

4<sup>th</sup> July, 2017.

EIRCODE V94 XF67

t: +353 (0) 61 407 270

f: +353 (0) 61 415 266

**To: The Cathaoirleach and Each Member of the Municipal District of  
Adare-Rathkeale**

**Planning and Development Acts 2000 (as amended)  
Planning and Development Regulations 2001 (as amended)(Part VIII)**

**Extension of the Great Southern Greenway walking and cycling route from Rathkeale to  
Ballingarrane Co. Limerick along the former Limerick to Kerry railway line.**

A Chomhairleoir, a chara,

I enclose herewith a report prepared in accordance with the Planning & Development Acts  
2000 (as amended) and Part VIII of the Planning & Development Regulations 2001 (as  
amended) in relation to the above

The scope of works is outlined here:

The works proposed involve the development of approx 3km section between Rathkeale and  
Ballingarrane to include the provision of a rolled gravel surface path and all associated drainage,  
fencing, signage and repair works to structures.

This proposal was advertised on 25<sup>th</sup> of March, 2017, and plans and particulars in relation to  
same were made available for inspection from Monday 27<sup>th</sup> March 2017 to Thursday 25<sup>th</sup>  
May 2017. The closing date for submissions was Monday 12<sup>th</sup> June 2017. Eighteen  
submissions were received and the responses and conditions are outlined in the report.

It is proposed to proceed with the development as outlined in the report.

Is mise le meas,

*Pat Daly*

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**DIRECTOR,  
ECONOMIC DEVELOPMENT.**

**PLANNING REPORT IN ACCORDANCE WITH  
SECTION 179 3(a) OF THE PLANNING AND  
DEVELOPMENT ACT 2000 (as amended).**


**Re: Extend the Great Southern Greenway walking & cycling route from Rathkeale to Ballingarrane Co. Limerick along the former Limerick to Kerry railway line. The works proposed include development of approx. 3km section to include the provision of a rolled gravel surface path and all associated drainage, fencing, signage and repair works to structures- Planning Reference No: 17/8002**

  
\_\_\_\_\_  
Mary O'Malley  
Executive Planner

  
\_\_\_\_\_  
Donogh O'Donoghue  
Acting Senior Executive Planner

  
\_\_\_\_\_  
Pat Daly  
Director of Services Economic  
Development

**Pursuant to Section 179 3(a) of the Planning & Development Act 2000, as amended, this report is submitted to the members of Limerick City & County Council. In accordance with Section 179(4) (b) of the above Act, it is proposed to proceed as indicated in Section 5 of this report**

  
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Conn Murray  
Chief Executive  
Limerick City and County Council

**Date: 5<sup>th</sup> July 2017**

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## **1.0 Foreword**

This planning report has been prepared pursuant to Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended).

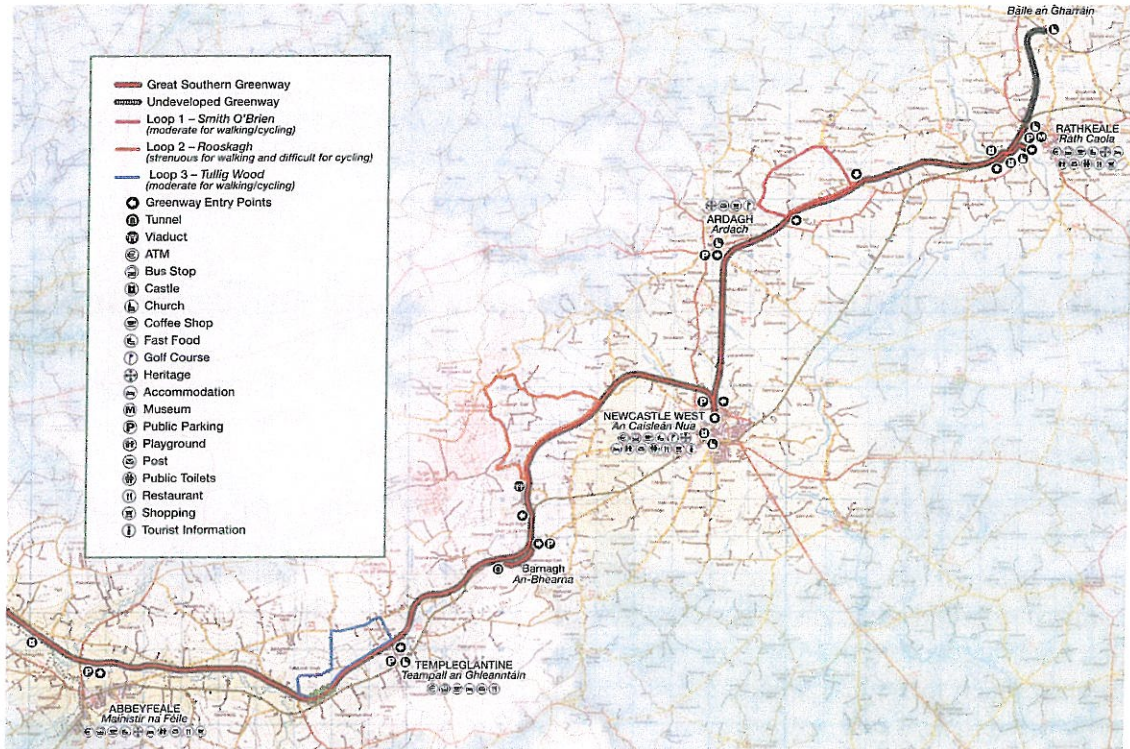
## **2.0 Description of the nature and extent of the proposed development**

