other motorised transport cannot access the greenway especially at night. It is also important that there is a deterrent to anti-social behaviour at night-time, i.e. drinking parties/ drug dealing. A proper barrier and CCTV covering the entrance/ exit at this point can achieve these requirements.

Car Parking

The Grove residents presently experience some dangerous parking, around junctions, and also close to their driveways from leisure users of the locality. Parking on grass verges maintained by the resident's association also occurs. It is to be expected this will increase with the greenway unless signage / other measures are taken.

Maintenance / Grass verges/ Waste Disposal

I noted the following on the Rock Street - Mounthawk greenway since opening:

No seeding of verges was ever done, leaving unsightly noxious weeds as the main plant growing, until recently when wild grass etc. has finally begun to emerge.

Very limited maintenance, on a very ad hoc basis was ever carried out. Removal of waste from Dog dirt bins at busy holiday periods was missing.

It is important dedicated maintenance is put in place for the greenway, with proper supervision and oversight.

Traffic Measures & Safety

Obviously one accident is one too much. Road safety of all, and especially families etc. on their way to access leisure pursuits is highly important. I feel the Council's traffic department should give undertakings and commitments about their proposals in respect of "traffic calming measures". They should also commit to involving stakeholders such as the Grove, Quarryvale and The Orchard residents associations, and Mercy Mounthawk school management / parents council in addressing and planning for the greenway traffic. Proposals need to be specified and circulated and defective past solutions rectified.

CE Response:

Kerry County Council has met with Brendan Mc Carthy. It is a condition of the grant from DTTAS that a new crossing be designed for the junction of the Greenway with the Bracker O'Regan Road. This junction will involve traffic calming and signage and will result in a safer crossing and reduced speeds at this location.

Arising from the legislative provisions of GDPR, prior to the installation of CCTV cameras in any public area Garda Siochana authorisation is necessary. In order to obtain this approval, the applicant must demonstrate a clear necessity for their installation. A necessity test involves the examination of the proposed measure(s), supported by evidence describing the problem to be addressed by the measure(s), how the measure(s) will address the problem and why existing or less intrusive measures cannot sufficiently address the issue. This test of necessity requires the preparation of a Data Protection Impact Assessment in order to support the subsequent application to An Garda Siochana.

Kerry County Council are therefore not the decision maker on whether CCTV surveillance can be installed. Should a situation arise where there is clear evidence to support their use, an application to An Garda Siochana will be necessary and their approval obtained. At present there is no such evidence to support such an application. It is proposed however that public lighting will be provided along this section of the route in order to discourage anti-social behaviour in this area. Should it become necessary in the future the ducting for this lighting can be used for CCTV installation.

Prior to the commencement of construction rodent bait boxes will be installed. It is considered that the provision of a concrete fence at the boundary of the properties and the Greenway will address any ongoing issues.

Signage will be provided at the entrance to the estate to discourage parking.

The section of Greenway to the rear of the properties will have lighting erected.

The Greenway is an amenity for pedestrian and leisure cyclists and appropriate signage will be erected.

A concrete post and panel fence will be erected to the rear of properties facing onto the Greenway.

G-99 Marguerite Egan

Submission:

Objection to the proposed diversion to the Tralee-Fenit Greenway (Bawnboy), Tralee for a number of reasons. It would make the route longer which will put off people using the route to commute, hands public land to a private individual which is unjust, undermines the historic railway line and bypasses railway buildings which would otherwise be a feature on the Greenway. It also could also set an unhelpful precedent for other Greenway projects

I look forward to this issue being resolved and to cycling the Greenway as soon as possible

CE Response:

See response to Submission G-1.

G-100 Simon Bellchambers

Submission:

As a proud resident of Fenit, I have been excited by the prospect of the opening of the Tralee – Fenit Greenway. I believe it will offer a safe and efficient cycling link between the communities along the line, as well as being a great tourism resource for the region. I am therefore extremely disappointed to have to make this submission to Kerry County Council in relation to the proposed Bawnboy diversion of the greenway.

The proposal to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is completely unjustified. It would appear not to be in the best public interest for the following reasons:

I) It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

II) It diverts unacceptably from the original railway line path, which is in public ownership

III) It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

IV) It rewards the illegal use of public land by an unauthorised business.

V) It delays the construction, and adds to the cost, of the original agreed greenway route.

I object to the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent. Kerry County Council is effectively giving away a public owned asset for the benefit of one business. I would assume such a transfer represents a subsidy / state aid to the business and as such should be correctly accounted for and audited. Competing businesses could and should also demand such a subsidy from Kerry County Council.

I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1.

G-101 Jim McNamara

Submission:

Objection in the strongest possible terms to the proposed diversion of the Greenway off the railway original route.

The integrity of this public facility from Rathkeale to Tralee is not something that should be diminished or traded with for short term appeasement of a squatting private business or landowner, who never should have been there in the first place.

The longer-term environmental view must prevail here as we move towards a lower carbon economy and a possible light rail option along the line of the Greenway in the future

CE Response:

See response to Submission G-1.

G-102 Colin McLeod

Submission:

Objection to the proposed rerouting of the Tralee to Fenit greenway to avoid an unauthorised business. The correct route is that of the original railway line. It is only laziness (or worse) by Kerry County Council to shirk from confronting the owner of any unauthorised use of the land.

Please do the right thing and keep the greenway along the route of the railway.

This can be achieved by refusing to grant Part 8 planning for the proposed diversion at Bawnboy, Tralee.

CE Response:

See response to Submission G-1.

G-103 Tom O'Grady**Submission:**

Against the proposal to partially reroute the Tralee to Fenit Greenway for the following reasons.

1. The agreed route along the old railway is shorter and better.
2. The proposed diversion would set a precedent for future Greenway development on publicly owned land.
3. The proposed new route has a 0.5km section which is narrower and has fencing on both sides which is not in keeping with the rest of the greenway.
4. The diversion would remove part of the historic railway route which contains a railway gatehouse and associated signage.
5. The proposed route is more costly.

CE Response:

See response to Submission G-1.

G-104 Clare Hatcher**Submission:**

Please keep to the old railway route and do what is needed not to divert the route. Please also keep access wide enough for those with disabilities.

The greenway is a wonderful idea. Please do all you can to meet the above requests.

Thank you for all the work you are doing to make dedicated off road routes for walkers and cyclists. It is the way forward.

CE Response:

See response to Submission G-1. The design of the chicanes at Greenway access points will be reviewed to ensure easy access for all.

G-105 Máiréad O'Carroll**Submission:**

Objection to the granting of planning permission for the proposed diversion of the Tralee - Fenit Greenway at Bawnboy.

I live in Oakpark, Tralee and regularly cycle, walk and run on the parts of the Greenway already in place. I look forward to the completion of the greenway all the way to Fenit. The utilisation of the old railway line is a huge part of the attraction, for me and my family, of the Greenway. I cannot see any justifiable reason to divert the greenway from the already approved plan.

CE Response:

See response to Submission G-1.

G-106 John Gilmartin**Submission:**

It diverts unacceptably from the original railway line path, which is in public ownership

CE Response:

See response to Submission G-1.

G-107 Daire Dunne**Submission:**

Objection to the proposed diversion to the Tralee-Fenit Greenway (Bawnboy), Tralee for a number of reasons. It would make the route longer which will put off people using the route to commute, hands public land to a private individual which is unjust, undermines the historic railway line and bypasses railway buildings which would otherwise be a feature on the Greenway. It also could also set an unhelpful precedent for other Greenway projects

I look forward to this issue being resolved and to cycling the Greenway as soon as possible

CE Response:

See response to Submission G-1.

G-108 Cathal Gunton

Submission:

Kerry County Council propose to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

It is imperative that the greenway is operational by the start of the summer season 2021 in order to give local businesses a fitting chance. Any changes to the plan surely are behind the unexplained delay to August 2021.

How is this issue only coming to light now - I thought the land owner would have no rights to the land given it was railway land and I understood the normal squatters rights do not apply? After all this is public land and the council should not reward this behaviour.

If you are admitting the landowner has rights to public land than others will suddenly change their tune and more detours will be needed with more costs and more delays. I know of at least two sites when this could apply.

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason. This will divert traffic to the public road.

It delays the construction, and adds to the cost, of the original agreed greenway route.

We urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line and to use all energy and resources to Complete this project before the 2021 summer season.

CE Response:

See response to Submission G-1.

G-109 Jack O’Callaghan

Submission:

Planned changes to the new Green Way route to Fenit are inconsistent with the values of such a project and undermines the great work people have done to get us to this stage. If the route was to be changed it would be detrimental for a number of reasons which are highlighted below:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the original agreed greenway route.

Please reconsider the proposed changes and show the people of Tralee that you recognise how much this Green Way means to us and the hope and promise that it brings by completing it in its most natural and authentic state.

CE Response:

See response to Submission G-1.

G-110 Maria Hayes

Submission:

Kerry County Council propose to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the original agreed greenway route.

CE Response:

See response to Submission G-1.

G-111 John Lane

Submission:

Objection to the proposed diversion of the cycleway at Bawnboy.

The deviation is from a route already in public ownership and a deviation should not be necessary.

The deviation is also not in keeping with the use of the old railway line and the use of the actual line as a greenway.

CE Response:

See response to Submission G-1.

G-112 John Ross

Submission:

Special Meeting Tralee Municipal District

I read with dismay of the proposal to divert the planned greenway route to Fenit around some private property at Bawnboy, to the detriment of all users of the new route. As the old railway route through the property is already in our public ownership and you have planning permission for it, I fail to understand why the change is proposed.

If the last few months have shown anything it is that cycling infrastructure must be improved in all parts of the country. Kerry needs to show it is serious about enabling cyclists to get around more easily and safely.

CE Response:

See response to Submission G-1.

G-113 Carina Pierse (1) (see G-118)

Submission:

I am writing in support of the Tralee to Fenit greenway going ahead please. This will be a big help and encourage good health promotion and exercise.

I am a big believer in exercise and wellbeing as I am a physiotherapist by profession.

Please carry on with this brilliant project

CE Response:

Submission noted

G-114 Garoid Pierse

Submission:

Kerry County Council to please not approve the proposed diversion of the greenway from the original rail line at Bawnboy.

