

CODE OF BEST PRACTICE NATIONAL AND REGIONAL GREENWAYS

TII Conference 2022

September 23rd

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Michael Horan TII

CODE OF BEST PRACTICE



CODE OF BEST PRACTICE NATIONAL AND REGIONAL GREENWAYS

December 2021



CODE OF BEST PRACTICE

- Prepared in accordance with the ***Strategy for the Future Development of National and Regional Greenways*** published by the Department of Transport Tourism and Sport (DTTAS) in July 2018



WORKING GROUP



Dept. of Transport



TII



ICSA



ICMSA



IFA



Fáilte Ireland



RRO



Sports Ireland



DRCD



G City



GCC



RCC



WCC

THE CODE AIMS TO...

- Outlines arrangements and procedures for delivering National and Regional Greenways.
- Deal with the implementation of the land acquisition process.
- Protect the interests of the landowners in a fair and equitable manner.
- Provide a guide to the process involved in planning, designing and constructing greenways.

2.2 – 2.4

PUBLIC CONSULTATION



Public consultation will inform project development at four key stages:

1. Scheme Study Area Public Consultation
2. Route Corridor Options Public Consultation
3. Preferred Route Corridor Public Consultation
4. Preferred Route Consultations with individual landowners

2.5 GUIDE TO PROCESS

GREENWAY GUIDE TO PROCESS

Route Corridor Options

- Scenic / Segregated / Sustainable / Strategic / See and Do (Five S)
- Environment / Economic / Engineering
- Public Consultation No 2
- Independent Agronomist in place for project duration

Preferred Route

- Farmer Agronomists / Property Advisors available to landowners
- Consultation meetings with individual landowners and / or representatives
- Accommodation works outlined and discussed / agreed

Environmental Evaluation

- Environmental Impact Assessment (EIA)
- Appropriate Assessment (AA)
- Natura Impact Statement (NIS)

Oral Hearing

- An oral hearing may be held by ABP to examine issues and concerns raised by persons with objections to / issues with the proposed Greenway
- Voluntary Land Acquisition Process continues

Construction of Greenway

- If the scheme is successful at the planning stage, the project promoter will proceed to construction, subject to Government funding

Constraints Study

- Map State-owned lands and stopping points
- Environmental / Physical / Archaeological
- Highlight opportunities and concerns
- Public Consultation No.1
- Project Agronomist (PA) in place for project duration

Preferred Route Corridor

- Farmer Agronomists / Property Advisors available to landowners
- Consultation meetings with individual landowners
- Public Consultation No 3

Preliminary Design

- Horizontal and vertical alignment established to determine precise land acquisition requirements
- Accommodation works agreed with landowners and / or representatives
- Voluntary Land Acquisition Process commences

Application to An Bord Pleanála

- Completion of the Environmental Impact Assessment Report/ Natura Impact Statement (NIS) where required
- Application Submitted to ABP including notice of the making of Compulsory Purchase Order (CPO)
- Voluntary Land Acquisition Process continues

ABP Decision

- ABP either approves the scheme, rejects the scheme or approves the scheme with modifications
- Where scheme is approved by ABP Voluntary Land Acquisition Process continues where applicable

