

Torc-Dinis proposed cyclepath (Planning ref. 321908-25)

Art. 54 derogation licence application

Report on alternatives

Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) (as amended) requires there to be, inter alia, “no satisfactory alternative” before a derogation licence can be granted relating to species listed in Annex IV of the EU Habitats Directive (Council Directive 92/43/EEC) such as Kerry slug (*Geomalacus maculosus*).

Kerry slug has been recorded along the route of the proposed cyclepath / boardwalk, for which a planning application is currently before An Coimisiún Pleanála (ref. 321908-35; appeal of Kerry 24/60025).

The following provides details of the reasoning supporting there being no satisfactory alternative to the route and design proposed, as recommended in NPWS guidance¹. It is based on an understanding of the project by an ecologist but with advice on the design and health-and-safety aspects.

The following is a summary of the alternatives (to that proposed) considered:

1. ‘Do nothing’ alternative
2. Reroute traffic allowing local access only (risk reduction alternative)
3. Use existing walkway south of road (route alternative)
4. Create walkway south of road (route alternative)
5. Widen road (route alternative)
6. Hybrid of widening road and proposed route (route alternative)
7. Create floating pontoon cycleway on lake (route alternative)
8. Create sealed-surface cycleway along proposed route (design alternative)
9. Construct cantilevered cycleway (design alternative)

¹ Mullen, E., Marnell, F. and Nelson, B. (2021) *Strict protection of animal species. Guidance for public authorities on the application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a public authority*. National Parks & Wildlife Service, Department of Housing, Local Government & Heritage, Dublin.

'Do nothing' alternative (1)

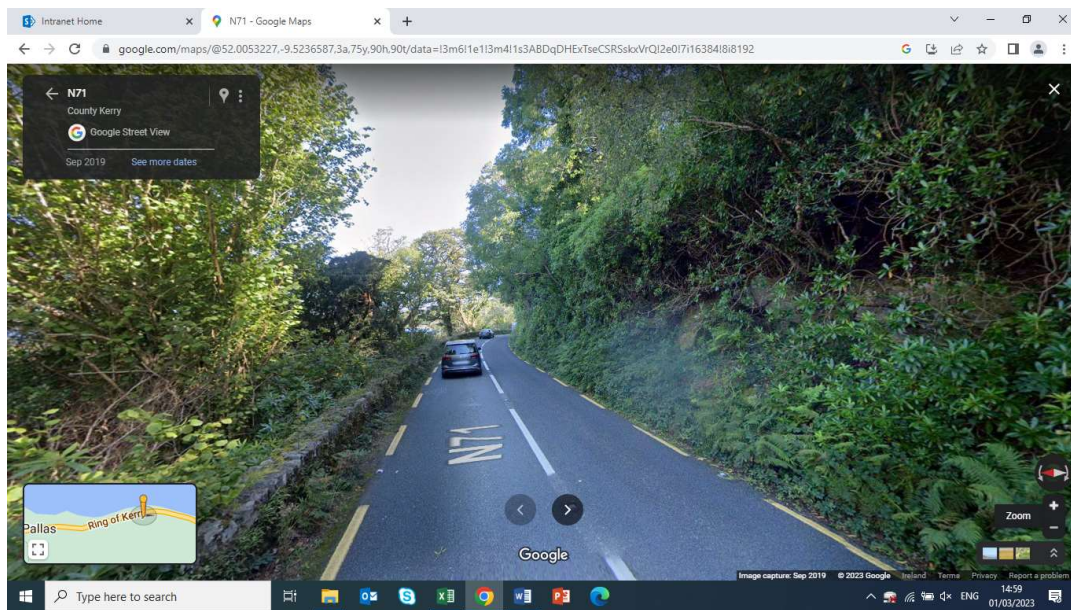


Fig. 1. Existing N71 showing narrow road and bends. *Source:* Google Maps Streetview (2018).