The Great Southern Greenway (GSG) is a 96km stretch of countryside in West Limerick/North Kerry. It was the former route taken by the Limerick - Tralee/Fenit railway line, which opened in stages between 1867 and 1887. Most of the route closed between 1975 and 1978 but remains the ownership of CIÉ (the National Transport Company). In Limerick, approximately 38km of the Great Southern Greenway has been developed for off road walking and cycling from Abbeyfeale to Rathkeale. The route passes through the countryside allowing the walker/cyclist the opportunity to stop off in towns and villages along the route including Abbeyfeale, Templeglantine, Newcastle West, Ardagh and Rathkeale. The current proposal is to extend the trail 3km from Rathkeale to Ballingarrane.

The proposed development includes:

- Extension of the trail from Rathkeale to Ballingarrane along the route of the former railway line.
- Construction to the same specification as the existing trail
- Provision of certain drainage works in a number of locations
- Installation of seating and cycle stands at miscellaneous locations,
- Installation of signage including: a. Information sign boards and related structures, b. Directional signage on the trail and on the N21 and related roads, and c. Townland signage on the route Great Southern Greenway (GSG) from Rathkeale to Ballingarrane.

The plans and particulars went on public display from Monday 27th March 2017 to Thursday 25th May 2017 inclusive. Submissions and observations had to be submitted by Monday 12th June 2017.



Source: [www.southerntrail.net](http://www.southerntrail.net)



**Figure 2:** route of the trail extension. The dotted line, arrowed in mid picture, shows the route of the trail.

### **3.0 Likely implications, if any, with respect to the proper planning and sustainable development of the area**

It is considered that the proposed improvements will have a positive effect in the area; the proposal will enhance the trail in terms of accessibility and amenity through the provision of more user friendly farm crossings and staggered gates in addition to the amenity value of the cycle stands, information boards and seating. The additional signage will assist in promoting the trail in addition to being necessary. All ancillary infrastructural works will assist in the improvement and continued safe use of the trail. It is envisaged that the works will have a positive impact for the Great Southern Greenway and improve the profile of the route. The Limerick County Development Plan 2010 - 2016 sets out the following with respect to the development and improvement of walking and cycling facilities.

#### **Objective COM O26: National Cycle Policy Framework**

It is the objective of the Council to support the policies of the 'National Cycle Policy Framework 2009-2020 – Smarter Travel', Department of Transport, April 2009.

#### **Objective COM O27: Co-operation with Other Agencies**

- a) It is the objective of the Council to co-operate with representative bodies of walking and cycling groups, landowners, farmers, local groups and communities, and others to support the improvement and development of walking and cycling routes in an environmentally sustainable manner.
- b) It is the objective of the Council to commence an assessment into the feasibility of working in partnership with state, private and voluntary sectors to develop a walking and cycling policy for the county within the lifetime of the Plan with a view to establishing a register of walking routes, legal status of same, the mapping and promotion of guided walks and developing links with neighbouring counties.

#### **Objective COM O29: Proposed Developments and Design Considerations**

It is the objective of the Council to:

- a) Encourage the successful incorporation of safe and efficient cycle ways, accessible footpaths, and pedestrian routes, and general cycling facilities into the design schemes for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses. (Refer to Development Management Guidelines)
- b) Provide cycle ways, where appropriate, as part of all road improvement / redesign schemes ensuring, where possible, that cycle ways and footpaths are effectively separated from major vehicular carriageways,
- c) Prioritise the movement of pedestrians and cyclists in proximity to public transport nodes.
- d) Require planning applications for residential, commercial, retail, community, educational and industrial developments to demonstrate the proposal's accessibility for pedestrians and cyclists.

e) Seek provision of appropriate, well-designed pedestrian ways for residential development proposals to link with amenities and facilities. Such proposals shall adhere to the Guidelines on Sustainable Residential Development in Urban Areas and Urban Design Manual (DEHLG May 2009)

***Objective IN 08: Cycle and pedestrian facilities***

It is an objective of the Council to encourage the successful incorporation of safe and efficient cycle and pedestrian facilities, and accessible cycleways, footpaths and pedestrian routes into the design schemes for residential, educational, employment, and recreational developments. Consideration will be given in these schemes to existing or proposed routes where applicable.

The proposed works are consistent with the policy objectives of Smarter Travel: A Sustainable Transport Future 2009 – 2020, the National Cycle Policy Framework, 2009 and Limerick County Council Development Plan 2010-2016 as set out above. The proposed works will enhance and attractiveness of the existing Great Southern Greenway for the benefit of all users.