2.5 GUIDE TO PROCESS

Constraints Study

Route Corridor Options

Preferred Route Corridor

Preferred Route

Preliminary Design

Environmental Evaluation

Application to An Bord Pleanála

Oral Hearing

ABP Decision

Construction of Greenway



2.6 LANDOWNER ENGAGEMENT

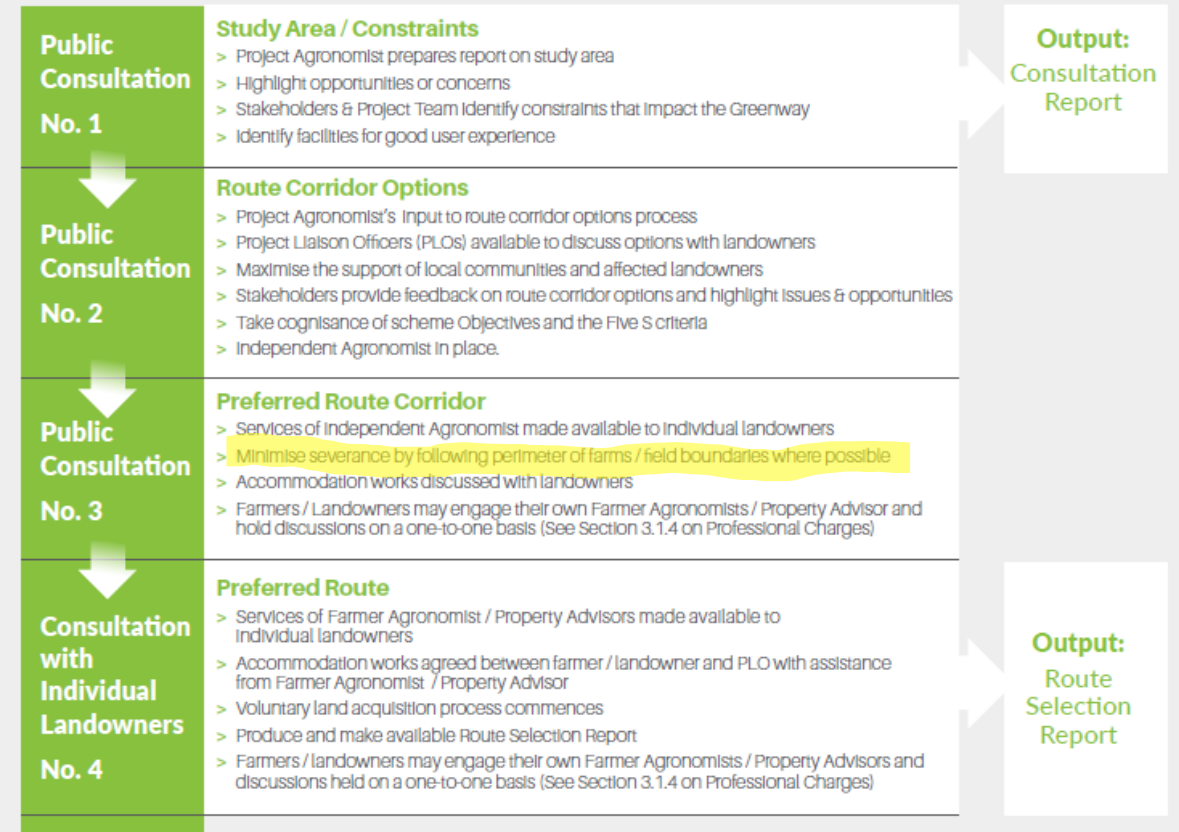
Farmer / Landowner Engagement

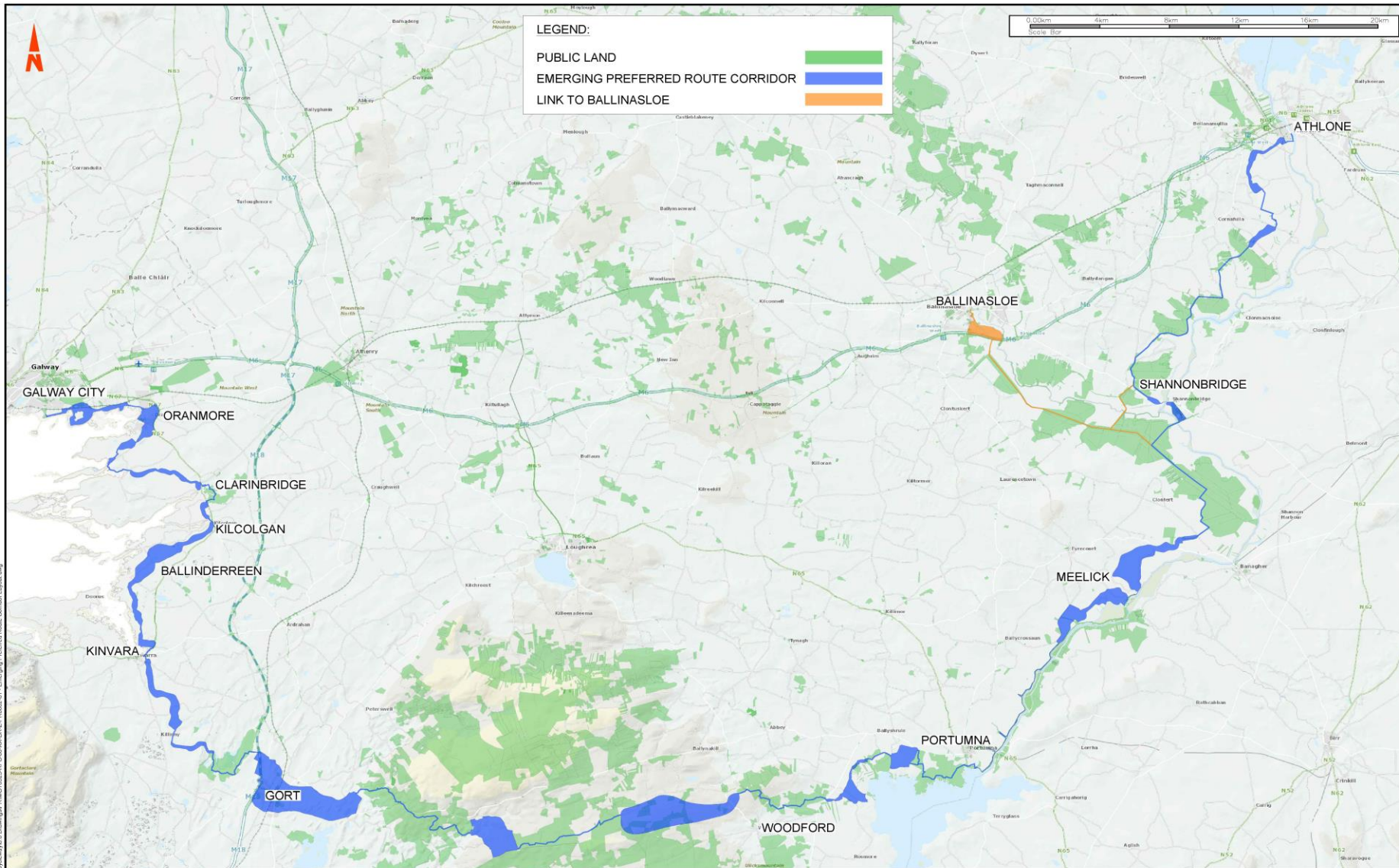


2.6 LANDOWNER ENGAGEMENT

Minimise severance by following perimeter of farms/field boundaries where possible

Farmer / Landowner Engagement





Client

General Notes

(i) This drawing is the property of RPS Consulting Engineers. It is a confidential document and must not be copied, used, or its content divulged without prior written consent.

