



An Roinn Iompair
Turasóireachta agus Spóirt

Department of Transport,
Tourism and Sport

Oifig an Árd Runaí • Office of the Secretary General

PAC-R-1587 Correspondence 3A.1
Meeting 142 20/11/14

44 Sráid Chill Dara, Baile Átha Cliath 2, Éire.

Head Office

44 Kildare Street, Dublin 2, Ireland.

Lo-Call 1890-443311 +353-1-604 1348

+353-1-604 1349 www.dttas.ie

secretarygeneral@dtas.ie

5 November 2014

Ms Margaret Falsey
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Dear Margaret

I refer to your recent correspondence in relation to South Kerry and Mayo Greenways. As requested please find attached for the Committee's information briefing in relation to the development of greenways and information on costs and ownership.

Yours sincerely

Tom O'Mahony
Secretary General

Cycling and Greenway Infrastructure

Funding for Cycling Infrastructure

The Department provides grants to local authorities, under competitive processes, for sustainable transport projects including cycling infrastructure projects. A €65 million multi-annual budget was provided to Smarter Travel between 2012- 2016. There are 3 main infrastructure funding programmes:

- Smarter Travel Areas (€23million allocated under the five year budget) - funding has been granted to Limerick, Westport and Dungarvan to act as demonstration towns and to develop sustainable travel solutions best suited to Ireland. All funding under this programme has been allocated to 2016;
- Active Travel Towns (€13 million allocated under the five year budget) - aimed at small and medium sized towns. Funding is provided to local authorities to develop walking and cycling strategies and to deliver infrastructure and/or promotion activities to achieve the aims of these strategies. All funding under this programme to has been allocated to 2016;
- National Cycle Network (More than €13 million allocated over five years) - funds large scale cycle projects which would be trip attractors in their own right, such as the Great Western Greenway in Mayo. All funding under this programme has been allocated to 2016. Further detail on this programme is as follows:

NCN Funding Programme 2012-2016

The National Cycle Network (NCN) Programme is allocating approximately €23.5 million over the period 2012 to 2016 (figure includes €10 million allocated under the recent Government Stimulus Package) to advance routes that will provide valuable transport and recreational infrastructure, with the added potential to enhance tourist activity for the areas concerned.

NCN Funding Programme 2012-2013

15 cycling projects were completed by local authorities across the country with €7 million in funding provided under the first tranche of NCN funding for the years 2012/2013.

NCN Funding Programme 2014-2016

3 projects shared in funding of €6.34 million under the second tranche of NCN funding for the years 2014-2016. These were:

Kerry County Council

Glenbeigh to Cahirciveen - Phases 2 and 3

(Note: Phase 1 is being funded under the Stimulus Package)

Phase 2: Caherciveen-Golden Mile will run along the disused Great Southern Trail and Western Railway Company's Line.

Phase 3: Golden Mile-Glenbeigh runs along the Ring of Kerry.

Galway County Council

Galway to Moycullen Greenway runs along the disused Connemara railway line between Galway City and Clifden.

Waterford County Council

Clonea to Durrow Greenway forms part of the overall Dungarvan to Waterford City Greenway and is being developed along a disused railway.

These projects have the potential to offer excellent return on investment. The greenway proposed by Kerry County Council along the old Great Southern railway line will open up the outstanding natural beauty of the coastline between Glenbeigh and Cahirciveen offering an exceptional and unique visitor attraction in the South West.

The project proposed by Galway County Council will not only provide an excellent alternative for people commuting from Moycullen but it will also unlock the potential of the magnificent Connemara Greenway proposal (for which Galway County Council has planning permission) by providing a section of the link from Galway City to the start of the Connemara Greenway at Oughterard.

The project in Waterford will add to an existing 5km of cycleway, which was funded by this Department under the Smarter Travel Areas Programme. When completed, 12 km of the Dungarvan to Waterford Greenway with outstanding views of the Copper Coast will have been delivered.

€10 million Government Stimulus Package

In May 2014, a €10 million investment package for greenway development was announced by Government as part of the €200 million national infrastructure package, the Stimulus Funding grants. 11 cycling projects were selected to share in this funding. These projects were selected by the then Minister for Public and Commuter Transport on the basis that these projects could be delivered within the 12 month timeframe thus increasing the stimulus effect.

See Appendix 1 for details of the projects funded under each programme/package.