I have 3 children currently attending Fenit National School, and in time I would hope that they would cycle to secondary school in Tralee. Adding on 0.7km each way does make a big difference.

However even more importantly this would set a dangerous precedent in how Kerry County Council deals with people who claim adverse possession. It will encourage even more claims ... and let's not remember that this is state owned land and it was sometimes due to the inaction of CIE and Kerry County Council that people felt that they could take possession of the land.

Please don't make matters worse by agreeing to divert at Bawnboy. The greenway is a fantastic signature project for Kerry and let's keep it on the historic rail route.

CE Response:

See response to Submission G-1.

G-115 Brendan Guilfoyle

Submission:

Objection to the proposed diversion of the Greenway at Bawnboy as it would:

1. introduce an unnecessary diversion and break the integrity of the line
2. add journey time on for every single person taking the route from here on
3. set a very bad precedent for other parts of the Greenway
4. disenfranchise users along the abandoned section of the line

CE Response:

See response to Submission G-1.

G-116 Anluan Dunne (2), Kerry Cycling Campaign

Submission:

Kerry Cycling Campaign was established to advocate for safe, accessible and attractive measures to enable more people to choose the bicycle as a transport mode. Extremely disappointed to have to make this submission to Kerry County Council. Disappointed that KCC is proposing to introduce a diversion to the original line.

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – ‘the previously approved and assessed Tralee to Fenit greenway’

- It inconveniences those who would choose to use the route to commute
- Decreases property value for land and houses alongside the line
- It diverts unacceptably from the original railway line path, which is in public ownership
- It undermines the 133-year-old line
- Bypasses significant historic railway features which add immeasurably to attractiveness of the Greenway
- It adds an extra 700 metres to the length of the greenway with no obvious public benefit
- It represents a failure on the part of both CIE and KCC to protect public land and right of way

- It sets a dangerous precedent for future greenway development where a person or business must be compensated for unfair occupation of public land which we believe could have been avoided with sufficient engagement and dialogue.

CE Response:

See response to Submission G-1. It is considered that the presence of the Greenway would not depreciate the value of property in the vicinity.

G-117 Brian Cotter

Submission:

Objection with the council's proposal to divert the cycleway away from the railway line. This is the people's property and by agreeing to this diversion rewards this scrupulous uncivic single person to the detriment of the majority.

CE Response:

See response to Submission G-1.

G-118 Carina Pierse

Submission:

Please do not proceed with the proposed diversion at Bawnboy, Tralee.

CE Response:

See response to Submission G-1.

G-119 Liz Shanahan

Submission:

Supporter of initiatives that will support our regions that need additional economic levers.

I am a Chair of a Waterford based company and have seen first-hand how beneficial their greenway has been to that area, so was disappointed to hear the Tralee - Fenit greenway was incurring yet another planning hurdle, which seems to be unnecessary and indeed, seems to reward the illegal use of public land, something we need to really address.

It really is imperative for our county that both this and the South Kerry greenway are completed as a matter of urgency.

A few additional points:

Tralee & Kerry need this tourist resource given the backdrop of the recent factory closures and the inevitable economic downturn from Covid.

Outdoor activities/holidays will benefit greatly from People's desire to engage in outdoor pursuits courtesy of Covid.

Furthermore

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – 'the previously approved and assessed Tralee to Fenit greenway'

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason and one assumes, significant additional cost and construction delays

It rewards the illegal use of public land by an unauthorised business.

CE Response:

See response to Submission G-1.

G-120 Paddy O'Callaghan

Submission:

I believe the planned changes to the new Green Way route to Fenit are inconsistent with the values of such a project and undermines the great work people have done to get us to this stage. If the route was to be changed it would be detrimental for a number of reasons which are highlighted below:

It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – 'the previously approved and assessed Tralee to Fenit greenway'

It diverts unacceptably from the original railway line path, which is in public ownership

It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.

It rewards the illegal use of public land by an unauthorised business.

It delays the construction, and adds to the cost, of the original agreed greenway route.

Please reconsider the proposed changes and show the people of Tralee that you recognise how much this Green Way means to us and the hope and promise that it brings by completing it in its most natural and authentic state.

CE Response:

See response to Submission G-1.

G-121 Stephen Moggan

Submission:

Objection to the proposed diversion of the Tralee-Fenit Greenway at Bawnboy.

The integrity of the old railway route must be retained, with the greenway following the shorter, previously agreed route.

Outside of the council, this diversion does not appear to have the support of anyone, including Martin O'Regan of Southwest Pallet Production, who, despite currently occupying land on the route, is on record as being 100% committed to the greenway and wishes it to follow the rail line.

This is a council created issue and can easily be resolved by the council rejecting the diversion.

By implementing this diversion, the council will leave a legacy of incompetence, remembered for generations.

CE Response:

See response to Submission G-1.

G-122 Marianne O'Sullivan

Submission:

Objection to the proposed part 8 to divert the Tralee Fenit Greenway from the original rail line at Bawnboy, which already has planning permission.

I have lived in Ballyroe for over 35 years and have always hoped this development would take place in my lifetime. Recently my hopes were built up and I was so looking forward to being able to cycle and walk on this wonderful publicly owned amenity and was so proud that the Council had taken on the initiative. Of late I have taken note of the planning notice on the bridge at BAWNBOY and have been horrified to see that you were planning on diverting from the railway line to facilitate an unauthorised commercial development.

What message are you sending out by doing this? Basically, you are making a total mockery of your own rules and laws and setting a precedence for people to ride roughshod over you and everyone else for their own gain, now knowing you are not going to deal with it. I have watched over the years individuals taking over parts of the railway line, both the Tralee to Fenit and the Limerick line as if it was their right, but foolishly hoped if greenways were developed the land would revert to the rightful owners - us the public - how wrong was I. You the Council, who make these laws regarding rights of way and planning permission etc are now willing to set a precedence and abandon a stretch of publicly owned railway line, rewarding this blatant disregard for rules and regulations, hold up the whole process of the greenway and add significantly to the cost. You are basically making a mockery of your own rules and inviting the public to disregard them going forward, knowing that you are going to back down - shame on you.

CE Response:

See response to Submission G-1.

G-123 Irene O'Connell

Submission:

Objection to Part 8 proposal to deviate and divert the Greenway from the original rail line at Bawnboy, Tralee.

I am opposed to this new Part 8 plan for a number of reasons.

The integrity of the line looks like it will be compromised. The section of the 133-year-old line that will be lost is the natural sweep from the shared line leaving Tralee to Clogherbrien bridge. Instead, a zigzag switch back detour route is proposed which jars with the journey expectation and bypasses an historic railway building and signage.

It appears that a 0.7 Km (1.4km round trip) will be unnecessarily added to the journey. This will undoubtedly lead to cycle commuters who live near Tralee opting for the much shorter route by public road. I imagine that to effectively abandon a stretch of line which is in full public ownership and has achieved planning permission for a Greenway may create the wrong precedent for future greenway development.

The deviation of the route seems to add a cost to the project including the purchase/ lease of the extra land needed, the development of extra greenway length and the cost of this new part 8 process. This will lead to overrun of project schedule I imagine.

I am a keen walker and cyclist. I have cycled the Waterford greenway and it's obvious that something similar will be a fantastic amenity for people in Tralee and visitors to Tralee. I really urge that the project be completed as soon as possible. Especially at a time of staycations due to Covid-19, the more amenities we can provide to visitors locally the better. The plan to think about deviating from the line would appear to cause unnecessary delay to the project.

I wonder is it that the Council don't have enough funding to pay compensation to the business concerned and complete the project? I wonder if a crowd surfing initiative has been thought of to gather funding, perhaps it already has. I would worry that by objecting and making an, in my opinion, unnecessary diversion, someone is causing unnecessary problems here which would seem to set a worrying precedent for any further developments. Have representatives who were involved in other greenways in other parts of the country been consulted for any guidance they could give and suggest as a solution to this issue?

Thank you for reading my objection. I hope that the Council will do the best thing they see fit to enable this amenity to be as enjoyable and as I know it will be. It would really be a shame if it's not done just right.

CE Response:

See response to Submission G-1.

G-124 Donal O Mahony

Submission:

Objection to the unnecessary change of route to the Fenit Greenaway. The natural route is the old Tralee /Fenit railway line which I travelled on with my wife and family on many a Sunday by train with lots more families.

By proposing this change, you are opening a can of worms, unnecessarily so, get rid of the shed, give us what was agreed.

CE Response:

See response to Submission G-1.

G-125 Shane McGillicuddy

Submission:

Prefer the original part 8 planning route which is shorter and maintains the integrity of the old railway route

CE Response:

See response to Submission G-1.

G-126 Micheál Pierse

Submission:

Kerry County Council to consider not approving the proposed diversion of the greenway from the original rail line at Bawnboy. On the one hand this could get dragged out in the courts but on the other hand, I feel a dangerous precedent would be set for future endeavours.

Adverse possession will get rewarded if the metaphorical 'path of least resistance' is followed. The sluice gates can then be opened and a 'free for fall' is then encouraged in taking possession of state land. This scenario should not be encouraged.

CE Response:

See response to Submission G-1.

G-127 Nuala Rigney

Submission:

Concern at about the potential diversion added to the greenway between Tralee and Fenit. The increased length to the route will undoubtedly be a deterrent to some potential users, at a time when transitioning to greener modes of transport is imperative. More than this, it is extremely important that the public's right of way be respected, and not doing so in this case so would set a dangerous precedent for similar initiatives in the future. Lastly, the diversion will inevitably delay an already protracted project. I ask that the council do not agree to the diversion, and instead uphold the public right of way.

CE Response:

See response to Submission G-1.

G-128 Joe Cotter

Submission:

Objection to the planned diversion of the greenway at bawnboy. Since when have private interests become more important than the public good.

CE Response:

See response to Submission G-1.