(ii) All Levels refer to Ordnance Survey Datum, Mean High.

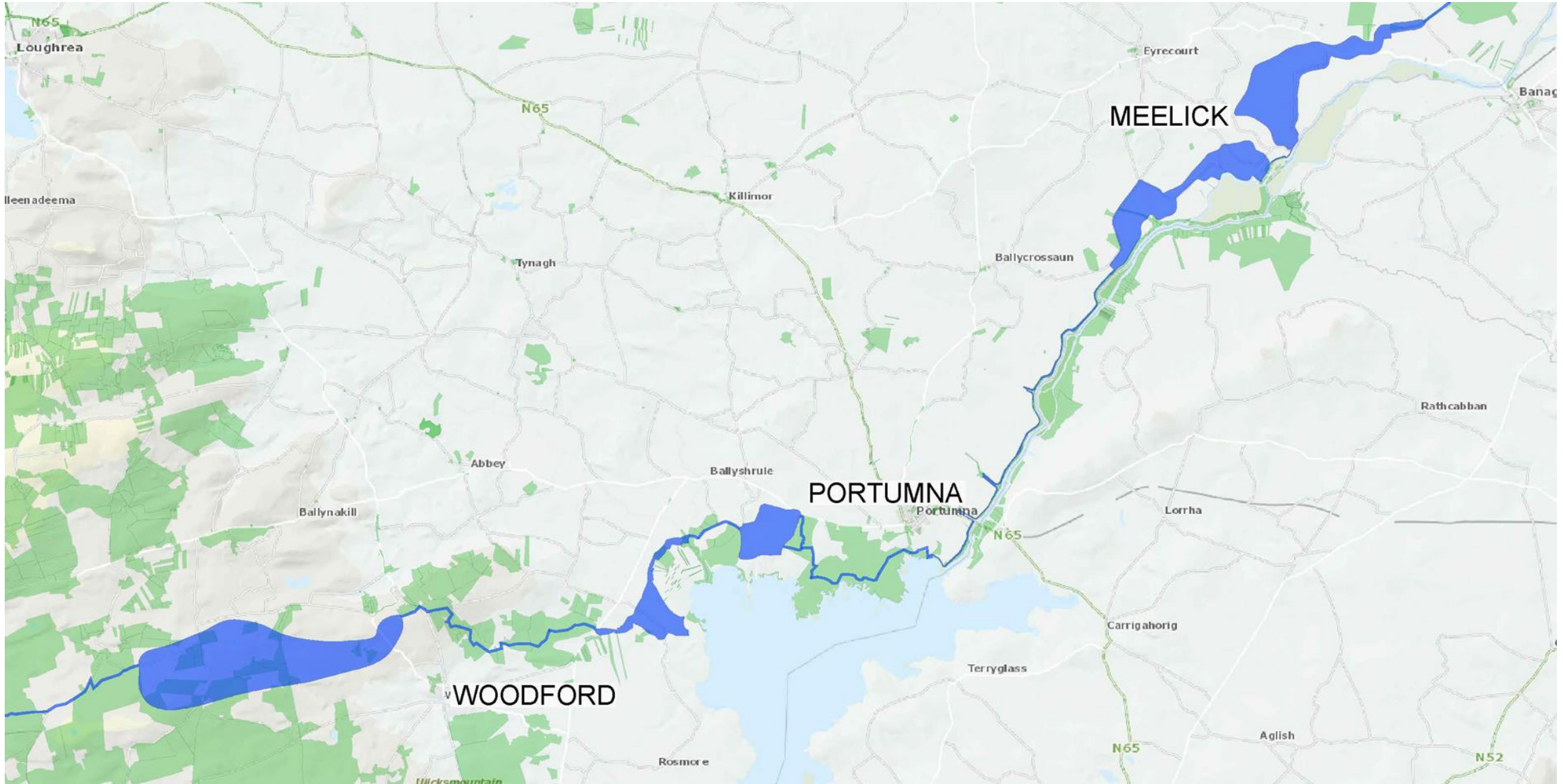
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(iv) Hard copies, dwf and pdf will form a controlled issue of the drawing. All other formats (dwg etc) are deemed to be an uncontrolled issue and any work carried out based on these files is at the recipient's own risk. RPS will not accept any responsibility for any errors from the use of these files, either by human error by the recipient, listing of the un-dimensioned measurements, compatibility with the recipient's software, and any errors arising when these files are used to aid the recipient's drawing production, or setting out on site.