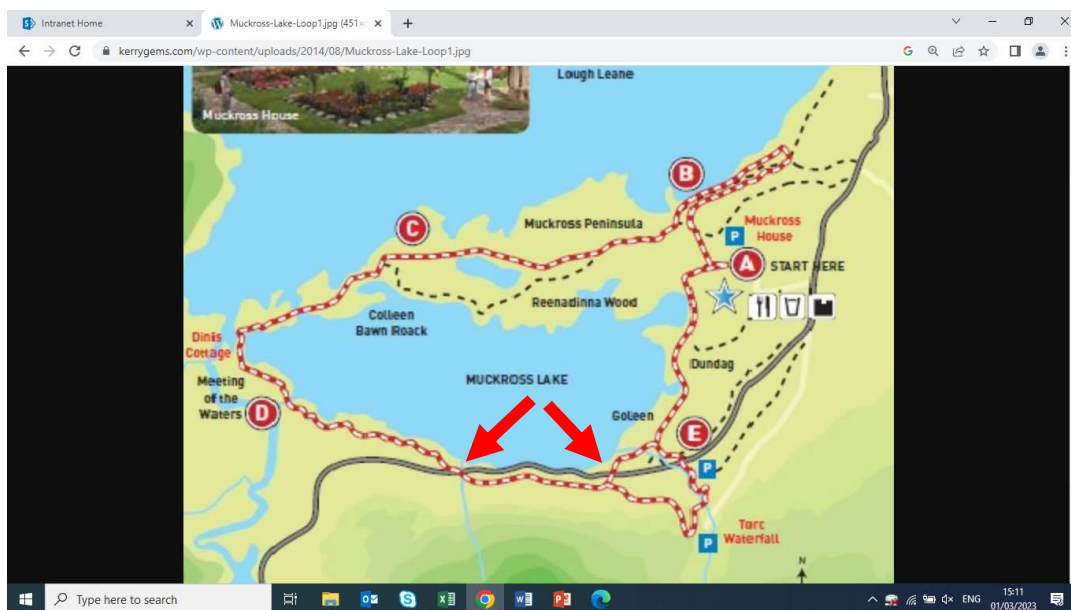


Fig. 2. Existing loop walkway map, as advertised on the Kerry Gems website (the Torc to Dinis section is between the red arrows). *Source:* <https://kerrygems.com/wp-content/uploads/2014/08/Muckross-Lake-Loop1.jpg>

The primary reason for rejecting this alternative is road safety. Cyclists and pedestrians (often family groups with children) share a narrow winding road space (see Fig. 1) with buses, vans and cars on the N71, a national road (Killarney-Kenmare) which is particularly busy during summer when most tourists use the route. There are also tourism benefits (see Section 3.1 of the Planning Report lodged with the planning application, and Fig. 2).

Reroute traffic allowing local access only (2)

The alternative traffic route from Killarney to Kenmare is via the N22 from Killarney to the Kenmare Junction, and from there via the R569 via Kilgarvan to Kenmare. While this has a shorter drive time, it is not part of the iconic Ring of Kerry route², and the closure of this section would be likely to have a major tourism impact for tourism businesses along the N71, as well as car access to iconic parts of Killarney National Park such as Lady's View. It is understood that this is the reason for rejecting this alternative.

Use of the existing walkway south of the road (3)