Proposed new gate system – Cattle grid and fencing will allow passage of cyclist and pedestrians separately

### 3.2 Habitats Directive Project Screening Assessment

|  |  |
|--|--|
| <p><b>Construction Phase:</b></p> <ol style="list-style-type: none"> <li>1. Extension of the trail from Rathkeale to Ballingarrane along the route of the former railway line.</li> <li>2. Construction to the same specification as the existing trail</li> <li>3. Provision of certain drainage works in a number of locations</li> <li>4. Installation of seating and cycle stands at miscellaneous locations,</li> <li>5. Installation of signage including: a. Information sign boards and related structures, b. Directional signage on the trail and on the N21 and related roads, and c. Townland signage on the route Great Southern Greenway (GSG) from Rathkeale to Ballingarrane.</li> </ol> <p><b>Are effects significant:</b> No</p> <p><b>Are substantial works required:</b> No</p> <p><b>Operating phase effects:</b><br/>Limited and localised</p> <p><b>Are effects significant:</b> No</p> | <p><b>Ex-situ effects:</b> N/a</p> <p><b>Are effects significant:</b> No</p> <p><b>Run-off:</b> N/a</p> <p><b>Are effects significant:</b> No</p> <p><b>Abstraction:</b> None</p> <p><b>Displacement:</b> None</p> |
|--|--|

Identification of Natura 2000 sites which may be impacted by the proposed development

|   |  |  |    |
|---|--|--|----|
| 1 | <b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.</b> | <i>Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?</i> | No |
| 2 | <b>Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.</b>   | <i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i>   | No |



|   |   |   |                                |
|---|---|---|--------------------------------|
| 3 | <b>Impacts on designated marine habitats and species.</b> | <i>Is the development located within marine or intertidal areas or within 5 km of an SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, Sandflats, Saltmarsh, Shingle, Reefs, Sea Cliffs</i> | Yes - Askeaton Fen Complex SAC |
| 4 | <b>Impacts on birds in SPAs-</b>                          | <i>Is the development within 1km of a Special Protection Area</i>   | No                             |
| 5 | <b>Cumulative effects</b>                                 | Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:  | No                             |

### Conclusion

An Appropriate Assessment (AA) is not considered necessary in this case.

The application has been accompanied by an Appropriate Assessment screening report. The nearest designated Natura 2000 site in the vicinity of the site are set out below: -

- The original trail runs parallel to the Lower River Shannon SAC (00342) site along the western end of its route to Limerick. This runs along the SAC site for stretch of about 700m. Some drainage features associated with the original railway such as culverts and other drainage features link the trail with the SAC site. The proposed new spur does not run through or close to Natura 2000 sites.
- The Askeaton Fen Complex (002279) is located 1.8km to the north at its closest point. Its features of interest are Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210] and Alkaline fens [7230]
- Barrigone grassland SAC site (000432) is located 10 km to the north. Its features of interest are as follows: *Juniperus communis* formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (\* important orchid sites)

[6210], Limestone pavements [8240]. Euphydryas aurinia (Marsh Fritillary) [1065]

- Curraghchase Woodlands site is 3.5km km to the north east of the trail and has been designated for the Lesser Horseshoe Bat (Site Code 0000174) and is a mixed woodland site.
- Also within 16 km is the Stacks to Mullagharierks Special Protection Area which has been designated for the hen harrier.

The report submitted indicates that significant environmental effects are not likely to occur as a result of the proposed scheme as the works area the works will be confined to the railway embankment of a dismantled railway, outside any Natura 2000 sites. This is a heavily modified area and as such do not affect the integrity of the Natura 2000 sites. The works themselves are minor in nature involving the construction of and surfacing of the trail, erection of new gates and cattle grids and will not be any encroachment onto any designated sites. No additional lighting is proposed. If works to a culvert are necessary the standard precautions for minimising water pollution will be employed. The works will incorporate hedgehog ramps which will allow for escape of both hedgehogs and other small wildlife from cattle grids.

The Planning Authority is of the view that the development will not have any significant impacts on any Natura 2000 sites. Therefore an Appropriate Assessment (AA) is not considered necessary in this case.

### **3.2.1 EIS Screening Report**

An Environmental Impact Statement screening report has been carried out in line with relevant legislation. As set out in the report the primary objective of the EIA Directive is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely impacts. The Directive outlines in Article 4 (1) 21 Annex 1 projects that require mandatory EIA. Article 4 (2) outlines Annex 2 projects that require consideration for EIA further to a case by case examination or through thresholds and criteria established by Member States. Projects requiring mandatory EIA are listed in Schedule 5 of the Planning and Development Regulations 2001, as amended. Where developments are under the relevant EIA threshold, planning authorities are required under Article 103 of the 2001 Regulations, as amended, to request an EIS where it considers the proposed development is likely to have a significant effect on the environment. In these cases the significant effects of the project are assessed relative to the criteria contained in Schedule 7(a) of the Regulations.

The proposed new route does not run through any designated site. Cumulatively the original route runs for 38km of the county and it passes close to a number of Natura 2000 sites, both Special Protection Area and Special Areas of Conservation. A series of standard mitigation measures to ensure that pollutants and construction waste would not enter watercourses will help to avoid pollution from these sources. These

measures are based on those drawn up by Inland Fisheries Ireland (IFI) and shall be included in the conditions set out below.

The report sets out that the works programme are not judged to be significant for the reason set out below. For the same reasons it is not considered that the works merit an Environmental Impact Assessment.