G-129 Lily Ní Dhomhnaill

Submission:

Concern at about the potential diversion added to the greenway between Tralee and Fenit. The increased length to the route will undoubtedly be a deterrent to some potential users, at a time when transitioning to greener modes of transport is imperative. More than this, it is extremely important that the public's right of way be respected, and not doing so in this case so would set a dangerous precedent for similar initiatives in the future. Lastly, the diversion will inevitably delay an already protracted project. I ask that the council do not agree to the diversion, and instead uphold the public right of way.

CE Response:

See response to Submission G-1.

G-130 John V.Lawlor

Submission:

Objection to the above Part 8 application in relation to the diversion of the Tralee - Fenit greenway for the following reasons:

The importance of following the original line cannot be overstated. The cycle route is an attraction not only for cyclists and walkers but also for train enthusiasts who like to travel the line of the original railway. The introduction of the diversion introduces sharp bends which are out of sync with the railway.

I have had the pleasure of cycling on disused rail lines converted to greenways in France, Italy, Spain and Netherlands and even slight deviations from the historic route leaves one with a sense of disappointment and failure.

On the 23rd of May 2018 I attended the public Information Day in Fenit Parish hall where it was explained by a member of the council that the route would follow the line of the railway except for a small deviation in Fenit. I was also assured that the commercial development in Bawnboy would not affect the proposed route.

Part 8 permission was approved by the councillors for the entire line based on the original Part 8 Briefing Document

“Kerry County Council has acquired the ownership of the disused railway line from the Limerick County Bounds to Fenit and now wishes to progress development of a Greenway on this route.”

And

“The route will remain predominantly within the existing railway corridor as indicated in the planning drawings. Minor deviations are proposed in the townlands of Fenit without.”

And in the CE report to the council,

“The Tralee Fenit Greenway is a project to progress the completion of approximately 10.65km of rural greenway along the old corridor of the disused Tralee to Fenit railway line”

The now proposed abandonment of a section of the line in the ownership of Kerry County Council runs contrary to the CE original statements and ignores the support expressed by 3rd parties in the submissions to the original Part 8 process. The proposed diversion according to the council measures 1.3km, which is approximately 10% of the entire route.

If Kerry County Council abandon ownership of a portion of the line it will set a precedent and encourage others who have encroached on the Limerick - Tralee line who will now expect the council to surrender public owned land when it commences completion of the Listowel - Tralee section.

The failure to complete the Fenit - Tralee greenway along the proposed rail route undermines Kerry County Councils stance on the South Kerry Greenway where it insists that the south Kerry route must follow the original line and are using the compulsory purchase system to ensure this.

If someone has gained adverse possession on a section of the Fenit line the council should use the compulsory purchase powers to regain possession. Failure to do this will invariably lead to court challenges on the South Kerry route and lead to further delays there.

The development of the two greenways cannot be seen in isolation and a quick fix solution on the Fenit line will encourage those who oppose the south Kerry route

Fewer objections to the diversion may be submitted as the maps published for the Bawnboy diversion are misleading. The maps show the existing greenway travelling along the entire line to the junction with the Limerick line remaining in place without a break. If one does not read the accompanying report the impression from reading the maps alone is that the diversion is an addition to the greenway forming a loop and possible shorter connection to the future Limerick route.

CE Response:

See response to Submission G-1. It should be noted that the land for the South Kerry Greenway was primarily in private ownership and the route chosen was subject to an extensive route selection process.

G-131 Alan Doolan

Submission:

Prefer the original Part 8 planning route which is shorter and maintains the integrity of old railway route

CE Response:

See response to Submission G-1.

G-132 Kieran Corcoran

Submission:

I do not understand why at the 11th hour and as part of an already delayed process that such a valuable state asset that is in state ownership has to bypass an historic route.

I totally object to this approach. The business illegally using this railway or should be brought to task.

Please ensure the public receive a full explanation on this as soon as possible.

CE Response:

See response to Submission G-1.

-133 Thomas O'Mahony

Submission:

Objection to the proposed part 8 planning as it deviates from the original railway line. Also it takes away from the natural path of the line and will incorporate an unnatural zig zag to the greenway. It will also set a bad precedent for further green ways in this country.

CE Response:

See response to Submission G-1.

G-134 Gretta Walsh

Submission:

Concern of the deviation from the original plan to stay on the old rail line.

It saddens me that it has come to writing more emails to get this issue solved.

Special Meeting Tralee Municipal District

I sincerely hope you put the people of Kerry before any individual.

This Greenway is going to be a gift to every person who wishes to avail of it's wonder, I am so excited for the future when I see such progressive ideas. Please continue on the path chosen, planned, agreed and proposed. Keep strong.

And I call on Tralee M.D. County Councillors to refuse to grant the Part 8 planning for the proposed diversion at Bawnboy, Tralee.

CE Response:

See response to Submission G-1.

G-135 Lola Scollard

Submission:

It seems such a shame to make this diversion on the route at this stage. I commend the council on the work on the route so far. It seems to me that a diversion might delay the process and disrupt the route which was so faithfully following the railway line. Please reconsider before making a final decision,

CE Response:

See response to Submission G-1.

G-136 Laurence Dunne

Submission:

Objection of the proposed diversion to the Tralee-Fenit Greenway (Bawnboy) currently under construction for the following reasons viz: -

(1) The Greenway is an adaption of a relict industrial archaeological feature of particular cultural importance to the genesis of 19th century rail transport in Kerry. The defunct historic rail line being adapted to facilitate the Greenway is the Tralee & Fenit Railway branch of the Limerick & Kerry Railway. To create an acute V-shaped diversion precisely at the branching point to Fenit in the townland of Ballynahoulort where the branch commences, will profoundly and irreversibly impact on the character, context, understanding and appreciation of the relict historic rail line on discerning railway enthusiasts / historians, industrial archaeologists and indeed to the public at large. Railways could not tolerate such acute angles in design and the proposed diversion is an ill-conceived, poor and approach by Kerry County Council in adapting a softly-softly approach to one individual whose intransigence has initiated this proposed diversion in the first place.

(2) The proposed diversion ensures that the first two level crossings and associated attendant railway cottage structure will be bypassed resulting in the Greenway diverging across an existing greenfield, for a distance of c.500m. In that context, it is not understood if the proposed diversion will impact on the field boundary along which it runs or through the field itself? If the former, it will require the destruction of the historic field boundary and its intact vegetation, fauna and wider biodiversity. If the latter, the proposed diversion will cut a swathe through the greenfield within 35m of the zone of notification of recorded monument classified as an Enclosure KE029-053 in the townland of Bawnboy. Furthermore, the likelihood of impacting on potential unknown sub-surface archaeology by the proposed diversion, is assessed by this archaeologist, as high-given the extent of previously discovered significant archaeology in the Bawnboy-Ballynahoulort, Mounthawk area since 1996 by this author. In that context the proposed diversion, as a potential section of the overall Greenway should be subjected to an archaeological impact assessment, including licensed test excavations, that should be undertaken in advance of and to inform a planning decision. This is the normal standard requirement by Kerry County Council when any proposed development is greater than 0.5ha.

(3) From a cultural point of view the potential cost is simply too high. The simplistic 2D (drawing a line on a map) approach by Kerry County Council to avoid hassle, is not a viable or fair solution, indeed it is an utter avoidance of dealing with the issue in a meaningful, legalistic way. Given that we have been waiting for the completion of this greenway for nearly a generation or so, it behoves Kerry County Council to act responsibly and deal head-on with the intransigent individual and revert to the original railway line as the host for the entire greenway.

(4) It makes no cultural or rail sense and seriously detracts from the original concept and plan to turn the railway line into greenway. The diversion of the greenway if applied for in any normal planning application would be refused by any planning authority.

(5) If this diversion succeeds it will create a precedent for other Greenway projects and other community-based trails etc that will surely come back to haunt them

I utterly object to this silly and overtly simplistic proposal and sincerely hope that Kerry County Council rethink their proposal and revert to the original plan.

CE Response:

See response to Submission G-1. There are no recorded monuments listed in either the Record of Monuments & Places or the Sites & Monuments Record in close proximity to the proposed route. However, while one leg of the route is along the line of the former railway and therefore in disturbed ground, the other leg is in a greenfield setting running adjacent to the line of a field boundary in improved, agricultural land. There is a recorded archaeological monument, an enclosure Ke029 053, to the west of the greenfield route though it is approximately 70m away and will not be directly impacted by the development nor does the route pass through the zone of notification around the recorded monument. At a length of 500m and a stripped area of approximately 3000 square metres the development of the greenfield stretch of the route does not exceed the thresholds for linear or large-scale developments.

The proposed design will not incorporate an acute V Shaped design. The design of the proposal is compliant with the provisions of TII Publication GEO-03047, Rural Cycleway Design (offline). The proposed route will run adjacent to the field boundary.

G-137 Linda Pierse

Submission:

Would appreciate if Kerry County Council would not approve the diversion from the rail line at Bawnboy. It will add 700 meters each way to the cycle trip into Tralee and make it less feasible that my 3 children would cycle to secondary school there and for all trips to Tralee that we will take daily, weekly monthly every year for the rest of our lives.

We are huge cycling enthusiasts and plan to use this greenway to commute to Tralee for School, work and leisure.

CE Response:

See response to Submission G-1.

G-138 Jane Murphy

Submission:

Should stop your plans to add an extra kilometer or so onto the greenway by going off route and not following the original plan of the railway tracks.

CE Response:

See response to Submission G-1.

G-139 Arthur Spring

Submission:

Objection of my family to the proposed rerouting of the Tralee to Fenit Greenway on three grounds.

1. It is our opinion that the appeal of the Greenway for "Commuting" purposes will be significantly diminished by the rerouting and creation of a longer journey to and from the town centre.

2. There is a very realistic danger of setting a precedent of capitulating to individuals who have unlawfully taken possession of state lands with disregard for the common good.

3. The council has the backing of the vast majority of the towns people to deliver the Greenway as initially proposed and voted on. While we encourage the Local Authority to seek an amicable solution to the benefit of all, it must be respected that ultimately the council must do what is right for the collective society and uphold the laws that govern the Land of Ireland.

CE Response:

See response to Submission G-1.

G-140 Norma O'Connor

Submission:

Prefer the original part 8 planning route which is shorter and maintains the integrity of the old railway route.

CE Response:

See response to Submission G-1.