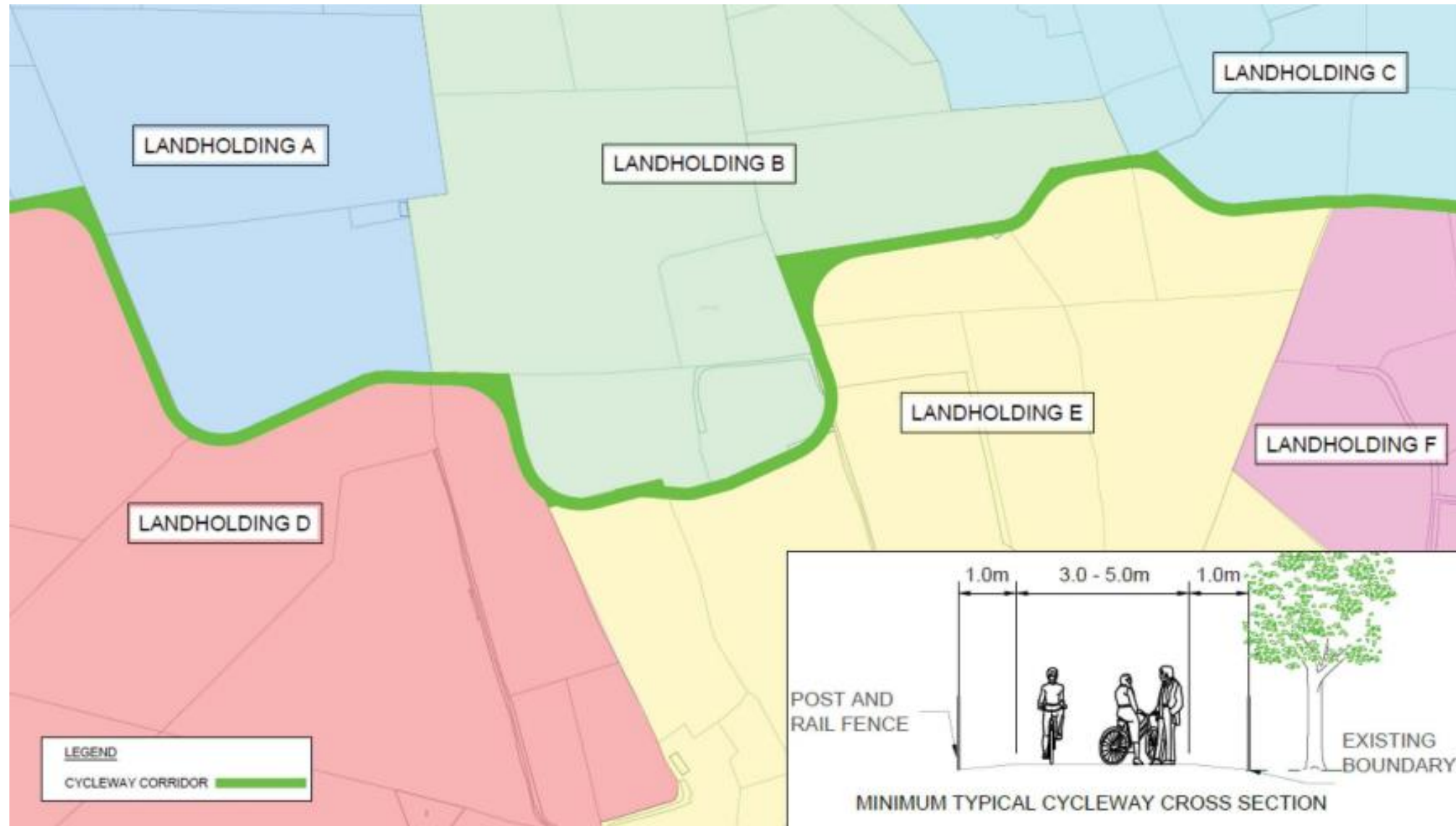
No.	Date	Amendment / Issue	Appr.
P01	06.12.21	FOR CONSULTATION	



Drawn	MC	Project	GALWAY TO ATHLONE CASTLE NATIONAL CYCLEWAY
Checked	SM	Title	EMERGING PREFERRED ROUTE CORRIDOR LAYOUT
Approved	CMAS	Date	06.12.21
Scale	1:200,000 @ A3	Job No.	MGT0025
File Ref	MGT0025-RPS-00-XX-DR-2-PR0002	Dwg. No.	PR0002_01
Rev	P01		



Minimise severance



Between farm boundaries



Along farm boundary adjacent to local road



On State owned lands



3.1 GENERAL PROVISIONS

- 3.1.1 **PLO's will discuss Scheme Development and process**
- 3.1.2 **Project promoter will engage project agronomists.**
- 3.1.3 **The project promoter will indemnify the landowner against all actions, claims and demands.**
- 3.1.4 **Property owners may claim for one set of professional fees and costs:**
 - Solicitor's costs for the conveyancing.
 - Farmer Agronomist / Property Advisor professional fees.
 - Other professional fees necessary once agreed in advance with the project promoter.

3.1 GENERAL PROVISIONS (cont.)

- 3.1.5 **Advance Works**
- 3.1.6 **Commencement of Works**
- 3.1.7 **Supervision of Works**
- 3.1.8 **Reinstatement of
Temporary Works Area**
- 3.1.9 **Animal Disease**
- 3.1.10 **Invasive Species and
Noxious Plants**
- 3.1.11 **Dept of Agriculture / EU
Schemes**
- 3.1.12 **Countryside Issues**
- 3.1.13 **Public Facilities**

3.2 ACCOMMODATION WORKS

3.2.1 **General Provisions**

Accommodation works will be carried out to mitigate impacts of the Greenway.

An accommodation works schedule will be agreed upon.

Severed lands will have appropriate access arrangements.