Dublin to Galway Greenway

This flagship project is being delivered as funding allows. The National Transport Authority (NTA) is responsible for the provision of cycling infrastructure in the Greater Dublin Area (GDA) and is therefore responsible for the planning and design of the Dublin City to Maynooth section with the National Roads Authority (NRA) taking responsibility for the Maynooth to Galway section of the route.

The NRA is maximising the option of using public lands to develop large sections of the Greenway along the Royal Canal from Maynooth to Mullingar and along a disused railway line between Mullingar and Athlone. However, the route West from Athlone does not present this level of opportunity for the most part. While the value of negotiated permissive access from the perspective of cost and community ownership is recognised, for projects of the scale of the Galway to Dublin Greenway, the process of obtaining permissive access would be administratively cumbersome and resource demanding. Furthermore, it would offer no security of investment from the perspective of the State. It is accepted by the Department that to ensure the deliverability and long term success of this greenway that lands in private ownership

must be purchased either by agreement with the landowner or through the CPO mechanism. Ministerial approval was given to this approach in May, 2014.

To date the following sections have been delivered or are under construction:

- Westmeath Co Council was awarded €4m from the Stimulus Package to deliver the Athlone to Mullingar Section. Expected completion date is July, 2015.
- Fingal Co Council completed the Ashtown to 12th Lock section in June, 2014.
- Westmeath Co Council completed the Mullingar to Meath Co Boundary section in 2013.

See Appendix 2 for complete Progress Schedule, maps and project delivery policy.

Future Funding Opportunities

The EU Structural Funds Programme 2014 to 2020 may present significant opportunities for cycle infrastructure development under Interreg and the Rural Development Programme. A number of local authorities are already positioning themselves to avail of such opportunities.

The Sustainable Transport Division of this Department is currently working with all relevant authorities and cross border bodies to identify those projects which are best suited to attracting funding under the Structural Funds Programme.

In addition, this Department is supporting a meeting of potential European partners, which is taking place in Westport on 5/6 November 2014. The aim of this meeting is to explore the potential for funding for the Eurovelo 1 project with a particular focus on tourism. Note on Eurovelo attached at Appendix 3.

Possible partner bodies:

- County Councils of Sligo, Leitrim, Cavan, Donegal, Monaghan and Louth,
- Fermanagh District Council, Armagh City and District Council and Down District Council
- Department for Regional Development NI
- Irish Central Border Area Network (ICBAN)
- Department of Transport, Tourism and Sport
- Transport Scotland
- Dumfries and Galloway Council
- Ayrshire Councils
- Sustrans

National Cycle Network Funding Programme 2014-2016

County	Project	km	Grant amount
Kerry	Glenbeigh-Reenard Trail (Phase 2 and Phase 3)	26	3,458,281
Galway	Galway to Moycullen Greenway	12.4	2,000,000
Waterford	Clonea to Durrow Greenway (Phase 1)	7.2	897,739

Stimulus Funding 2014

County	Project	km	Grant amount
Clare	West Clare Greenway -Phase 1 - Ennis to Ballymacquiggan	5	400,000
Kerry	Cahersiveen to Reenard Point (Phase 1 Fertha Greenway)	5.75	450,000
Kerry	Trakee Fenit Trail - Phase 1 Rock Street to Casement Station	0.42	345,000
Kildare	Arthur's Way Greenway	25	311,000
Limerick	Patrickswell to Limerick City cycleway	4.14	420,000
Mayo	Monasteries of the Moy - part funding for project	14	250,000
Roscommon	Boyle to Lough Key Forest Park	24	400,000
Tipperary	Clonmel to Carrick-on-Suir Greenway	20	1,900,000
Waterford	Kilmeaden to Bilberry Greenway	9.6	1,100,000
Westmeath	Athlone to Mullingar Greenway	40	4,000,000
Westmeath	Coolnahay to the County Boundary	14.4	700,000