- a) *The works are below any EIS thresholds that relate to road or route-ways and are modifications to an existing trail rather than the creation of a trail on a green field site.*
- b) *The works area is within an already modified area on a long existing former railway route, and is outside any Natura 2000 sites. This is a heavily modified area and as such do not affect the integrity of the Natura 2000 sites. The works themselves are minor in nature involving the erection of new gates and cattle grids, fence repair and resurfacing where necessary.*
- c) *No additional lighting is proposed and the effects of the construction phase of the works will be temporary in nature which would result in limited wildlife disturbance.*
- d) *No traces of permanent badger or otter presence were found in the proposed work locations such as setts or holts. Owing to the temporary nature of the construction works it is considered that potential levels of disturbance to these species will not be significant.*
- e) *The development proposals will not encroach beyond the footprint of the existing Great Southern Greenway, which will limit its wider effects.*
- f) *The works will also incorporate hedgehog ramps which will allow for the escape of both hedgehogs and other small wildlife from cattle grids. Through these are not part of the qualifying interests of the Special Area of Conservation of Special Protection Area network, the ramps will make a contribution to ensuring that the works will not have long term effects on these small mammals.*

#### **Environmental Impact Statement conclusions:**

In short significant environmental effects from the development of the proposed works are not expected to have any significant effects and progression to a full Environmental Impact Assessment is not necessary. They fall below the threshold of road or route-ways and the scale of the works, being modifications or additions to the infrastructure on the trail, is such that they will not cause significant effects.

#### **3.3 Conclusion**

The proposed development is considered to be acceptable in principle and would offer a positive asset to the County. It is considered that the proposed development is in accordance with the Limerick County Development Plan 2010 – 2016 and the proper planning and sustainable development of the area.

## 4.0 Submissions with respect to the proposed development

A total of 16 written submissions/observations were received and are listed below:

| LIST OF SUBMISSIONS RECEIVED |  |               |
|------------------------------|--|---------------|
| Submission Ref.              | Submitted By   | Date Received |
| No. 1                        | Office of Public Works (OPW)   | 10/04/2017    |
| No. 2                        | Irish Water  | 24/04/2017    |
| No. 3                        | Transport Infrastructure Ireland (TII)   | 24/04/2017    |
| No. 4                        | Mid West National Road Design Office   | 28/04/2017    |
| No. 5                        | Liam O'Mahony-Great Southern Trail Ltd.  | 02/05/2017    |
| No. 6                        | Dr Alan O'Rourke   | 15/05/2017    |
| No. 7                        | Austin Bovenizer-Irish Palatine Association  | 22/05/2017    |
| No. 8                        | Roger Garland  | 03/06/2017    |
| No. 9                        | Ciss Breen   | 07/06/2017    |
| No. 10                       | Mary T. Breen  | 07/06/2017    |
| No. 11                       | James Mulcair  | 11/06/2017    |
| No. 12                       | James Mulcair Senior   | 11/06/2017    |
| No. 13                       | Andrew and Declan Lowes  | 12/06/2017    |
| No. 14                       | Donal Culhane and 1 via Maurice F. Noonan & Son Solicitors)  | 12/06/2017    |
| No. 15                       | Philip Ruttle  | 12/06/2017    |
| No. 16                       | Colm Ryder-Cylist.ie   | 12/06/2017    |
| No. 17                       | Tony Curran –ABP Company   | 12/06/2017    |
| No. 18                       | Group Submission-Philip Ruttle, Jim Mulcair Jr., Jim Mulcair Snr., Declan Lowe, Donal Culhane, Edward Ruttle, Eddie Daly | 12/06/2017    |

### SUB (1) Irish Water -

#### Submission description

- Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- In the interest of Public Health and Environmental Sustainability, proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.
- The applicant to note that there are extensive watermain and foul sewer networks in the area and any works to any part of these networks, pipes, stopcocks, valves,

etc), will require Irish Water consultation and approval prior to any works commencing on site.

- The applicant is to note that in accordance with the requirements of section 104 of the 2007 Water Services Act there shall be no building over water mains, common pipes, or sewers, and if found the applicant must contact Limerick City and County Council Water Services Department/Irish Water with a proposal for altering at the cost of the applicant.
- The integrity, operation and access to the foul sewer, surface water and watermain systems shall not be compromised by the proposed development works.
- The proposed development works involved shall not adversely affect the operation of the foul sewer, surface water and watermain systems for the neighbouring properties.

Planning Authority Comments:

Noted and conditions to be attached

**SUB (2) Office of Public Works (OPW)**

Submission description

- The route of the existing railway line crosses over many watercourses, including channels whose maintenance is the responsibility of the OPW. Consent under Section 50 of the Arterial Drainage Act 1945 should be obtained prior to carrying out works on a bridge or culvert over any water course as part of this development.

Planning Authority Comments:

Noted and conditions to be attached

**SUB (3) Transport Infrastructure Ireland (TII)**

Submission description

- National road schemes should be protected and kept free from any developments or accesses in accordance with national policy. The Authority recommends that the Planning Authority consult with the local Road Design Office.

Planning Authority Comments:

Noted and conditions to be attached

**SUB (4) Mid West National Road Design Office**

The Mid West National Road Design Office noted they are aware of the intersection of the GSG extension with the proposed Foynes to Limerick Road Improvement and will incorporate this issue into the design of the road. The MWNRDO supports the application.