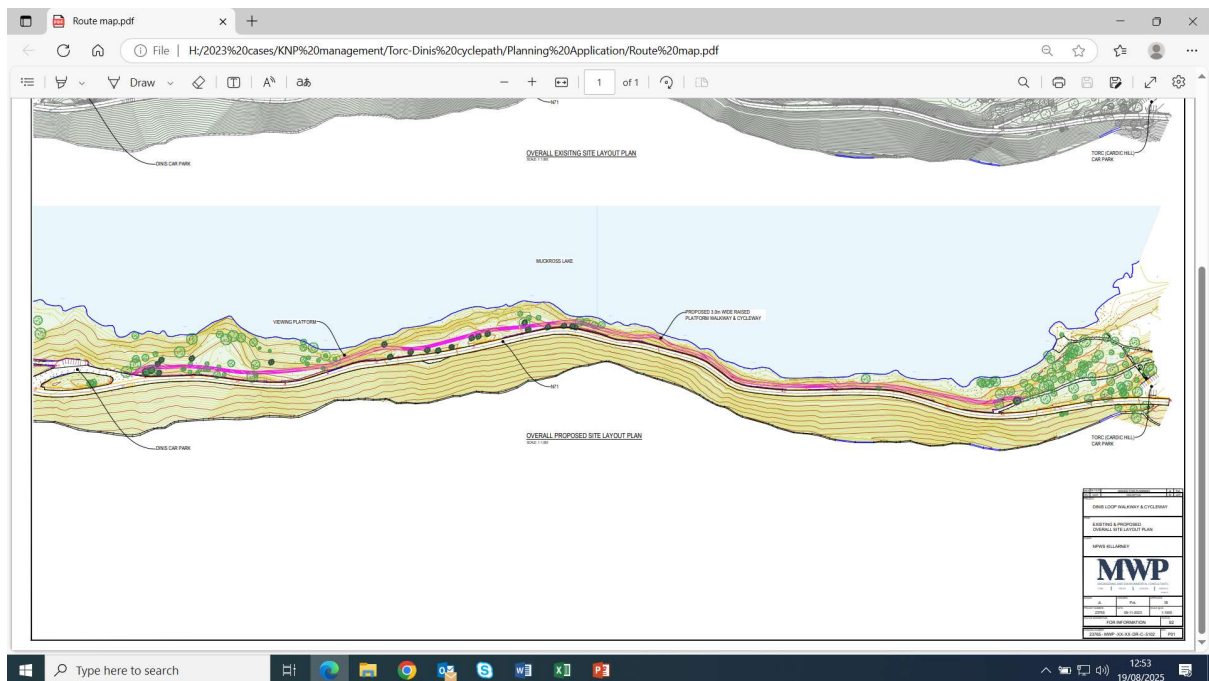


Fig. 3. Proposed route (in pink) relative to existing walkway (southern boundary of coloured contours).

There is an existing grit-surfaced walkway south of the road, parallel to the road (see Fig. 3). This has several safety issues as an alternative, the first of which is the requirement for users to cross the N71 main road twice (from the car parks at each end), and the second is the steep incline of some parts of the walkway which would render cycling them dangerous to both cyclists and pedestrians. Creating boardwalks to level this route would require widening to access road standard for heavy machinery. The cut-and-fill consequences of this would be the loss of remnant oak woodland. For these reasons, this alternative was rejected.

² E.g. see <https://www.wildernessireland.com/wild-atlantic-way-travel-guide/ring-kerry-travel-guide/>

New cycleway south of road (4)

This alternative was examined in 2015, and a route marked on the ground. Unfortunately, due to IT issues, a map of this route cannot be included at this time. However, the route ran south of the road between the N71 itself and the existing walkway. This route was rejected, however, due to safety considerations as cyclists and walkers would have to cross the N71 twice, and also some considerable earthworks would be required in the remnant woodland to create a level track suitable for cyclists.

Widening of N71 road (5)



Fig. 4. Location of small waterfall (red arrow) relative to on-coming traffic from west (NPWS, 8 iii 23). The rock-face is 2.5-3m high, after which there is a step back of c.1.2m to another rock-slope (hidden by rhododendron).

There were three reasons for not preferring this alternative. The first reason was the presence of Flora Protection Order bryophytes in a small waterfall (Fig. 4) along the upper (southern) side of the road³. The second was the fact that Torc Mountain rose steeply on this side of the road, with up to 5m high areas of rock directly above the road. This would have required significant rock-breaking and probable benching further back into the remnant woodland. This would have been both costly and result in a loss of some characteristic mature oak woodland trees (sessile oak, holly, birch, yew).

³ Denyer, J. (2023) *Torc – Dinis N71 bryophyte survey*. Denyer Ecology, Dublin. See Attachment 1.

Hybrid of widening road and proposed route (6)



Fig. 5. Location of small waterfall (red arrow) and bend towards east (NPWS, 8 iii 23).

This alternative would use the proposed raised boardwalk along the first (eastern) section of road, avoiding the small waterfall of bryological conservation importance, but at, and after, the bend after this (see Fig. 5) the road would be widened on the Torc mountain side. However, even though the rock slope is lower here than it the avoided section, a considerable amount of rock removal probably requiring benching up into the wooded slope would be required. For this reason, this alternative was rejected.