G-141 Brian Leddin, Green Party TD Limerick City

Submission:

In general I would welcome the Tralee to Fenit greenway. It is an important piece of regional infrastructure, and it will not just benefit County Kerry but the whole region as we try to attract tourists with high quality infrastructure that allows visitors to experience the beauty of our natural landscape.

I would have some concerns about the proposed deviation from the original railway alignment at Bawnboy. It is a significant deviation with a sharp turn at the apex that in my opinion would take away from the utility of the route. The length of the diversion may make the route less attractive for commuting uses. In addition, it is important from an industrial heritage perspective to keep the original alignment.

I would urge the local authority to continue negotiations with the current occupier of the lands to see if a route through the original railway alignment can be achieved.

CE Response:

See response to Submission G-1.

G-142 Orla Foley

Submission:

Objection to the proposal to divert the Tralee Fenit Greenway at Bawnboy. The original route is more preferable being shorter and maintaining the integrity of the old rail line.

CE Response:

See response to Submission G-1.

G-143 Tim Supple**Submission:**

Objection to the proposed diversion of the Tralee Fenit greenway.

CE Response:

See response to Submission G-1.

G-144 Kerry Green Party**Submission:**

The Green Party Kerry Branch make the following submission on the proposed diversion to the route of the Tralee Fenit Greenway.

The greenway is an important piece of transport infrastructure, amenity and a tourism product. As we move to enable people to choose active travel modes, it is of the utmost importance that routes such as the Tralee-Fenit greenway are efficient and attractive. The addition of approximately 1 KM may dissuade people from utilising the route to commute. For children living in proximity to the line, it is critical that the route is direct - especially with the close proximity of Mercy Mounthawk School to the greenway.

From a tourism and amenity perspective, the greenway product will be impacted as there are significant industrial heritage features on the bypassed section of the line. The arc of this section is also highly visually attractive. It is the perfect transition from urban to rural for the Greenway.

The junction where the Fenit line turns away from the Listowel line would also be lost completely removing this important piece of our railway heritage.

It will benefit County Kerry but also the whole region as we aim to grow our local, domestic and international tourism offering. High quality infrastructure that allows visitors to experience the beauty of our natural landscape is extremely important to the continuing success of Kerry as a Natural Escape destination.

We urge Kerry County Council to continue negotiations with the current occupier of the lands.

CE Response:

See response to Submission G-1. As outlined in the Strategy for the Future Development of National and Regional Greenways, a '*Greenway is a recreational or pedestrian corridor for non-motorised journeys..... Greenways are not simply a means of getting from A to B, they are an experience in and of themselves*'. It is considered that the addition of 500m of surfaced track will not inhibit its use for leisure or commuting purposes. The Tralee to Fenit greenway will provide a safe segregated off-road cycling and pedestrian amenity. The main objective of Kerry County Council Council is to develop the Greenway in the most cost effective and expeditious manner possible. It is considered that to proceed other than in the manner proposed would jeopardise the completion of the Greenway indefinitely.

G-145 John Moriarty**Submission:**

Objection to the Part 8 proposal to divert the Greenway from the original rail line at Bawnboy, for the following reasons:

The proposed change to the original plan will compromise the natural alignment of the Greenway.

It is Kerry County Council's responsibility to protect publicly owned property and not abandon it to unauthorised occupation.

CE Response:

See response to Submission G-1.

G-146 Declan Lawless**Submission:**

Objection to the proposed deviation from the original planning permission granted for the Tralee-Fenit Greenway route.

There is a planning proposal to divert a substantial section of the agreed Tralee-Fenit Greenway route from the rail line and detour through a field near Clogherbrien Bridge. I oppose this for the following reasons:

- The original integrity of the line will be compromised. It fails to protect public land and a public right of way
- Unnecessary additional time and costs will be incurred due to this dog-leg detour. The deviation of the route adds a cost to the project including the purchase / lease of the extra land needed, the development of extra greenway length (approximately 0.7km) and the cost of this new part 8 process

- Abandonment of a stretch of line which is in full public ownership and has achieved full planning permission for a Greenway creates the wrong precedent for future greenway development undermines and makes a mockery of the planning process
- Unlawful, irresponsible and unauthorised behaviour through encroachment onto a disused line which is publicly owned land is being rewarded
- This new Part 8 planning application shows that planning permission can be unwound.

CE Response:

See response to Submission G-1.

G-147 Joan Swift, Sligo Cycling Campaign

Submission:

Sligo Cycling Campaign wishes to support the request of our colleagues in Kerry Cycling Campaign for the original part 8 agreed route for the above greenway to stand and for the proposed deviation to be abandoned.

We fear that a deviation from the agreed route along the existing line which is already in public ownership would set a precedent for local Authorities when it comes to other greenways. Feasibility studies on two greenways in our own area are currently in train.

We also feel that a change of route at this late stage would cause reputational damage to Kerry County Council and bring the planning and consultation process into disrepute.

CE Response:

See response to Submission G-1.

G-148 Julienne Barrett

Submission:

Objection to any proposed delay or detour from original route for this long-awaited greenway due to a business operating on the line at Bawnboy. As this property belongs to the council as I understand it I see no reason why this greenway can't proceed ASAP there have been enough delays. This greenway would be Invaluable to local tourism and is badly needed.

CE Response:

See response to Submission G-1.

G-149 Liam O'Mahony, GST

Submission:

The submission suggests the proposal, during construction, should be continued to Ballyroe Heights Hotel. It acknowledges that Kerry County Council intend to develop the route from Tralee to Listowel but that this will take some time.

It states that Great Southern Trail (GST) campaigners have walked from Blennerville to the Ballyroe Hotel previously.

CE Response:

CE Recommendation

No amendments to the project that went on public display.

G-150 Anthony Dawson

Submission:

Objection to the change in the plan for the Tralee to Fenit Greenway at Bawnboy. The old railway should be the route for the new cycling path.

CE Response:

See response to Submission G-1.

G-151 Peter Jackson

Submission:

Please keep the Greenway track on the original route along the railway line

CE Response:

See response to Submission G-1.

G-152 Mike Hayes

Submission:

Objection to the proposed changes to the greenway. It is unacceptable to change the greenway in this way.

We've waited decades for this amenity to be developed and to see it tampered with in this way is shocking.

I object to the amendment on the following grounds:

Special Meeting Tralee Municipal District

The original and correct route has been approved for many years and there is a rightful expectation from the public that this route will make up the greenway

The proposed modification is unnecessary and possibly unsafe with a significant risk of collisions at the "dog-leg". Many of the cyclists who will use this amenity will be inexperienced and will fail to take the turn at this point safely resulting in accidents and collisions.

The land is in public ownership - no explanation has been provided for why this deviation has been planned for to accommodate a business that appears to be illegally occupying public land

It will add delay and cost overruns and will make the greenway less attractive for tourism in the long run

It unnecessarily adds to the length of the greenway

It sets a precedence for other greenway projects that illegal occupation of public land will be rewarded.

At a time when it's become clear just how much Kerry and Ireland depend on tourism to keep the local economy afloat it is stunning that this amendment was even entertained and that public money was wasted on it.

CE Response:

See response to Submission G-1.

G-153 **Conor Reen**

Submission:

Prefer the original part 8 planning route which is shorter and maintains the integrity of the old railway route

CE Response:

See response to Submission G-1.

G-154 **Malachy Kelly**

Submission:

Someone has essentially annexed council/public lands, and you want to set the precedent that this is acceptable behaviour? I really hope this proposal is a joke.

Use the line, and use the heritage, and never mind this crazy diversion that undermines future generations.

CE Response:

See response to Submission G-1.

G-155 **Mark Callanan**

Submission:

This submission supports submission G1 on behalf of the Friends of Tralee Fenit Greenway.

G-156 **Seamus and Anne Kane**

Submission:

Seamus and Anne Kane's property abuts the Greenway. They did not have any difficulty with the original line but are objecting to the new costly proposal which takes away from the traditional Tralee to Fenit line.

CE Response:

See response to Submission G-1

G-157 **Colm O'Doherty**

Submission:

Mr. O'Doherty has a residence which bounds the Greenway and makes the following points:

- There is an obvious and pressing need to incorporate traffic lights at the junction of the Greenway with the Bracker O'Regan road. At present the speed limits on this road are inadequate.
- There is an obvious need for constant security or CCTV to prevent anti-social behaviour.
- There is a need for dedicated waste management of the facility to prevent dog fouling and fly-tipping.

- Broadly welcomes the development of the Greenway. It will be a great amenity for the residents of the County.

CE Response:

See response to Submission G-1. Kerry County Council have met with Mr O'Doherty.

It is a condition of the grant from DTTAS that a new crossing be designed for the junction of the Greenway with the Bracker O'Regan Road. This junction will involve traffic calming and signage and will result in a safer crossing and reduced speeds at this location.

Arising from the legislative provisions of GDPR, prior to the installation of CCTV cameras in any public area Garda Siochana authorisation is necessary. In order to obtain this approval, the applicant must demonstrate a clear necessity for their installation. A necessity test involves the examination of the proposed measure(s), supported by evidence describing the problem to be addressed by the measure(s), how the measure(s) will address the problem and why existing or less intrusive measures cannot sufficiently address the issue. This test of necessity requires the preparation of a Data Protection Impact Assessment in order to support the subsequent application to An Garda Siochana. Kerry County Council are therefore not the decision maker on whether CCTV surveillance can be installed. Should a situation arise where there is clear evidence to support their use, an application to An Garda Siochana will be necessary and their approval obtained. At present there is no such evidence to support such an application. It is proposed however that public lighting will be provided along this section of the route in order to discourage anti-social behaviour in this area. Should it become necessary in the future the ducting for this lighting can be used for CCTV installation.

Signage will be provided at the entrance to the estate to discourage parking.

The section of Greenway to the rear of the properties will have lighting erected.

The Greenway is an amenity for pedestrian and leisure cyclists and appropriate signage will be erected.

A concrete post and panel fence will be erected to the rear of properties facing onto the Greenway.

G-158 The Grove Residents Association

Submission:

Want to highlight the resident association's concerns in relation to the Greenway and specifically how it will impact on their estate.