3.2 ACCOMMODATION WORKS

3.2.2 **Mediation**

In the absence of agreement on accommodation works a mediation board will be set up to seek a solution.

The board will have a representative from the landowner, a representative from the project promoters and an independent mediator.

3.2 ACCOMMODATION WORKS (cont.)

- 3.2.3 **Fencing/Boundary Treatment**
- 3.2.4 **Farm Crossings**
- 3.2.5 **Private Roads**
- 3.2.6 **Underpasses**
- 3.2.7 **Water Services**
- 3.2.8 **Drinking Troughs**
- 3.2.9 **Land Drains**
- 3.2.10 **Sewers/Septic Tanks/ Percolation Areas**
- 3.2.11 **Trees**
- 3.2.12 **Ducting**
- 3.2.13 **Signage**
- 3.2.14 **Construction Stage**
- 3.2.15 **Post Construction**
- 3.2.16 **Greenway Maintenance**
- 3.2.17 **Future Farm Expansion**

THANK YOU

Michael Kelly

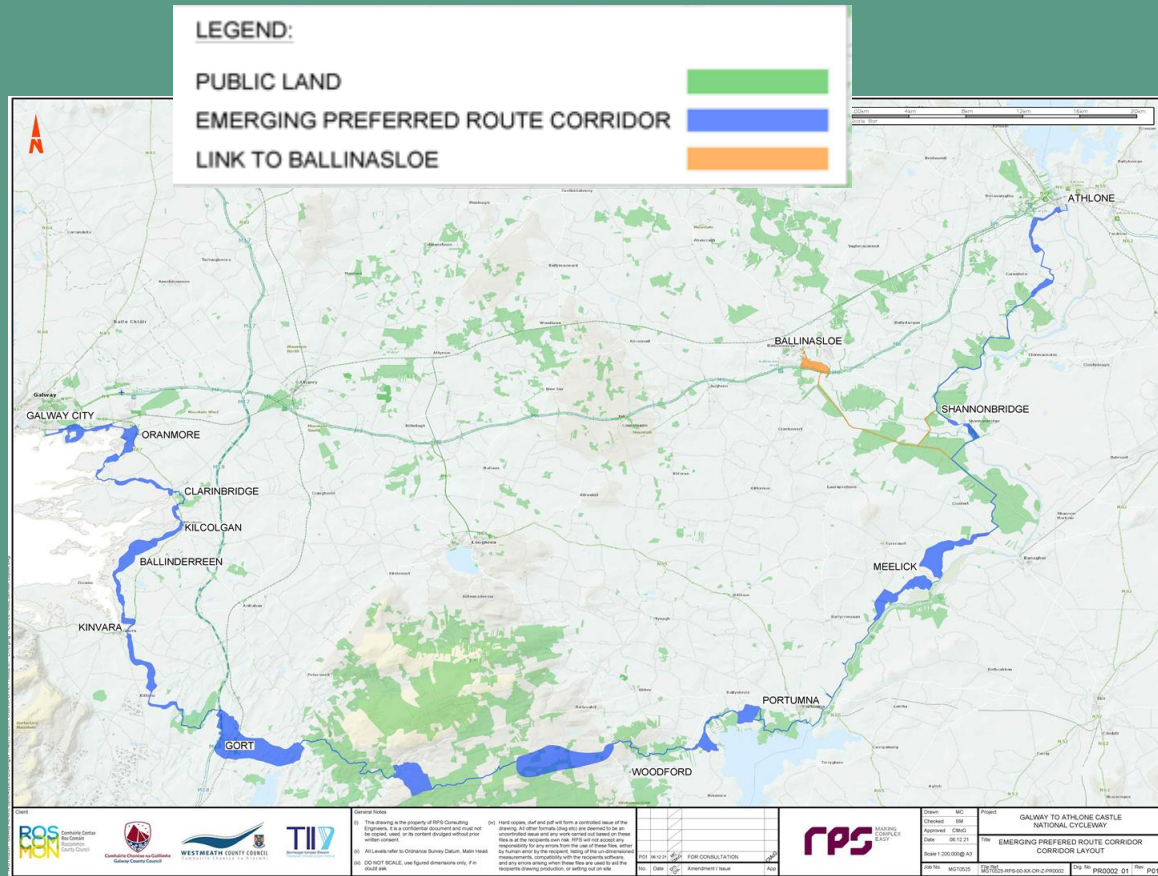
Westmeath National Roads Office

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044 93 34250

087 9194723

3.3 LAND ACQUISITION



3.3.1 General Provisions

- Use state owned lands.
- Minimise impact on private lands.
- Invitation to VLAA up to 12 months before application to ABP.
- The VLAA will be completed when planning is approved and funding is available.

3.3 LAND ACQUISITION



3.3.1 General Provisions

While all lands will be included in the CPO schedule, the exercise of such powers will only be as a last resort for instance where:

1. VLAA cannot be reached between the parties following a comprehensive negotiations process.
2. An economically feasible alternative route that meets the scheme objectives does not exist.
3. Legal title issues such as proof of ownership, unregistered land; ward of court; competing claims, etc.