National Cycle Network Programme 2012-2013

County	Project	km	Grant amount
Carlow-Kilkenny	Carlow to Paulstown to Kilkenny Cycleway	44.5	463,000
Clare	Ennistymon to Lahinch Cycleway	4	400,000
Donegal	Donegal Town to Newtowncunningham Greenway	195.5	497,000
Fingal	Ashtown to Blanchardstown Cycleway	3	600,000
Kerry	Killarney to Fossa Cycleway	1.2	143,000
Limerick	Great Southern Trail - Abbeyfeale to Kilmorna Greenway	3	290,000
Louth	Carlingford to Omeath Greenway	6.2	687,00
Mayo	Castlebar to Turlough Greenway	8.8	725,000
Meath	Drogheda to Oldbridge Greenway	3	500,000
Monaghan	Monaghan Town Greenway	4.5	471,000
North Tipp	N52 Cycleway extension	2.8	335,000
Offaly	Tullamore to Moate cycleway	16.8	400,000
Roscommon	Athlone to Ballinasloe cycleway*	20	470,000
Waterford City	Tramore Road to Waterford City cycleway	3.2	289,000
Waterford	City Outer Ring Road to Tramore	6.4	310,500
Westmeath	Royal Canal Greenway	11.3	451,000

*funding to MCC was withdrawn in 2013 due to inability to deliver project as specified.

Appendix 2

Section	LA	Funding Agency	Extent	Phase	Section Length (Km)
1	DCC	NTA	Guild Street to Sherriff Street	Complete	0.350
2	DCC	NTA	Sherriff Street to North Strand	Preliminary Design: Final stakeholder report forwarded to NTA. Draft Request For Tenders for Engineering consultancy services being prepared. Detailed Design: Detailed design due July/August 2014. Anticipated tender issue for construction end 2014. Advance contract required for Japanese Knotweed eradication.	1
3	DCC	NTA	North Strand to Phibsborough Road	Preliminary Design: Options report under review. Finalisation of draft preliminary design drawings on-going.	2
4	DCC	NTA	Phibsboro to Ashtown	Preliminary Design: Options report under review. Further consultation with Waterways Ireland on the possibility of increasing widths required.	4.3
5	FCC	NTA	Ashtown to 12th Lock	Complete. (Funded by DTTAS: €600,000; additional funding from NTA to cover shortfall: €1,100,000+)	1.6
6	FCC	NTA	12th Lock to KCC boundary	Feasibility study complete. Options for deep sinking section under further investigation. Then a preliminary design will commence.	10.0
7	KCC	NTA	FCC boundary to Maynooth	Preliminary Design commencing following completion of Feasibility Study.	8.5
8	KCC	NRA	Maynooth to Cloncorry and Kilmore to Longwood	Planning approval has been acquired	21.5
9	MCC	NRA	McLoughlin Bridge in Kildare to Westmeath border in the townland of Croby	Planning approval has been acquired	21
10	WCC	NRA	Meath County Border to Grange South	Completed cycleway (Total Cost €1.26m)	25
11	WCC	NRA	Mullingar to East Athlone	€4 million allocated. Section to be completed in 2015	40
12	WCC	NRA	Through Athlone Town	Currently preparing an EIS that will entail a new crossing of the River Shannon	6

13	RCC, OCC and GCC	NRA	Athlone to Galway	Preferred route corridor has been selected from Athlone to Galway. This section of the route will pass through Shannonbridge, Loughrea, Craughwell, Clarinbridge and Oranmore and will run along the coast into Galway.	145
----	---------------------------	-----	----------------------	--	-----

Eurovelo – European Cycle Route Network

Eurovelo is an infrastructural concept that has been developed and promoted by the European Cycling Federation (ECF).

EuroVelo is made up of 14 routes, totalling over 70,000 km. Of that total, about 45,000 km is already in place. The EuroVelo routes are made up of existing and planned cycle routes and the development and operation of the routes are carried out by national, regional and local governments, commercial service providers and NGOs in all the European countries. EuroVelo is a registered trade mark of the ECF, which is an important badge of quality for both cyclists and route promoters.

Eurovelo in Ireland

There are two Eurovelo routes running through Ireland, Eurovelo 1 and 2.

EuroVelo 1 (EV1), named the *Atlantic Coast Route*, is a 8,186 km (5,087 mi) long cycling route running from North Cape in Norway to Sagres in Portugal. This north-south route runs (mostly) along the coast of the Atlantic Ocean of Western Europe and passes successively through six countries: Norway, the United Kingdom, Ireland, France, Spain and Portugal.

Eurovelo 1 enters England at Plymouth, following the stunning Devon Coast to Coast route. Largely tracing the course of former railway lines, it continues through Exmoor National Park to Bristol to Wales, where it joins the Celtic Trail along the Welsh coast to Fishguard, Pembrokeshire. The route visits Ireland and then continues across Northern Ireland (Lough Neagh) where a ferry from Belfast takes you to the Scottish coasts. Following the Lochs and Glens Route you will pass through Loch Lomond National Park and Cairngorms National Park to Inverness, along the north Scottish coast to Aberdeen.