- a. There is concern that the estate will be used as an area to park vehicles prior to using the Greenway. This already happens and will increase.
- b. The Bracker O'Regan Road has huge volumes of Traffic. They are fully aware of the of the speed and volume at which vehicles converge on what is a very dangerous and blind bend at the exit from the current Greenway. Walkers exiting from the Greenway currently have huge difficulty in crossing the road. With the increase in parking and traffic and the increased volume of users, this area is an accident waiting to happen.
- c. The resident are very concerned about anti-social behaviour on the Greenway at the back of the estate. Require adequate lighting and CCTV.
- d. Rodent control from the current tracks are an issue. Hoping that the new Greenway will deal with rodent control as an ongoing matter.
- e. As users of the existing greenway into town the reality of the existing Greenway is of overgrown hedgerows, planted trees choked with weeds/bushes, inability to cut back on impinging vegetation due to Japanese Knotweed, rodent issues, anti-social behaviour and doggie bag sites empty with full bags of waste gathered around these sites. Look forward to seeing how the Council deals with these issues.
- f. Require that all resident backing onto the Greenway will be provided with adequate boundary walls and that the council will contact these residents directly.
- g. Vehicles are currently not observing the speed limit in the Grove / Bracker O'Regan area and this is also an issue for users of the pedestrian crossings adjacent to Mounthawk School. The whole area from Bracker O'Regan road to through to O'Donnell's requires a serious traffic management review.

The council should seriously consider upgrading traffic calming measures where the Bracker O'Regan Road converges on the Grove, the Orchard, Quarryvale and Mounthawk Secondary School. The submission provides examples of suggested traffic calming measures. The submission points out that the current Zebra crossing on the Bracker O'Regan Road is on a raised part of the road and is less visible as a result.

The resident's association looks forward to fully engaging with the Council on the matters raised and are available to meet with the Council.

CE Response:

Kerry County Council have met with the Residents association to discuss their submission.

It is a condition of the grant from DTTAS that a new crossing be designed for the junction of the Greenway with the Bracker O'Regan Road. This junction will involve traffic calming and signage and will result in a safer crossing and reduced speeds at this location. This proposal will be subject of a separate S38 to be brought before the Council.

Arising from the legislative provisions of GDPR, prior to the installation of CCTV cameras in any public area Garda Siochana authorisation is necessary. In order to obtain this approval, the applicant must demonstrate a clear necessity for their installation. A necessity test involves the examination of the proposed measure(s), supported by evidence describing the problem to be addressed by the measure(s), how the measure(s) will address the problem and why existing or less intrusive measures cannot sufficiently address the issue. This test of necessity requires the preparation of a Data Protection Impact Assessment in order to support the subsequent application to An Garda Siochana. Kerry County Council are therefore not the decision maker on whether CCTV surveillance can be installed. Should a situation arise where there is clear evidence to support their use, an application to An Garda Siochana will be necessary and their approval obtained. At present there is no such evidence to support such an application. It is proposed however that public lighting will be provided along this section of the route in order to discourage anti-social behaviour in this area. Should it become necessary in the future the ducting for this lighting can be used for CCTV installation.

Prior to the commencement of construction rodent bait boxes will be installed. It is considered that the provision of a concrete fence at the boundary of the properties and the Greenway will address any ongoing issues.

Signage will be provided at the entrance to the estate to discourage parking.

The section of Greenway to the rear of the properties will have lighting erected.

The Greenway is an amenity for pedestrian and leisure cyclists and appropriate signage will be erected.

A concrete post and panel fence will be erected to the rear of properties facing onto the Greenway.

G-159 Con & Una O'Connor

Submission:

Kerry County Council have met with Con and Una O'Connor to discuss their submission. Fully supportive of the Greenway from the beginning but nobody has met with them in relation to their concerns. This property is located in the Grove, Mounthawk and backs onto the greenway and a capped boundary wall is required retaining the existing gate. Dog fouling and emptying of bins is a problem on the existing greenway. The existing greenway is overgrown with weeds and has not been properly maintained. The submission reiterates the issues raised in the Grove Resident's Association submission (G-158) in relation to parking, traffic and safety and requests that these issues be addressed. It also reiterates the issues raised in relation to anti-social behaviour, rodents and Greenway maintenance.

CE Response:

G-160 John Shanahan

Submission:

Both disused railway lines cross Mr. Shanahan's land at separate locations and he crosses the line with animals and machinery on a daily basis. The submission states that the old railway lines are causing severe flooding issues in the area.

CE Response:

Kerry County Council will liaise with Mr Shanahan in relation to the issues raised in the submission regarding crossings and drainage.

G-161 Jack Barry

Submission:

I would like to voice my deep concern of the proposal to divert the greenway from the original agreed route.

There shouldn't be diversions from the railway line which is in public ownership. This is setting a very dangerous precedent.

Please do not go ahead with this.

CE Response:

See response to Submission G-1

G-162 George Murray

Submission:

I am extremely disappointed to have to make this submission to Kerry County Council in relation to the proposed Bawnboy diversion of the greenway from Tralee to Fenit. To now discover that Kerry County Council propose to introduce a major diversion to the originally agreed route, subsequently ratified via the original Part 8 process, is more than disappointing. It would appear not to be in the best public interest for the following reasons:

- It flies in the face of the decision made by Kerry County Council to approve the original Part 8 proposal, as stated in both the EIA and AA statements and described as – *'the previously approved and assessed Tralee to Fenit greenway'*
- It diverts unacceptably from the original railway line path, which is in public ownership
- It adds an extra 700metres to the length of the greenway with no obvious public benefit, or practical reason.
- It rewards the illegal use of public land by an unauthorised business.
- It delays the construction, and adds to the cost, of the original agreed greenway route.

I object to the capitulation by Kerry County Council to a private individual, which goes against the general public benefit and sets an unfortunate precedent.

I urge Kerry County Council to revert to its original decision to use the original alignment of the Tralee to Fenit railway line.

CE Response:

See response to Submission G-1

G-163 James Brown

Submission:

I would like to express my opposition to the council's proposal to divert the greenway around the area that has seemingly been illegally occupied for a business purpose. Simply giving this public land to the person concerned and spending additional public funds to divert the established greenway route around it is fundamentally wrong. It also sets a worrying precedent that anyone else can simply occupy public land, safe in the knowledge that the council will not act. Please, please reconsider.

CE Response:

See response to Submission G-1

G-164 Paul Steen

Submission:

I wish to enquire as to why there is a proposed diversion to the Tralee - Fenit Greenway at Bawnboy.

Without any explanation being present it seems apparent that the diversion is being proposed to facilitate a private Pallet manufacturing business to operate illegally on publicly owned lands. What is the legal position that facilitates this?

CE Response:

See response to Submission G-1

G-165 Mary Keane

Submission:

I the undersigned am objecting to the Council's proposed diversion at Bawnboy.

CE Response:

See response to Submission G-1

G-166 Donal Mahon

Submission:

I strongly object to the unnecessary change of route to the Fenit greenaway. The natural route is the old Tralee /Fenit railway line which I travelled on with my wife and family on many a Sunday by train with lots more families.

By proposing this change you are opening a can of worm, unnecessary so, get rid of the shed, give us what was agreed.

CE Response:

See response to Submission G-1

G-167 Maurice Wrenn

Submission:

I understand that KCC are considering a diversion of the Greenway at Bawnboy in order to accommodate a blockage of the railway line by a person carrying out a business on the old railway line.

I strongly object to the proposal to divert the greenway as from what I can see will in fact create a hairpin-bend on the route. Furthermore, this will create in effect a blind end and purely on safety will interrupt line-of-sight for those using the facility. This would interrupt users' line of sight and create a personal safety threat should persons not have clear vision of what lies in front of them.

I expect a full design risk assessment will conclude that the proposed diversion will create an unacceptable risk for users safety and security.

CE Response:

See response to Submission G-1. The design of the proposal is compliant with the provisions of TII Publication GEO-03047, Rural Cycleway Design (offline).

G-168 Eileen Shirsat

Submission:

We are not legally qualified and feel at a disadvantage to deal with council official to adequately defend our position. With reference to the proposed development of the old railway line, our land is on both sides of the line with two crossings one of which is a boraheen, access for agricultural purposes only.

Since 1907 the land has been in my family, passed down from my great grandmother, grandfather, father and now me. The railway line is an essential part of my farm for farming. The land for the railway was acquired by CIE for the sole purpose of running trains from Tralee to Fenit. However, CIE abandoned the railway line in 1978 i.e. 42 years ago and as a result of which, by default, the ownership of the line was reverted back to the farm-owners, who were looking after the land i.e. line.

Furthermore, CIE's failure to maintain the drainage on either side during the abandoned years resulted in frequent flooding of my land with the water flowing down on to the Tralee to Fenit road, endangering the driving conditions, i.e. if there is an accident, I would be held liable. CIE also failed to maintain the gates, putting at risk the security of my land. These points were brought to

the attention of CIE officials (in Dublin) on several occasions. They said on record that they have no interest whatsoever in the line and I could do what I like.

Accordingly, at great expense to me I carried out extensive drainage on both sides of railway line and also replaced the gates to secure my land. CIE could not even tell me where the drainage points were as they did not have any maps. Thus, by abandoning their responsibilities to maintain the drains and secure the land. Therefore, in every respect I have been the owner of the section of line running through my land. Thus, CIE surrendered the land back to me by their inaction and indifference.

Therefore, I contend that, in law, CIE cannot transfer the land to the Council that they don't own. The proposed Greenway will seriously damage my farming business because the safe access to the land from the boraheen is vital and the construction of the Greenway on my land will result into serious obstruction to the farming activities.

My existing tenant is not interested in renting the land if the Greenway goes ahead. If you construct the Greenway upon my land, I will be left with no income, thus rendering my land worthless.

CE Response:

Section 18 of the Transport Act 1958 specifically provides that notwithstanding anything to the contrary in any other enactment, a railway company may sell any land under or adjoining an abandoned railway line by private treaty to a local authority or public utility undertaking. This is precisely what happened in the case of this land. The contention that 'CIE surrendered the land back to me by their inaction and indifference' is similarly unsupported. Furthermore, no record has been produced with this submission to vouch the claim that CIE stated 'on record' that it has 'no interest in the line'. This is at variance with the deed of conveyance of 2017 by CIE to the Council. The Council will accommodate the landowners in any manner possible to address their concerns and appropriate access will be provided across the Greenway for landowners on either side.