3.3 LAND ACQUISITION

The main headings to a claim for compensation can include the following

Landtake	<ul style="list-style-type: none">> Value of legal interest in land to be acquired. This may include:<ul style="list-style-type: none">> Permanent land acquisition by reference and comparison to the size, location and quality of the parcel to be acquired> Permanent wayleave acquisition> Impact on a private right of way> Other impact on a legal right / interest such as a lease on land for a year or more
Severance and other Injurious Affection	<ul style="list-style-type: none">> Severance: The reduction, if any, in the market value of lands retained by the landowner due to the taking of part.> Injurious affection: Any damage or devaluation in the market value of lands retained by the landowner caused by the construction of the Greenway and its subsequent use to include any damage to the viability of the farm business.
Disturbance and any other matters	<ul style="list-style-type: none">> Permanent disturbance: The loss sustained or expenses incurred by an owner as a result of the acquisition of land, apart from the value of the land taken and the reduction in value, if any.<ul style="list-style-type: none">> Includes reasonable professional fees properly and necessarily incurred in the preparation, submission and settlement of a claim and reasonable legal fees / costs for the transfer of title.> Covers any losses / penalties incurred by the farmer / landowner under all Government / EU schemes as part of their compensation claim.> Temporary disturbance: Includes issues such as dust and nuisance and disruption to water supplies, operational impacts and other services during construction, including the landowner's time and trouble in dealing with the issues.<ul style="list-style-type: none">> Includes the temporary possession of land such as working strips to install and erect fencing / boundary treatments.> Crop loss

3.3.1 General Provisions

The project promoter will not exercise the CPO (i.e. issue a Notice to Treat) on any landowner who has a signed VLAA in place, has evidence of good title, and the lands have been transferred to the acquiring body within 18 months of the CPO becoming operative.

For cases not settled before the CPO becomes operative a further 12-month period will be facilitated for voluntary negotiations.

Where cases remain outstanding following 12 months a Notice to Treat will be served and negotiations can continue.

3.3 LAND ACQUISITION

Private Landowner Band(s)	Greenway Band Length (Metres)	Total Greenway Sustainability Payment (GSP) Available (A & B)	Greenway Sustainability Payment (GSP) (Per Private Landowner)		Land Acquisition Compensation
			A Early Sign On Payment (where VLAA is agreed Pre-Planning Decision)	B Co-operation Payment (payable when greenway opens)	Land Acquisition Compensation (Excl. GSP)
Band 1	1 to 100 metres	€6,750	€3,375	€3,375	To be negotiated (case by case basis)
Band 2	101 to 250 metres	€12,000	€6,000	€6,000	To be negotiated (case by case basis)
Band 3	251 to 400 metres	€17,250	€8,625	€8,625	To be negotiated (case by case basis)
Band 4	401 to 550 metres	€22,500	€11,250	€11,250	To be negotiated (case by case basis)
Band 5	550 metres + additional metres	€22,500+	€11,250+	€11,250+	To be negotiated (case by case basis)

3.3.4 Greenway Sustainability Payments

- An early sign-on payment will be paid once a VLAA has been signed and landowner's solicitor has provided satisfactory evidence of good title.
- A co-operation payment will be made on completion of Scheme works when the Greenway opens.
- Co-operation payment and early sign on payment will be over and above the negotiated land acquisition / compensation payment.

3.3 LAND ACQUISITION

Overview of Process involved in developing a Greenway

Preferred Route	<ul style="list-style-type: none"> > Project Agronomists / Property Advisors available to landowners > Consultation meetings with Individual landowners and / or representatives > Accommodation works proposals outlined and discussed where possible > Farmer Agronomist / Property Advisor available
Preliminary Design	<ul style="list-style-type: none"> > Horizontal and vertical alignment established to determine precise land acquisition requirements > Accommodation works proposals agreed with landowners and / or representatives > Farmer Agronomist / Property Advisor available
Application to An Bord Pleanála (ABP)	<ul style="list-style-type: none"> > Completion of the EIAR / NIS, if applicable > Application submitted to ABP including Notice of Making a Compulsory Purchase Order
Oral Hearing	<ul style="list-style-type: none"> > An oral hearing may be held by ABP to examine issues and concerns raised by persons with submissions / observations on the proposed Greenway
Decision	<ul style="list-style-type: none"> > ABP either approves the scheme, rejects the scheme or approves the scheme with conditions / modifications > This includes a Notice of Confirmation of a Compulsory Purchase Order > Final approval timing may be impacted if Judicial Review taken
Construction of the Greenway	<ul style="list-style-type: none"> > If the scheme is successful at planning the project promoter will proceed to construction subject to Government funding

Voluntary Land Acquisition Process



3.3 LAND ACQUISITION

Voluntary Land Acquisition Process Overview

Preliminary Design Stage

Invitation to Participate

- > Invitation to initiate Voluntary Land Acquisition Process issued by project promoter to landowners approximately twelve months in advance of intended date of application to An Bord Pleanála for planning approval for the scheme.
- > Accommodation works proposals to be outlined and discussed and agreed, where possible.
- > Farmer / landowners will be requested to submit a claim (through their Farmer Agronomist / Property Advisor).
- > Project promoter will fairly consider and evaluate the claim under all headings and negotiations will ensue.
- > Any Voluntary Land Acquisition Agreements reached will be processed by Law Agents.
- > The farmer / landowner and project promoter can avail of the voluntary land acquisition Mediation Process at this stage - see Section 3.3.5.1 below.
- > Early sign-on payment will be made to landowner, once Agreement is executed.