Economic Development Department Comments:

Noted.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (5) Liam O'Mahony-Great Southern Trail Ltd.**

Submission description

The GST Ltd. welcomes this new extension as it links Rathkeale to the historic Palatine area of Ballingarrane including the Embury Heck Methodist Church. It will improve access to Curragh Chase for cyclists. They are hopeful of the provision of a cycleway parallel to the railway thereby connecting Limerick City, Patrickswell, Adare, Askeaton and Foynes to the existing West Limerick GST and its projected continuation into North Kerry; eventually providing a 130+km element of EuroVelo Route 1 and realising the long awaited proposals contained in the 1989 Sustrans Report.

Economic Development Department Comments:

Noted

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (6) Dr Alan O'Rourke**

Submission description

Mr. O'Rourke wrote to support this application for the extension of the GST. He visited the area over several years in connection with historical research into the railways of West Limerick and North Kerry, leading up to the publication of a book on these lines. The current GST stretches are excellent in providing access to the country and encouraging walking and cycling. His book also covered the Rathkeale-Ballingrane section, which was always part of the railway route and provides a natural eastern extension of the current trail, with the opportunity of connections through to Limerick City, as a long distance cycle way.

Economic Development Department Comments:

Noted.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (7) Austin Bovenizer-Irish Palatine Association.**

Submission description

The Irish Palatine Association(IPA) state they are very much in support of the Great Southern Greenway and are happy to see further development to extend the route from Rathkeale to Ballingrane. The Association see this additional development of the Trail/Greenway as a boost to the Irish Palatine Association project and are happy that users of the trail should avail of the Association's car park at their heritage centre at Rathkeale. Development of the section between Rathkeale and Ballingrane is of special significance for us as it links the Heritage Centre in Rathkeale with Embury and Heck Memorial Methodist Church Ballingrane. The Church is seen as the cradle of American Methodism (Canada and USA) as it was from here the Irish Palatines took Methodism to America, today a church with over 22 million members. They request a meeting to agree the route through the Palatine Museum Car Park.

Economic Development Department Comments:

Noted and LCCC will meet with Mr. Bovenizer to agree the route through the Palatine Museum car park.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (8) Roger Garland.**

Submission description

Mr. Garland offers support for the proposal which will add greatly to the already successful Great Southern Trail. It will appeal to locals and visitors both nationally and internationally.

Economic Development Department Comments:

Noted.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (9)** Ciss Breen.

Submission description

Ms. Breen wishes to be associated with the proposal to extend the Great Southern Trail.

Economic Development Department Comments:

Noted.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (10)** Mary T. Breen

Submission description

Ms. Breen wishes to add her name in favour of the upcoming proposal on the GST.

Economic Development Department Comments:

Noted.

Planning Departments Comments:

The Planning Authority notes the above.



**SUB (11)**      James Mulcair.

Submission description

Mr. Mulcair mentions he has had unlimited access to the proposed greenway route lands near Ballingarrane for 30 years and feels the route will dissect his property. He states that no consultation took place with him on this project.

Economic Development Department Comments:

Iarnrod Eireann has assured LCCC that the full corridor width of the old Railway Line is in their ownership. The Council will however align the proposed route at this location on the Western side of the corridor to minimise disruption. LCCC personnel met with Mr. Mulcair prior to the lodging of the Part VIII. The Council will continue to liaise with all adjacent landowners over the coming months.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (12)**      James Mulcair Senior

Submission description

Mr. Mulcair Senior mentions he has lived on these lands near Ballingarrane since 1953 and objects to the development on his doorstep.

Economic Development Department Comments:

Noted. The Council will continue to liaise with all adjacent landowners over the coming months.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (13)**      Andrew and Declan Lowes

Submission description

Mr Lowes outlines his farming land runs adjacent to the proposed development and has concerns around anti social behaviour including theft.

Economic Development Department Comments:

The completion of this extension of the Great Southern Greenway (GSG) will represent an improvement to the public amenity in the Rathkeale area. The project will benefit the area in environmental, commercial and recreational terms and the fact it will be used more by locals and other users, greater visibility on the greenway is provided. The existing GSG runs from the Palatine Museum in Rathkeale for 39km to Abbeyfeale and this represents an extension of 3km to this route. The Gardai in Rathkeale and Newcastle West have informed the Council they have no reported incidents on the Great Southern Trail within their jurisdiction for the last number of years and are not aware of issues of concern relating to criminality or anti-social behaviour along the route. They also report they are satisfied that the proposed extension should not adversely affect adjoining properties. The Council will continue to liaise with all adjacent landowners over the coming weeks and months in this regard.

Planning Departments Comments:

The Planning Authority notes the above.

SUB (14)      Parts 1 and 2: Donal Culhane

Submission description

**Part 1:** Mr. Culhane raises queries in relation to the type of fencing to be used to ensure it is stock proof and issues of trespass.

**Part 2:** On map 4 of the drawings submitted for this application, to the north of the marking that says "gate to be removed" I have a farm crossing here that isn't marked on this drawing. Secondly I wish to point out that the other farm crossing I use is marked on drawing 5.

Economic Development Department Comments:

The fencing to be used is standard NRA specification stock proof post and rail fencing with mesh. LCCC will liaise with Mr. Culhane to agree gate locations on the route as it passes adjacent to his property.