G-169 Dermot Mangan

Submission:

I lived in Fenit when the railway was still running and even travelled out on the pier on a train with a work team at one time.

I have been looking forward to travelling the old line again and would prefer the original part 8 planning route which is shorter and maintains the integrity of the old railway route.

CE Response:

See response to Submission G-1. Appropriate access will be provided across the Greenway for landowners on either side.

G-170 Gavin Drew

Submission:

I object to the new route and would like to original route to remain. The deviation from the railway route is unacceptable.

CE Response:

See response to Submission G-1

G-171 Stella O'Mahony

Submission:

Objects to the new route and would like to original route to remain. The submission reiterates the points made in submission G-1.

CE Response:

See response to Submission G-1

5. Proper Planning and Sustainable Development

Evaluate the Proposed Development with Respect to the Proper Planning and Sustainable Development of the Area

The need for the proposed scheme is supported by European, National, Regional and Local Policies. The development is consistent with the following National, Regional and Local Plans and Strategies:

- Project Ireland 2040: The National Planning Framework
- Project Ireland 2040: National Development Plan 2018-2027
- Smarter Travel: A New Transport Policy for Ireland 2009-2020
- The National Cycle Policy Framework, 2009 – 2020
- Strategy for the Future Development of National and Regional Greenways- July 2018
- Regional Spatial and Economic Strategy (RSES) 2019-2031
- Kerry County Development Plan 2015-2021
- The Tralee Municipal District Plan 2018-2024
- The Kerry Local Economic and Community Plan 2016 - 2021
- County Kerry Tourism Strategy and Action Plan 2016-2020

Relevant supporting planning policies and objectives from each of these documents is set out in detail in APPENDIX 3 of this report.

The resulting benefits of the scheme are far reaching and will address the identified need for the project in the area. The benefits can be summarised and grouped into six main categories:

- It will act as a catalyst for increased tourist visiting the area
- It will generate increased economic activity
- It will promote rural regeneration – agri-tourism
- It will enhance cultural and heritage awareness and community identity
- It will provide an accessible recreational amenity for local use
- It will improve health and wellbeing in the Local Community through active living

For a peripheral rural County like Kerry tourism provides the greatest potential to address economic and social decline.

Government policy as outlined in ‘Energising Ireland’s Rural Economy’ recognises the need for rural area to capitalise on their indigenous assets to provide employment and rural regeneration. This proposed development satisfies this policy.

The route is located on and incorporates some of the most magnificent scenery in the County, Tralee Bay, therefore open the area in a sustainable manner to additional tourist who may not have intended to visit the area.

The project will provide direct employment in service-related industries in the local economy and, as an activity attraction has the potential to extend the tourism season and provide increased year-round demand.

This is a unique local asset and one which can be utilised for the benefit of the local community. The health benefits of cycling are universally recognised, and the promotion of cycling is enshrined at all levels of national and local policy.

The greenway has the potential to serve as a sustainable connection to local heritage by providing sustainable access to areas which are not currently easily accessible by pedestrians and cyclists. This will provide a sense of place and understanding of the past by drawing greater attention and appreciation to the railway heritage and cultural assets of the region.

The greenway will provide a safe segregated environment for cyclists and walkers and act as a stimulus to encourage greater participation in outdoor activity for local and visitors alike. Presently cyclists and walkers are using the R558 Tralee-Fenit Road network. This greenway development will be accessible to all users, including locals and visitors, families and the elderly, as a segregated route.

The development will also maximise the safety of vehicle users by minimising the number of pedestrian and cyclist using the busy R558 Tralee-Fenit Road

As part of this planning proposal an Environmental Impact Assessment (EIA) screening report was prepared and determined that the proposed work, individually, and in combination with other plans and projects, is not one which requires a Mandatory EIA and is not likely to have a significant effect on the environment. An Environmental Impact Assessment (EIA) is not required in this instance.

An appropriate assessment screening was also prepared for the proposed project and determined that the proposed work, individually, and in combination with other plans and projects, is not likely to have a significant effect on a European site (Natura 2000 Site), and as such, a Stage 2 Appropriate Assessment / Natura Impact Statement is not required in this instance.

6. Proposed Amendments

There are no proposed amendments to the development as published.

7. Recommendations

It is considered that the proposed development with regard to Section 179 of the Planning and Development Act 2000 (as amended) is in accordance with the proper planning and sustainable development of the area.

Kerry County Council has concluded that an EIA (Environmental Impact Assessment) is not required.

Kerry County Council has concluded that an AA (Appropriate Assessment) is not required.

It is recommended to proceed with the proposed development without modifications.

Reviewed By:

Sean O'Sullivan, SEE CIU

Approved By:

Tom Sheehy, Senior Engineer CIU

Signed By:

Michael Scannell
Tralee Municipal District Manager – Bainisteoir Cheantair Bardasach Thrá Lí

Appendix A. Supporting Planning Policies and Objectives

Project Ireland 2040: The National Planning Framework

As a strategic development framework, Ireland 2040 - Our Plan sets the long-term context for the country's physical development and associated progress in economic, social and environmental terms.

The vision for Ireland in 2040 is:

For the highest possible quality of life for people and communities, underpinned by high quality, well managed built and natural environments.

Sustainable self-reliance based on a strong circular economy and significant progress towards a low carbon, climate-resilient society while remaining an open, competitive and trading economy.

The Framework sets out the key goals and objectives for the State, and central to this framework is the theme of Planning and Investment to Support Rural Job Creation in particular:

"The development of greenways, blueways and peatways offer a unique alternative means for tourists and visitors to access and enjoy rural Ireland. The development of a strategic national network of these trails is a priority and will support the development of rural communities and job creation in the rural economy, as well as the protection and promotion of natural assets and biodiversity."

The NPF is supported by a series of National Strategic Outcomes which the Framework seeks to deliver. The most pertinent Outcomes in the context of the proposed development are as follows:

National Strategic Outcome 3: Strengthened Rural Economies and Communities

"A strong start has also been made in the development of a national long-distance Greenway/ Blueway Network. Such a network, including rural walking, cycling and water-based recreation routes, as well as 'peatways', has demonstrated major potential to bring new life to regional and rural locations through the "win-win" scenario of increased tourism activity and healthier travel. Developing this network further will diversify our rural economy by embracing the potential for a major expansion in the demand for activity based tourism."

National Strategic Outcome 7: Enhanced Amenities and Heritage

"Attractive places include a combination of factors, including vitality and diversity of uses, ease of access to amenities and services supported by integrated transport systems and green modes of movement such as pedestrian and cycling facilities. Appealing places are also defined by their character, heritage and sense of community. This includes attractive buildings and street layouts, civic spaces and parks and regeneration of older areas and making places feel safe through active use and design."

The proposed Greenway aligns itself with both the strategic outcomes and objectives of this framework. The relevant National Policy Objectives in support of the proposed development are set out hereunder:

Objective No.	The National Planning Framework
National Policy Objective 16	Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacancy and deliver sustainable reuse and regeneration outcomes.
National Policy Objective 17	Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.
National Policy Objective 18a -	Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.
National Policy Objective 21 -	Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the sustainable diversification of the rural economy into new sectors and in particular those with a low or zero carbon output
National Policy	Facilitate the development of a National Greenways/Blueways and Peatways Strategy which prioritises projects on the basis of achieving maximum impact

Objective 22	and connectivity at national and regional level.
National Policy Objective 27	Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
National Policy Objective 64	Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.

Project Ireland 2040: National Development Plan 2018-2027

The National Development Plan 2018-2027 (NDP), published in February 2018 in tandem with the National Planning Framework (NPF), seeks to drive Ireland’s long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF.

The key role of the NDP is to set out the updated configuration for public capital investment over the next 10 years to achieve the National Strategic Outcomes as set out within the NPF.

National Strategic Outcome 3, Strengthened Rural Economies and Communities

The NDP outlines a number of key rural initiatives, that set out to revitalise rural areas and to enhance economic growth. The Rural Recreation Infrastructure Scheme is regarded as the most applicable scheme to the proposed greenway project:

“The Rural Recreation Infrastructure Scheme supports the development and necessary maintenance, enhancement or promotion of recreational infrastructure throughout Ireland in light of the huge potential to develop the economic value of Activity and Recreational Tourism by Local Authorities, State Agencies and communities. Initiatives funded covered a broad spectrum, and range from walking trails to greenways and blueways.”

Investment in activity based tourism, including greenways, is recognised as a priority over the duration of the NDP lifespan, which will comprise of measures to support further regional investment in existing experience brands, including the Wild Atlantic Way.

Chapter 5: National Strategic Outcomes and Public Investment Priorities, summarises the status of greenway strategies within the State, anticipating the ongoing development of greenways over the duration of the NDP.

The National Development Plan reiterates the core national strategic objectives and outcomes of the National Planning Framework. The NDP earmarks future investment in greenways and recreational based tourism across the State over the duration of its lifespan.

Smarter Travel: A New Transport policy for Ireland 2009-2020

Smarter Travel – A Sustainable Transport Future, prepared by the Department of Transport, sets out a broad vision for the future of transportation in Ireland and establishes associated objectives and targets.

The main objectives are to reduce dependency on car travel and long-distance commuting, increase public transport modal share and encourage walking and cycling in line with national policies such as the National Cycle Policy Framework. This policy document sets out key goals, targets and actions, by 2020 and include the following:

“Our vision is to create a strong cycling culture in Ireland and ensure that all cities, towns, villages and rural areas will be cycling friendly. Cycling will be a normal way to get about, especially for short trips. Next to walking, cycling will be the most popular means of getting to school, both for primary and secondary school.”

The proposed greenway will act as a connectivity link between the local communities and in turn encourage a cycling culture locally.

The National Cycle Policy Framework, 2009 – 2020

The National Cycle Policy Framework 2009 – 2020 aims to provide a common, integrated basis for the long-term development and implementation of cycling policies among various sectors and levels of government.