In the Republic of Ireland, the Atlantic Coast Route (EuroVelo 1) starts at the village of Newtowncunningham in County Donegal. From here, it is signposted for almost 200km on quiet rural roads to Donegal town. The route then joins the North West Cycle Trail as far as Sligo town. After that, much of the route is not yet developed or signposted. However, there are some notable exceptions to this in Co Mayo and Co Limerick where the route joins the Great Western Greenway for almost 30km and the Great Southern Trail for 40km respectively. Both of these sections are constructed on former railway lines and are traffic free. After this there are some further signposted road sections which are part of existing regional and local routes in Counties Clare, Cork and Waterford. However, much of the route in the southern part of the country is yet to be developed. Eventually the route arrives at Rosslare on the East coast, where cyclists can connect with a ferry to Wales and continue on the Atlantic Coast Route through the United Kingdom.

EuroVelo 2 (EV2), named *The Capitals Route*, is a 5,500 km (3,400 mi) long cycling route running from Galway, Ireland to Moscow, Russia. This east-west route passes successively through seven countries — Ireland, the United Kingdom, the

Netherlands, Germany, Poland, Belarus and Russia — and visits all their capital cities.

The Eurovelo 2 route or Capitals Route reaches its most western point in City of Galway in the West of Ireland. This route is currently under development and will be traffic free for most of its length. While some sections can be cycled at present there is no continuous route in place as yet. On behalf of the state, the development of this route is being managed by the National Roads Authority who are working with the various local authorities along the route and other interested stake holders and cycling representatives.

5 November 2014

Briefing Note to PAC regarding access and land ownership issues in relation to correspondence concerning Mayo and Kerry

There is a range of methods available to Government and local authorities and community groups to provide greenways to members of the public, these are attached. To date no definitive decision has been made by Government in relation to a general policy of securing land for Greenways.

The arguments made by your correspondents in relation to this topic are familiar and have been raised previously. Given the financial constraints the country has found itself in recently, funding is not generally available for CPO as this has tended to make schemes too expensive to implement, however it does provide certainty of ownership and access to the promoter of the greenway and a financial recompense for the owner of the land. However, where the land has not previously been or is not currently owned by a State Body and where the investment is of a significantly high level that certainty of ownership is required then it can prove a useful tool. For example, most of the Dublin – Galway greenway is in State ownership, through Waterways Ireland from Dublin to Mullingar and Iarnród Éireann from Mullingar to Athlone, however from Athlone to Galway the preferred route is mostly privately owned and given the level of investment in this route and the length of the route it was decided that in this particular instance that CPO was the most sensible option to choose.

Given the expense of CPO and the limited funding available Permissive Access has been used for the most part to date but as has been pointed out it has its own limitations in relation to certainty of access for users of the greenway but it does allow landowners the certainty that their ownership of the land is not brought into question and that there is no prospect of adverse possession on behalf of the community group or local authority. Permissive Access can be withdrawn at any point and indeed has been on some greenways for certain periods where local issues or indeed national campaigns have allowed those with leverage (through ownership of land used in greenways) to temporarily refuse access to their small portion of the greenway. There is also the issue that Permissive Access arrangements have led to certain less than ideal elements to be contained within the greenways subsequently constructed, such as kissing gates and cattle grids that are not ideal for those cycling.

Where the issue becomes even more complex is that in certain scenarios members of the public have encroached on land that does not belong to them, that, for example, has been in the ownership of Iarnród Éireann or other State bodies and are now looking to profit from claimed ownership that has no legal basis. There is a requirement for those entrusted with land ownership on behalf of the State to protect that ownership and not allow it be used for personal gain. Some agencies have been better than others at retaining clear ownership of land.

Permissive Access has generally worked well as a low-cost solution for providing Greenways. It is not perfect but in certain circumstances is the least worst option and will continue to play an important role in the provision of Greenways in the country.

The National Trails Advisory Committee has been working on preparing a draft Strategy that is seeking to drive the development of recreational trails (walking, cycling and waterways) throughout the country and the issue of land access has arisen as part of these discussions. The Department of

Transport, Tourism & Sport and the Department of Environment, Community and Local Government will be discussing the issue of land access as part of their reaction to the draft Strategy. Both Departments intend to meet very shortly to progress this issue.