Planning Departments Comments:

The Planning Authority notes the above.

Submission description

Mr. Ruttle outlines many concerns relating to the proposed extension to the greenway. These concerns are summarised as follows:

- Lack of consultation with affected parties prior to the council formally giving notice was contrary to all good and sustainable development.
- The proposed walkway if it is constructed would severely affect his business and the manner in which he conducts it. He outlines his concern regarding security and safety (for him, his family and those using the walkway). The submission the question as who is liable should an incident occur- will the Council cover all liabilities resulting from this walkway and give written assurances of the same so that land owners don't get insurance hikes. Security - access can still be gained through the walkway and offers an escape route to offenders, which is inaccessible to the Garda.
- Bio-security, dogs left off the leash by owners have the potential to spread disease to cattle.
- The railway has not been used for over forty years and as such much of it is overgrown and is a valuable habitat for animals such as badgers, there is a risk of TB spreading should these animals be disturbed.
- Questions how the council proposes to erect such fencing without the landowners' permission to enter their property.
- The proposed new link road to Foynes cuts the railway he suggests this is why the extension of the walkway is now proposed in order to "beat the road" to it so that the new road would have to work around the walkway and not vice versa.
- One public notice has been very poorly maintained
- Much of the railway is currently over grown and un-walkable and as such a proper nature study cannot take place, this thick overgrowth is an ideal habitat for nesting birds and other wildlife and should not be removed. The area which the walkway terminates is intensely agricultural in nature and thus has much heavy traffic passing, there is also a tar depot and agricultural contractor within 50m of the terminus which has much lorry and tractor activity. The walkers are essentially being dumped in the country side with no place to go.
- There are proposals/studies in place to see to viability of reopening the Foynes/Limerick railway, should this occur the walkway would share a portion of line with live heavy goods trains which is a serious public safety risk. Should the walkway prevent the Foynes/Limerick line from possibly being opened it could jeopardise Port and road funding through its connection with TEN-T.
- There is a clay pigeon shooting grounds in close proximity to the railway and as such there is a real risk of being hit by falling lead shot on the line .
- Questions whether a viability study has been conducted as to the benefit of the said extension, to the community both socially and economically?
- Suggests a much more viable alternative would be to wait and use the exiting N21 once the Foynes/Limerick road is constructed. A hard shoulder could be converted and tree lined similar to what was/is done from Tralee to Dingle and Limerick/Nenagh where a walkway was added and speed restrictions introduced. This would have the advantage of including Croagh in the

walkway which is being bypassed for a second time. This small village has much to offer passing leisure seekers, it is home to a Hostel, Garden Centre/Restaurant, Music School and two Public Houses as well as shops. From here it is only a short walk into the heart of Adare and not a railway line on its outskirts.

*Economic Development Department Comments:*

- LCCC personnel made contact with Mr. Ruttle prior to the lodging of the Part VIII. The Council will continue to liaise with all adjacent landowners over the coming weeks and months.
- The Council's Insurance Company, IPB reports that if a trail user falls on a trail due to a defect or poor maintenance & upkeep on the trail, Limerick City & County Council's main Public Liability Policy will operate. If a trail user wanders off the trail and injures themselves on a farmers/landowners land that adjoins a trail, the National Trails Public Liability Policy will indemnify the farmer/landowner.
- The completion of this extension of the Great Southern Greenway (GSG) will represent an improvement to the public amenity in the Rathkeale area. The project will benefit the area in environmental, commercial and recreational terms and the fact it will be used more by locals and other users, greater visibility on the greenway is provided. The existing GSG runs from the Palatine Museum in Rathkeale for 39km to Abbeyfeale and this represents an extension of 3km to this route. The Gardai in Rathkeale and Newcastle West have informed the Council they have no reported incidents on the Great Southern Trail within their jurisdiction for the last number of years and are not aware of issues of concern relating to criminality or anti-social behaviour along the route. They also report they are satisfied that the proposed extension should not adversely affect adjoining properties. The Council will continue to liaise with all adjacent landowners over the coming weeks and months in this regard.
- The transfer of diseases generally takes place between similar or related species. In this case dogs are an unlikely vector in that as canids they are not subject to the same range of diseases as ruminants and these diseases are unlikely to be transferrable. To ensure that owners are reminded to control their dogs signage will be erected to inform owners to keep their dogs on a lead.
- Limited sections of the line are overgrown but these and the entire line have been examined for the presence of badgers. The examination took the form of checking for tracks, trails, badgers latrines and other traces such as hair left on fencing or thorns. Likely areas were also examined for signs of setts such as bedding being brought out by these animals. None were found.
- LCCC intends that all works will be carried out on Iarnrod Eireann property. The Council will continue to liaise with all adjacent landowners over the coming weeks and months.
- The scheme has been discussed and agreed with the Mid West National Road Design Office who has made a submission in support of the application.