The National Cycle Policy Framework outlines key objective which are relevant to the creation of cycle friendly environments including greenways. These key objectives are outlined hereunder:

Objective No.	The National Cycle Policy Framework, 2009 – 2020
Objective 1	Support the planning, development and design of towns and cities in a cycling and pedestrian friendly way
Objective 3	Provide designated rural signed cycle networks providing especially for visitors and recreational cycling
Objective 4	While the main target of the cycle tourism strategy is visitors-both overseas and domestic- the secondary target market is recreational cyclists. From the perspective of the National Cycle Policy Framework encouraging recreational cycling is a key element of creating a cycling culture in Ireland and recreational routes in and around urban areas, which, in turn link to rural areas are very important
Objective 5	Ensure that all the surfaces used by cyclists are maintained to a high standard and are well lit
Objective 6	Ensure that all cycling networks – both urban and rural – are signposted to an agreed standard

Strategy for the Future Development of National and Regional Greenways (July 2018)

The objective of this Strategy is to assist in the strategic development of nationally and regionally significant Greenways in appropriate locations constructed to an appropriate standard in order to deliver a quality experience for all Greenways users. It also aims to increase the number and geographical spread of Greenways of scale and quality around the country over the next 10 years with a consequent significant increase in the number of people using Greenways as a visitor experience and as a recreational amenity. Project Ireland 2040 National Planning Framework and the National Development Plan 2018-2027 note that creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline. It recognises that “[T]he development of Greenways, Blueways and Peatways offer a unique alternative means for tourists and visitors to access and enjoy rural Ireland. The development of a strategic national network of these trails is a priority and will support the development of rural communities and job creation in the rural economy, as well as the protection and promotion of natural assets and biodiversity.” A strategic policy objective of Project 2040 is to facilitate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level.

Kerry County Development Plan 2015-2021

The Kerry County Development Plan, adopted in February 2015, sets out the strategic framework for the sustainable development and land use planning for the County of Kerry from 2015 to 2021.

The Planning and Development (Amendment) Act 2010 amended section 10 of the Principal Act by introducing the requirement of a Core Strategy that shall "ensure that the development objectives in the Development Plan are consistent, as far as possible, with national and regional development objectives set out in the National Spatial Strategy/National Planning Framework and Regional Planning Guidelines". Among the strategic aims of core strategy are:

Set out a vision and blueprint for the future sustainable development of the County and maximise the counties potential in the context of the South West region.

Support sustainable tourism development in Kerry and strengthen the contribution that tourism makes to the local communities, culture and economy of the County.

Promote and support the integration of land use and transport and encourage modal shift to greater use of sustainable modes of transport, including public transport, walking and cycling.

As a mechanism to achieving these strategic aims, The County Development Plan encourages the sustainable development of walking and cycling routes, through the re-use of the existing former railway lines as ‘greenways’ for the purposes of promoting cycling and walking. The relevant policies and objectives in supports of the proposed development are set out hereunder. Of these, Objective T-27 is particularly pertinent.

Objective No.	Kerry County Development Plan 2015-2021 Tourism and Recreation
	It is an objective of the Council to;
T-5	Promote the sustainable development of tourist related infrastructure such as transport access, appropriate facilities and high-quality tourist accommodation, in appropriate locations where proposals are in accordance with the provisions of this Plan.
T-10	Support and facilitate, in conjunction with other bodies and agencies, the sustainable development of Kerry as a world class destination for sports and recreation related tourism.
T-11	Promote and facilitate the sustainable development of outdoor activities, in appropriate locations, such as walking, rambling, cycling and adventure with specialised wellness centres and facilities in association with Tralee IT, Fáilte Ireland, National Trails Office, Irish Sports Council, Kerry Education and Training Board and other relevant National and County based department and agencies.
T-20	Facilitate the sustainable provision, at appropriate locations, of a network of quality pathways and associated car parks for walkers and cyclists and horse riders that are attractive and free of vehicle traffic.
T-23	Actively encourage and seek to facilitate appropriate and sustainable development of integrated cycle routes throughout the County in association with other agencies.
T-26	Co-operate with the National Trails Office, Fáilte Ireland, National Way Marked Way Advisory Council and other relevant bodies, in order to support the sustainable development, maintenance and enhancement of the trail development throughout the County, both urban and rural, in an environmentally sustainable way.
T-27	Promote and facilitate the sustainable re-use of existing former railway lines for amenity purposes, such as cycleways, walkways and other recreational activities in order to develop a network of ‘green routes’ throughout the County.
T-28	Support the sustainable development of a national cycle network and the development of a EuroVelo project, in particular the Atlantic Coast route where it passes through the County

Objective No.	Kerry County Development Plan 2015-2021 Transport and Infrastructure
	It is an objective of the Council to;
RD-4	Facilitate the sustainable provision of the necessary Infrastructure at appropriate locations, required to promote sustainable economic and social

	development of the County.
RD-8	Support sustainable travel in the County and implement the key goals, targets and actions as contained in Smarter Travel- A Sustainable Transport future – A New Transport Policy for Ireland 2009-2020 and the National Cycle Policy Framework.
RD-13	Encourage an increase of non-car based transport within the County.
RD-14	Promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport such as car sharing and car-pooling, as an alternative to private car, by facilitating and promoting the development of necessary infrastructure and by promoting initiatives contained in Smarter Travel, A Sustainable Transport Future 2009-2020.
RD-28	Promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport as an alternative to private car, by facilitating and promoting the development of necessary infrastructure and by promoting initiatives contained in Smarter Travel, A Sustainable Transport Future 2009-2020.
RD-30	Support the sustainable establishment of a network of “Greenways” as outlined in Table 7.4 within the County and adjoining Counties where it can be demonstrated that the development will not have a significant adverse effect on the environment, including the integrity of a Natura 2000 network. (Table 7.4 - from Farranfore to Caherciveen/ Renard Point).
RD-31	Support the sustainable establishment of a network of interlinked cycle ways and walk ways within the County and the adjoining Counties including: Tralee-Fenit, Lough Leane Loop, Glenbeigh-Renard Great Southern Trail Ballyseedy-Blennerville-Spa and linking them where possible, where it can be demonstrated that the development will not have a significant effect on the environment, including the integrity of the Natura 2000 network.
RD-33	Protect all existing or historical rail lines and associated facilities from redevelopment for non-transport related purposes in order to protect their future use as an operational transportation networks or for green cycle or walking routes.

This plan also promotes sustainable growth by encouraging rural enterprise and rural diversifications. Objective ES-28(13) supports the provision of farm-tourism enterprises such as the renovation of farm buildings for tourism purposes, walking, cycling, angling, pony trekking and bird watching, subject to compliance with normal planning criteria and development management standards.

Tralee MD local Area Plan

Objective No.	Tralee Municipal District Local Area Plan
	It is an objective of the Council to;
OS-01	Provide an improved quality of life for all citizens of the plan area by promoting the area’s economic potential, protect its natural and built environment and safeguard its cultural heritage.
OS-10	Facilitate the development of local employment opportunities in locations compatible with surrounding uses.
T-01	Facilitate where appropriate the development of the projects listed in the ‘Tourism Strategy and Action Plan’

TR-R-AI-01	Develop the Tralee – Fenit and the Tralee to Listowel greenways along the disused railway lines.
TR-R-AI-06	Facilitate the sustainable development of the Fenit Bay Loop walk.

The Kerry Local Economic and Community Plan

The Kerry Local Economic and Community Plan 2016-2021 sets out the actions and objectives for the promotion and strengthening of the economy and communities of Kerry.

Through the development of a coordinated interagency approach, The Kerry Local Economic and Community Plan identifies three aspects (socio-economic statements) to guide the formation of objectives to tackle the key economic and community concerns for Kerry.

These are as follows:

Economic Development and Job Creation - To promote a robust and diverse economy, supported by a well-developed education and training model, enabling a sustainable population and vibrant communities throughout the county.

Quality of Life - To promote a high quality of life, based around a clean natural environment, good quality local services, a strong sense of place and culture and meaningful participation in decision making.

Community and Social Inclusion - To promote social and economic inclusion and reduction of social inequalities, particularly targeting areas and communities in Kerry experiencing social disadvantage, marginalised groups or those at risk of exclusion.

These socio-economic statements have assisted in the formation of a number of goals, objectives and actions. The goals, objectives and actions in supports of the proposed greenway are set out hereunder.

Goal	Objective	Action
1.3 Sustainably Maximise Growth Opportunities for Kerry	1.3.8 Actively promote the sustainable development of tourism in the county through the development and implementation of appropriate plans and strategies.	1.3.8.3 Undertake further work on route options and feasibility studies for potential development of Greenways in the county, in line with national Greenways guidelines.
		1.3.8.4 Further to proper planning and sustainable development support completion of existing Greenway development (South Kerry, North Kerry and Fenit Greenways) and investigate the feasibility of linking up the North and South Kerry Greenways.
2.5 Promote population health & well-being drawing on the social determinants of health (covering social aspects including education, environment, sport & physical activity, housing, economic status)	2.5.2 Promote an increase in physical activity levels across the county for all.	2.5.2.1 Promote and develop free recreation facilities as part of a drive to increase physical activity levels and opportunities in the county for all. This work programme to be carried out in cooperation with the Kerry County Tourism Strategy.
3.8 To ensure that appropriate needs based social and community infrastructure is prioritised in creating sustainable communities and a sense of belonging for both new and more established areas throughout the county	3.8.8 Improve the liveability of communities through improved local facilities	3.8.8.1 Support the development of safe walking routes and other recreation opportunities in communities involving vulnerable road users in the design, included in which should be better signage and mapping facilities

County Kerry Tourism Strategy and Action Plan 2016-2022

The County Kerry Tourism and Action Plan, adopted in July 2016, set out the priorities and investment plans for the county over the 2016 to 2022 period. The County is hugely dependant on Tourism with one in five employed in this Sector at the present time. The visitor numbers are growing – 1.7 million visitors to the County, and this Plan shows how vital it is that the County has a shared vision and a shared ambition to support this expanding Industry and Enterprise.