Floating pontoon cycleway on lake (7)

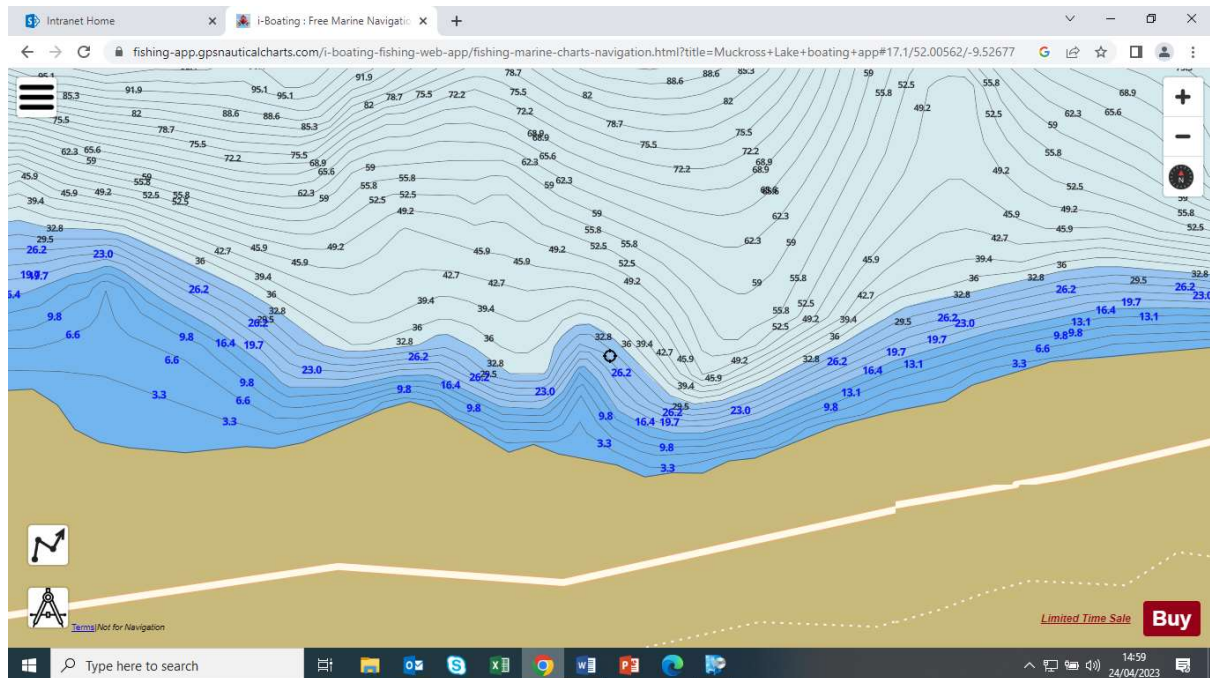


Fig. 6. Bathymetric map of the lake shore on the western part of the alternative lakeshore route (pale line indicates N71 road; depths are in feet). Source: <https://fishing-app.gpsnauticalcharts.com/i-boating-fishing-web-app/fishing-marine-charts-navigation.html?title=Muckross+Lake+boating+app#17.1/52.00554/-9.51605>

The primary reason for rejecting this alternative was the engineering difficulties and costs with establishing the steel piles in steeply sloping contours at the edge of the lake (see Fig. 6).

Sealed-surface cycleway along proposed route (8)

This alternative would involve creating a c.3m wide asphalt surfaced cycleway along the proposed route, avoiding the necessity for piles and boardwalk. However, this option was rejected on ecological grounds, as the 3m route would result in the complete loss of soil habitat under it including in areas of woodland. In contrast the raised boardwalk type route would keep almost all of the underlying soil intact, with the exception of the pile supports. Also, the asphalt surface could potentially be a connectivity barrier to some soil organisms.

Cantilevered boardwalk / cycleway (9)

This alternative would reduce considerably the amount of piles needed to be inserted into the ground. However, the existing road base and wall was considered too weak to support such a structure, and was rejected for this reason.

ATTACHMENT 1.

Brophyte survey

Denyer, J. (2023) *Torc – Dinis N71 bryophyte survey*. Denyer Ecology, Dublin.