- All site notice signs were inspected on a regular basis throughout the Statutory Consultation Phase and one site notice and post were replaced on 5 separate occasions after the initial placement as they were repeatedly removed.
- Any proposals to extend the greenway parallel to the railway line from Ballingarrane to Limerick would need to be discussed and agreed with Iarnrod Eireann and Shannon Foynes Port Company to safeguard all interests.
- The Clay Pigeon shooting centre operates under a strict safety regime generally laid down by the Irish Clay Pigeon Shooting Association or the National Association of Regional Game councils which train range safety officers and coaches to the standards necessary to oversee such activities.
- The line was walked in early spring before the spring flush of growth which would further conceal birds or animals. It is possible to carry out surveys in these locations as a template exists for surveys using tracks and signs of animals and birds as face to face encounters might not always occur however well surveyed the site might be. Prior to nesting many birds exhibit singing and mating behaviour which is conspicuous by its nature and would be readily noticed. In any event scrub removal will not take place during the bird nesting season as this would be counter to the Wildlife Act 2000 as amended. Agricultural and machinery activity is a feature of modern life in the countryside and this route is no different. Signage will be erected at road intersections to warn of vehicular traffic.
- The provision of additional greenways complies with The Limerick County Development Plan 2010 – 2016 as outlined previously in the document.
- Off road greenways provide better amenity value than those adjacent to live roads. The route suggested can be considered in future feasibility studies if appropriate.

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (16)** Colm Ryder, Cyclist.ie

Submission description

Cyclist.ie ([www.cyclist.ie](http://www.cyclist.ie)) are delighted to see this proposed extension of the Great Southern Greenway, and fully endorse the initiative of Limerick Council to advance this project from Rathkeale to Ballingarrane. While recognising the value of the proposed project we would remind the Council that the recommended surfacing for cycle routes, as outlined in TII document TD300, is an asphaltic concrete and not a quarry dust surfacing as appears to be proposed in this extension. Quarry dust surfacing requires ongoing maintenance, and can be offputting for touring cyclists. We look forward to the construction of this short section, and eventually a connection into Limerick City, which will encourage more citizens to get on their bikes and be healthier, and will also be a major boon to tourism numbers. In the long term Limerick Council needs to consider the adoption of a county wide plan for the growth and development of cycling as has been done in other counties. We look forward to this occurring in the near future. Cyclist.ie is the Irish Cycling Advocacy Network,

and we welcome this short extension of the GSG, and look forward to the promotion of the route into the future and the growth of cycling within the county. We would hope that people will begin to use sections of the route for daily use in accessing services, and this should ideally be also part of any promotional campaign, similar to what was carried out by Waterford County Council in relation to the Waterford Greenway.

Economic Development Department Comments:

The proposed surface is similar to that of the most recent extension of the GSG from Abbeyfeale to the Kerry Border in 2012. Please see extract from TII Technical Document on Rural Cycle Scheme Design (Volume 6 Section 3. Part 5 NRA TD 300/14) (Section 8 Construction Details) which refers to this type of surfacing in certain circumstances.

*8.10 Although a closed pavement construction is preferred by cyclists in terms of comfort and safety, there are occasions where a surface is required to give a sense of the environment. In rural cycleway and greenway situations, where the cycle facilities attractiveness is just as important as comfort, dust path construction or other loose material construction maybe the preferred option in order to blend with the environment and to avoid unnecessary impacts in forests, along protected heritage trails, tow paths and along river banks. The application of loose surfaces can enhance the cycle facilities' appeal to its users due to its more natural aesthetics.*

Planning Departments Comments:

The Planning Authority notes the above.

**SUB (17) Tony Curran-ABP Company**

Submission description

ABP are concerned that we have had no input into this proposal. They feel their business will be adversely impacted with regards to:-

Public health and safety issues as there will be an inherent risk due to livestock, site traffic and site operations.

1. Employee health and safety issues due to potential breaches of the site by animals such as horses
2. Animal welfare due to an increase in traffic along the boundary of the site and the location of site facilities
3. Site security - we are already improving site security. It is not an option to proceed with this proposal without ensuring that our site is fully secured and screened.

We have had discussion with regards to the Limerick to Foynes Road and have expressed similar concerns to the proposed route between Limerick and Foynes. We

have had preliminary assurances that our concerns will be addressed during this design process. We would expect that concerns with regards to the Greenway will be addressed in a similar fashion. Although we agree in principle with the proposal we are not in a position to support this until we are satisfied that all of our concerns are considered and addressed in full. We, as always, welcome discussions on these matters at your convenience.

*Economic Development Department Comments:*

- LCCC personnel met with ABP's Plant Manager prior to the lodging of the Part VIII. As part of the planned public consultation following the planning process, LCCC officials will liaise with the business owners adjacent to the proposed route regarding any concerns that they may have over the coming weeks and months.
- The Council will erect stock proof post and rail fencing with mesh as required along the route.
- The completion of this extension of the Great Southern Greenway (GSG) will represent an improvement to the public amenity in the Rathkeale area. The project will benefit the area in environmental, commercial and recreational terms and the fact it will be used more by locals and other users, greater visibility on the greenway is provided. The existing GSG runs from the Palatine Museum in Rathkeale for 39km to Abbeyfeale and this represents an extension of 3km to this route. The Gardai in Rathkeale and Newcastle West have informed the Council they have no reported incidents on the Great Southern Trail within their jurisdiction for the last number of years and are not aware of issues of concern relating to criminality or anti-social behaviour along the route. They also report they are satisfied that the proposed extension should not adversely affect adjoining properties.