The Tourism Strategy works to the principles of the National Tourism Policy as outlined in ‘People, Place & Policy – Growing Tourism to 2025’ and forms an integral part of the County Kerry Local Economic and Community Plan.

This plan recognises that physical infrastructure forms an integral part of Kerry’s tourism package. Infrastructure determines the future growth potential of the region, its competitiveness and has a direct bearing on the visitor’s holiday experience and whether or not the visitor will return and recommend the destination to others. It covers many areas including transportation links, infrastructure, and product development, quality of the environment, and visitor facilities among others.

Developing and enhancing Kerry’s tourism infrastructure is a key objective of this strategy.

A key priority in achieving this objective includes upgrading visitor facilities at seaside resorts, trail heads and link up Greenways, walking and cycling trails. One of the key actions identified this plan is the development of greenways, throughout the County and in particular from Reenard to Glenbeigh, as set out in action 1.7 Greenway of this plan

FIRST SCHEDULE

Having regard to the location of the site within the Tralee Municipal District Plan 2018-2024 and to the availability of services, it is considered that, subject to compliance with the conditions set out in the Second schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not therefore be contrary to the proper planning and sustainable development of the area.

SECOND SCHEDULE

The development shall be carried out in accordance with the plans and particulars published on Thursday 23rd July 2020.

Reason: To regulate and control the layout of the development.

All excavations and construction works shall be carried out between the hours of 0800 and 1800 Monday to Friday inclusive, and between the hours of 0800 and 1300 on Saturdays only. No work shall be carried out on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

Good site management practices should be adopted during site construction to prevent discharge of silt/hydrocarbon contaminated waters to storm or surface water drainage systems, e.g. through the use of silt traps and/or interceptors, these shall be maintained at regular intervals during construction.

Reason: To protect the existing environment.

During site construction phase, adequate measures shall be implemented in order to prevent the deposition of material from the site on to the public road

Reason: To avoid a traffic hazard.

All screening proposals to be agreed prior to the commencement of development

Reason: In the interests of orderly development.

Inland Fisheries Ireland and the Wildlife Licensing Unit of the NPWS shall be consulted and engaged with throughout the construction of the proposed development.

Reason: To protect the existing environment.

Appendix D. EIA & AA Determination Statements,

There are no amendments to the proposal that went on public display.

Planning Authority's *Determination Statement* on the Environmental Impact Assessment (EIA) Screening of the Tralee-Bawnboy Greenway (an amendment to the approved 11km Tralee-Fenit Greenway).

EIA Screening Determination Statement

It is noted that the EIA Screening Report dated July 2020 has been carried out giving full consideration to the plans and particulars of the proposed project and associated works and to the EIA Directive (85/337/EEC) codified by Directive 2011/92/EU, as amended by Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive). In particular, regard was had to Article 4, Annex I, II/IIa and III as amended, which set out requirements for mandatory and sub-threshold EIA and specifically to the EU (Roads Act 1993) (EIA)(Amendment) Regulations 2019.

Following the EIA screening it has been determined that the proposed project and associated works would not be likely to have a significant effect on the environment. The project should not be subject to an EIA and/or the preparation of an EIAR.

Features and/or Measures to Avoid/Prevent Significant Effects

Overall, as outlined in the aforementioned EIA Screening Report impacts or effects of the project are considered to be minor in nature and do not pose a significant adverse effect on the environment. Features/measures to avoid/prevent significant effects relate to:

- a pre-construction badger survey and compliance with an application to NPWS for disturbance of a badger sett.

Reason for the Determination:

- The environmental sensitivity of geographical areas likely to be affected were not deemed sensitive to the nature, scale or location of the proposed project,
- The nature and scale of the works required to facilitate the construction of the project within a relatively intact former railway line and a greenfield site are not complex or technically difficult to achieve and significant effects were not identified to any environmental sensitive receptor, and
- Finally, no in combination or cumulative impacts were identified between this project and/or the previously assessed and approved Tralee to Fenit Greenway or other proposed/foreseeable projects/plans. The amendment to the permitted route is minor in nature, is located in lands of low ecological value/low environmental sensitivity.

It is considered that the report contains a fair and reasonable assessment of the likelihood of significant effects on the environment from project. The assessment as reported is adopted as the assessment of Kerry County Council.

Signed

 _____ Date 17/7/2020

*Michael Scannell,
Director of Services / Stiúrthóir Seirbhísí,
Economic & Community Development /
Forbairt Eacnamaíochta & Pobail*

Planning Authority's *Determination Statement* on the *Appropriate Assessment (AA) Screening of the Tralee-Bawnboy Greenway (an amendment to the approved 11km Tralee-Fenit Greenway)*

AA Screening Determination Statement

It is noted that the *Appropriate Assessment Screening Report* dated July 2020 has been carried out giving full consideration to the plans and particulars of the proposed project and associated works, to European sites located in the vicinity and to all of the matters referred to in S177 (U) of the *Planning and Development Act 2000*, as amended.

The above project was screened for possible significant effects on European sites in view of the conservation objectives of these sites, alone or in combination with any other plans or projects. No significant effects were identified. An *Appropriate Assessment/Natura Impact Statement (NIS)* is not required.

It is considered that the report contains a fair and reasonable assessment of the likelihood of significant effects of the project on European sites. The assessment as reported is adopted as the assessment of Kerry County Council. Measures intended to avoid or reduce negative effects on the European sites have not been relied upon in reaching this determination.

Reason for the Determination:

- the habitat found within and in the vicinity of the proposed project is not annexed habitat and/or functionally linked habitat associated with the Tralee Bay to Magharees Peninsula, West to Cloghane cSAC and/or the Tralee Bay Complex SPA,
- No direct or indirect impacts to annexed habitats/species or birds of SCI were identified. Annexed habitats/species/birds of SCI are predominately marine/coastal in nature and are located at a considerable distance from the project,
- The nature and scale of the works required to facilitate the construction of the project within a relatively intact former railway line and a greenfield site are not complex or technically difficult to achieve and significant effects were not identified to annexed habitats/species/birds of SCI from the works that would be required for this project either alone or in-combination with the approved greenway and other plans/projects in the vicinity,
- The proposed project runs through an actively farmed, agricultural landscape on the outskirts of Tralee town and disturbance/displacement of annexed species/birds of SCI was not considered likely from either construction or operational stage of the project either alone or in-combination with the approved greenway and other plans/projects in the vicinity, and

- Finally, no in combination or cumulative impacts were identified between this project and/or the previously assessed and approved Tralee to Fenit Greenway or other proposed/foreseeable projects/plans. The amendment to the approved route is minor in nature, is located in lands of low ecological value with no potential to significantly effect a European site identified.

Signed

Date

12/3/2020

*Michael Scannell,
Director of Services / Stiúrthóir Seirbhísí,
Economic & Community Development /
Forbairt Eacnamaíochta & Pobail*

Mr. T. Sheehy stated that due to current circumstances Kerry County Council had to find an alternative route and while they could not comment on the stories currently in the media, other than to say that the Part VIII before the members was the most cost effective solution compared to the alternatives available.

Kerry County Council is in the position of having to look at the bigger picture. Occupancy of the line is a legacy issue before Kerry County Council's time. The route is not adding an additional cost to the original plan, nor will it add to the overall timescale.

Mayor T. O' Brien stated that Kerry County Council has not been found wanting as regards the Greenway and Cllrs have given support, including from their Cllrs. Allocations towards getting it completed. The public are very much behind this project.

Cllr. J. Finucane welcomed the report and stated that Kerry County Council had acted in a reasonable manner and needs to pursue every avenue at its disposal. This Greenway is crucial to the economy. In light of the time factor and securing funding, Cllr. J. Finucane formally proposed that the Cllrs. adopted the proposal before them.

Cllr. C. Foley stated that the landowner has possible adverse possession and it could take years to resolve this issue. This will be a fantastic amenity for the people of Tralee and rather than risk losing the greenway he would support this. Cllr. C. Foley queried if the claim of ownership had been registered with the Land Registry.

Cllr. S. Locke stated that at the time when the first Part VIII was passed it was shovel ready and couldn't see that the public in general would be against a further 600m extension of the route.

Cllr. D. Ferris advised that she had yet to make up her mind as businesses in town are paying rates and high rents, so this is very difficult ethical issue. While Cllr. Ferris respected the work that the Council had done and in no way wanted to stall progress on the Tralee-Fenit Greenway, she queried why it was left so late to deal with this issue.

Cllr. M. Sheehy stated this project will promote tourism in the county. The decision to be made here is not an easy one but none the less needs to be made to progress the Greenway. It is a solution to a problem.

Cllr. J. Wall stated that this project is in the pipeline for a long time. It is vitally important for the area.

Mr. M. Scannell stated that he would like to go on record and thank the Cllrs for their unprecedented support on the Tralee-Fenit Greenway. The members unanimously agreed to support Kerry County Council with their Councillor Specific Municipal District Operations Fund (CSMDOF). At the time of the Grant Submission, there was a reasonable expectation that Kerry County Council could deliver the full Tralee-Fenit Greenway along the railway line. Once the detailed negotiation with the landowner was undertaken it was found that in order to adhere to this route a significant financial burden would be imposed on the Council, this was beyond the scope of the resources available to the Council through grants and own resource contribution. The proposed solution before this meeting has been found to facilitate the delivery of the Greenway and this is the only reasonable way that it can be delivered.

On the **PROPOSAL** of **Cllr. J. Finucane** and **SECONDED** by **Cllr. T. O' Brien**, it was resolved to note the Chief Executive's Report and Recommendation, in accordance with Section 179 (3) (a) of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) for the following development

Tralee-Fenit Greenway (Bawnboy)
Bawnboy to Ballynahoulort, Tralee

A vote was taken which resulted as follows:

For: Cllrs – J. Finucane, C. Foley, S. Locke, M. Sheehy, J. Wall, and T. O' Brien, (7)

Against: Cllrs – D. Ferris (1)

Absent: Cllrs – (0)

Mr. P. Corkery declared the vote CARRIED.

The meeting concluded at 10:12a.m.

Mr. P. Corkery
Meetings Administrator

Cllr. T. O' Brien
Mayor of the Municipal District of Tralee