Voluntary Land Acquisition Process Overview

Preliminary Design Stage	<p>Invitation to Participate</p> <ul style="list-style-type: none"> > Invitation to initiate Voluntary Land Acquisition Process issued by project promoter to landowners approximately twelve months in advance of intended date of application to An Bord Pleanála for planning approval for the scheme. > Accommodation works proposals to be outlined and discussed and agreed, where possible. > Farmer / landowners will be requested to submit a claim (through their Farmer Agronomist / Property Advisor). > Project promoter will fairly consider and evaluate the claim under all headings and negotiations will ensue. > Any Voluntary Land Acquisition Agreements reached will be processed by Law Agents. > The farmer / landowner and project promoter can avail of the voluntary land acquisition Mediation Process at this stage - see Section 3.3.5.1 below. > Early sign-on payment will be made to landowner, once Agreement is executed.
Application to An Bord Pleanála	<ul style="list-style-type: none"> > Project promoter submits scheme to ABP for planning approval. > Voluntary Land Acquisition process continues on outstanding cases. > Accommodation works proposals to be agreed with landowners / their representatives. > Any Voluntary Land Acquisition Agreements reached will be processed by Law Agents. > The landowner and project promoter can avail of the Mediation Process at this stage - see Section 3.3.5.1 below. > Early sign-on payment will be made to landowner once Agreement is executed.
Oral Hearing	<ul style="list-style-type: none"> > An oral hearing may be held by ABP to examine issues and concerns raised by persons who make submissions / observations on the proposed Greenway project. > Accommodation works proposals to be agreed with landowners and / or representatives. > Any Voluntary Land Acquisition Agreements reached will be processed by Law Agents. > Early sign-on payment will be made to the farmer / landowner within a 4 - 6 week time period of the Voluntary Land Acquisition Agreement being executed. > The Early sign-on payment will be available up until An Bord Pleanála has issued its Decision.
An Bord Pleanála Decision	<ul style="list-style-type: none"> > ABP will either approve the scheme, reject the scheme, or approve the scheme with modifications. If the scheme is approved: > ABP issues confirmation of a Compulsory Purchase Order. > The project promoter commits to exercising all executed Voluntary Agreements three months after confirmation by ABP of the scheme, subject to commitment on funding for the scheme. Transfer of legal title to occur and the agreed Voluntary Acquisition payment made to the landowner. > Voluntary Land Acquisition process continues on all other outstanding cases. > Where individual cases remain outstanding following twelve months of the planning authority confirming the scheme and it becomes operative, the project promoter will serve a Notice to Treat to ensure the scheme can proceed. > The Land Acquisition Process will continue until all cases are approved.
Construction of the Greenway	<ul style="list-style-type: none"> > If the scheme obtains planning consent from ABP, the project promoter will proceed to construction, subject to Government funding. - The Land Acquisition Process will continue, until all remaining cases are resolved. - The project promoter will require control of all lands necessary to construct and operate the scheme and will serve Notices of Entry, where and when relevant, following service of Notice to Treat. - Where negotiated Agreement on remaining individual Land Acquisition Agreements is not possible, either party will have recourse to have the matter determined by an Independent Assessor under an Independent third party Assessment Process or Arbitration Process.

Voluntary Land Acquisition Process Active

3.3 LAND ACQUISITION

Application to An Bord Pleanála

- > Project promoter submits scheme to ABP for planning approval
- > Voluntary Land Acquisition process continues on outstanding cases.
- > Accommodation works proposals to be agreed with landowners / their representatives.
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- > The landowner and project promoter can avail of the Mediation Process at this stage - see Section 3.3.5.1 below.
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Oral Hearing

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Voluntary Land Acquisition Process Active

3.3 LAND ACQUISITION

An Bord Pleanála Decision

- > ABP will either approve the scheme, reject the scheme, or approve the scheme with modifications. If the scheme is approved:
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Construction of the Greenway

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Voluntary Land Acquisition Process Active

3.3.5 CONCILIATION PROCESSES



3.3.5.1 Voluntary Land Acquisition – Mediation Process

- In the absence of a VLAA, the landowner or project promoter can apply to have the case listed for mediation where: VLAA invitation was initiated/ Claim was lodged/ Offer made/ negotiations are exhausted.
- The Mediation Process can be availed of in advance of the oral hearing being convened.
- The CIArb appoint the Mediator

3.3.5 CONCILIATION PROCESSES

3.3.5.2

Independent 3rd Party Assessment

Once planning consent is in place, and the Compulsory Purchase Order has been confirmed and in the absence of a monetary agreement, either party may then apply for an independent assessment.

The nominated Assessor (CIArb) will request brief statements from both parties and apply case management principles.

Either party shall have the right to avail of the statutory arbitration process as provided for under legislation.