*Planning Departments Comments:*

The Planning Authority notes the above.

**SUB (18)** Group Submission- Philip Ruttle, Jim Mulcair Jr., Jim Mulcaoir Snr., Declan Lowe, Donal Culhane, Edward Ruttle, Eddie Daly

Submission description

The submission outlines concerns with regards to:

- Safety
- Security
- Privacy/Disruption to Business
- Impacts on natural landscape
- Impacts on rural Economy/ Viability
- Suggest a viable alternative would be to provide a cycle path, walkway, grass verge with bollards/street lighting on the current N21 when it is downgraded, due to the new Adare by-pass, with access from the existing Great Southern Trail opposite the old Andersen Plant in Rathkeale.

Economic Development Department Comments:

- LCCC personnel made contact with members on the submission prior to the lodging of the Part VIII. The Council will continue to liaise with all adjacent landowners over the coming weeks and months.
- The Council's Insurance Company, IPB reports that if a trail user falls on a trail due to a defect or poor maintenance & upkeep on the trail, Limerick City & County Council's main Public Liability Policy will operate. If a trail user wanders off the trail and injures themselves on a farmers/landowners land that adjoins a trail, the National Trails Public Liability Policy will indemnify the farmer/landowner.
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- The transfer of diseases generally takes place between similar or related species. In this case dogs are an unlikely vector in that as canids they are not subject to the same range of diseases as ruminants and these diseases are unlikely to be transferrable. To ensure that owners are reminded to control their dogs signage will be erected to inform owners to keep their dogs on a lead.
- Limited sections of the line are overgrown but these and the entire line have been examined for the presence of badgers. The examination took the form of checking for tracks, trails, badgers latrines and other traces such as hair left on fencing or thorns. Likely areas were also examined for signs of setts such as bedding being brought out by these animals. None were found.
- LCCC intends that all works will be carried out on Iarnrod Eireann property. The Council will continue to liaise with all adjacent landowners over the coming weeks and months.
- The scheme has been discussed and agreed with the Mid West National Road Design Office who has made a submission in support of the application.
- All site notice signs were inspected on a regular basis throughout the Statutory Consultation Phase and one site notice and post were replaced on 5 separate occasions after the initial placement as they were repeatedly removed.
- Any proposals to extend the greenway parallel to the railway line from Ballingarrane to Limerick would need to be discussed and agreed with Iarnrod Eireann and Shannon Foynes Port Company to safeguard all interests.
- The Clay Pigeon shooting centre operates under a strict safety regime generally laid down by the Irish Clay Pigeon Shooting Association or the



National Association of Regional Game councils which train range safety officers and coaches to the standards necessary to oversee such activities.

- The line was walked in early spring before the spring flush of growth which would further conceal birds or animals. It is possible to carry out surveys in these locations as a template exists for surveys using tracks and signs of animals and birds as face to face encounters might not always occur however well surveyed the site might be. Prior to nesting many birds exhibit singing and mating behaviour which is conspicuous by its nature and would be readily noticed. In any event scrub removal will not take place during the bird nesting season as this would be counter to the Wildlife Act 2000 as amended. Agricultural and machinery activity is a feature of modern life in the countryside and this route is no different. Signage will be erected at road intersections to warn of vehicular traffic.
- The provision of additional greenways complies with The Limerick County Development Plan 2010 – 2016 as outlined previously in the document.
- Off road greenways provide better amenity value than those adjacent to live roads. The route suggested can be considered in future feasibility studies if appropriate.

Planning Departments Comments:

The Planning Authority notes the above.

## **5.0 Action taken by Local Authority**

It is proposed to proceed with the development in accordance with the drawing submitted and the details and specifications contained in this report.

1. Fuels oils and lubricants shall be stored in safe areas at least 25m from any water course. Refuelling of machinery shall take place at a similar distance from any water course.  
Reason: In the interest of proper planning and orderly development.
2. Concrete mixing areas, where these occur, are to be located 25m from any watercourse and shall be managed appropriately to avoid spillages. No concrete washings are to be discharged to water courses.  
Reason: In the interest of proper planning and orderly development.
3. Sand and gravel shall be stored 25m from any drain or water course and any excess shall be removed after works have been completed to minimise risk of run off and possible sedimentation in watercourses or drains.  
Reason: In the interest of proper planning and orderly development.

4. Water course banks and the embankment to be left intact, on completion of works.  
Reason: In the interest of proper planning and orderly development.
  
5. All cattle grids shall incorporate appropriately designed ramps to ensure that any hedgehogs that fall into the space beneath can escape. The ramp is to be of a suitable angle, typically 20- 23 degrees with roughened surface to enable their feet to grip.  
Reason: In the interest of proper planning and orderly development.
  
6. The applicant shall ensure that where possible the surviving railway infrastructure shall be retained, including under passes, culverts and bridges. A minimal amount of cracks and fissures to be infilled in order to preserve roosting habitats for bats and birds. Stone walls shall be retained and rebuilt.  
Reason: In the interest of proper planning and orderly development.
  
7. The applicant shall ensure that Consent under Section 50 of the Arterial Drainage Act 1945 is obtained prior to carrying out works on a bridge or culvert over any watercourse as part of this development.  
Reason: In the interest of proper planning and orderly development.