NCN Funding 2014-2016 and Stimulus Funding 2014/2015

Kerry

While 11 projects around the country received Stimulus funding there were a significant number of worthwhile projects, among them the proposal to continue the section of the Great Southern Trail (GST) which runs between the Limerick/Kerry border and Listowel, which did not. The extension to the GST proposal was submitted by Kerry County Council (KCC) under the National Cycle Network (NCN) Funding Programme 2014-2016 alongside an application for the Tralee-Fenit Line, the rationale being that there was a historic link between both routes. KCC also submitted a second application under the NCN Programme for the Glenbeigh to Reenard Greenway.

KCC were awarded €3,458,281 under the NCN Programme to deliver Phases 2 and 3 of the Glenbeigh to Reenard Greenway and were subsequently awarded €450,000 from the Stimulus Package to assist in the delivery of Phase 1.

Furthermore, KCC were awarded €345,000 from the Stimulus Package to deliver Phase 1 of the Tralee-Fenit Line from Casements Railway Station - Rock Street, Tralee.

The merit of extending the GST to Listowel is recognised and while this project did not receive funding under either of the aforementioned funding streams it would hope that interested groups would continue their efforts, in cooperation with KCC, to secure funding to deliver this section of the GST.

Appendix 1

Types of Land Access

Permissive Access

The majority of trail developments in Ireland are established on a “permissive” basis. This means the landowner (private or public) gives permission for the trail to pass over the property. Permissive access does not infer that a route becomes a right of way. It is a route that can be used by the public with the permission of the landowner, where users must not damage the landowner’s interests. A landowner always has a right to withdraw this permission should he/she so wish, subject to reasonable notice (where public or private funding is utilised for the development of a trail, a minimum period of access is normally required).

In most cases, a permissive access agreement is drawn up between the trail development group/local authority and the landowners. This can be in the form of a Memorandum of Understanding and is seen to benefit both landowner and developer.

It should be noted that walking trails, which were developed with permissive access, were greatly supported by the Walks Scheme. This scheme, which was launched in 2008, was aimed at farmers and private landowners and involves the development, enhancement and maintenance of National WayMarked Ways and priority walks. The scheme only operates where there is agreement on the entire walk and is not available for part of a walk. The scheme is administered by Local Development Companies (formerly LEADER Companies) with the assistance of the National Trails Office at the Irish Sports Council and Fáilte Ireland and in association with local walking management committees and Local Authorities. The scheme ensures permissive access and the landowner receives a payment for maintenance and enhancement of the route in return.

Compulsory Purchase Order (CPO)

A CPO is a legal function that allows certain bodies to obtain land or property without the consent of the owner if a proposed development is considered to be for the public betterment. Generally, the compulsory acquisition of land takes place to allow for public infrastructure projects to proceed, such as road improvement schemes or major public transport projects such as the LUAS in Dublin.

While CPOs became quite common in Ireland due to the massive road upgrade programme under the National Development Plan, there are not commonly used for small infrastructure projects such as cycleways where local authorities rely, as far as possible, on the use of State lands and permissive access agreements with landowners. Where a CPO is served, compensation is available to ensure that the landowner is restored, as far as possible, to the same financial position that they were in before the land and property were compulsorily purchased. Where cycleways are intended to be on a national scale or of a scale that would require significant State investment, CPO would have to be considered.

Wayleave Agreements

Section 213 of the Planning and Development Act 2000 confers powers on a local authority to acquire land permanently or temporarily by agreement or compulsorily. These powers include provision for wayleaves, which establish a right of use over privately owned land without needing to gain possession or ownership of the land in question. Any wayleave agreement must be incorporated into the deeds of the property held by the Land Registry. The use of wayleave agreements can benefit both parties by allowing the landowner to negotiate access arrangements to the land while simultaneously providing certainty of access in legal terms to authorities who are providing and maintaining utilities or infrastructure. Thus, investment of State funds can be better secured. Wayleave agreements are commonly used in cases where underground utilities, such as water mains, traverse the land.

Purchase by Agreements

Some local authorities are pursuing a model of land acquisition for cycle greenways called Purchase by Agreement. The local authorities will seek agreement from landowners to purchase the necessary track of land at a fixed price (proportionate to the amount of land needed). This is a low cost approach to securing permanent access to the land but there is no guarantee that the length of a preferred route will be secured. Consent of the landowner is still required and where a landowner does not agree to sell, local authorities have to examine alternative route options.

5 November 2014