APPENDICES

Form of voluntary Land Acquisition Agreement for National and Regional Greenways

SCHEME – AS SET OUT IN THE FIRST SCHEDULE HERETO

ACQUIRING AUTHORITY – AS SET OUT IN THE SECOND SCHEDULE HERETO

LANDOWNER – AS SET OUT IN THE THIRD SCHEDULE HERETO

LANDOWNERS PROPERTY – AS SET OUT IN THE FOURTH SCHEDULE HERETO

GENERAL CONDITIONS – AS SET OUT IN THE FIFTH SCHEDULE HERETO

SPECIAL CONDITIONS – AS SET OUT IN THE SIXTH SCHEDULE HERETO

ACCOMODATION WORKS—AS SET OUT IN THE SEVENTH SCHEDULE HERETO

COMPENSATION AMOUNT – AS SET OUT IN THE EIGHTH SCHEDULE HERETO

WHEREAS: -

- A. The Acquiring Authority are the promoters of the Scheme and propose seeking Development Consent pursuant to the Roads Act, 1993 as amended, the Planning & Development Act, 2000 as amended and the Housing Act, 1966 as amended (to include authorisation for the compulsory acquisition of lands where necessary) which Consents/ Approvals are hereinafter collectively referred to as Development Consent.
- B. The Acquiring Authority is committed to using its best endeavours to negotiate a voluntary Land Acquisition Agreement with individual Landowners affected by the Scheme without the need to exercise the Compulsory Purchase authorisation being obtained as part of the Development Consent.
- C. The Acquiring Authority in its dealings with landowners on the Scheme have agreed to abide by the terms of the Code of Best Practice for the provision of National & Regional Greenways agreed with the farming organisations and dated the ___ day of _____ 2021 as may be updated and revised from time to time (the Code) and will apply the Code to its interaction and negotiations with the Landowner.
- D. The Landowner and the Acquiring Authority have now agreed to the following provisions applying to the Acquiring Authority's proposed acquisition of the Landowners Property for the purposes of the Scheme

Appendix 1:

Code of Practice for the Prevention of the Spread of Animal Disease.

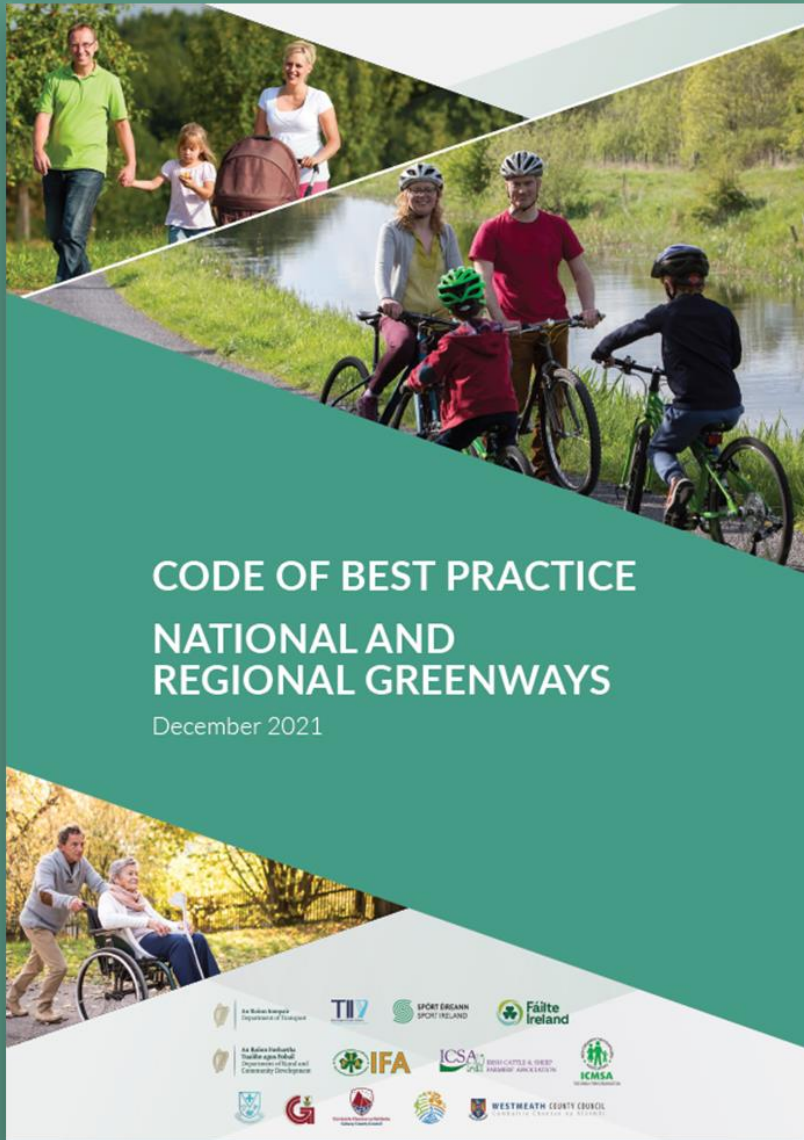
Appendix 2:

Compensation rates for Site Investigation and Archaeological testing.

Appendix 3:

Form of Voluntary Land Acquisition Agreement for National and Regional Greenways.

Link to Code and GSP



[Department of Transport](https://www.gov.ie/en/publication/6b6a0-code-of-best-practice-for-national-and-regional-greenways/)

<https://www.gov.ie/en/publication/6b6a0-code-of-best-practice-for-national-and-regional-greenways/>

[Transport Infrastructure Ireland](https://www.tii.ie/news/press-releases/code-best-practice-greenways/)

Béarla

<https://www.tii.ie/news/press-releases/code-best-practice-greenways/>

As Gaeilge

<https://www.tii.ie/news/press-releases/code-best-practice-greenways/?set-lang=ga>

**THANK
YOU**

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