



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T



Creating Sustainable Communities and Places

DATE: Monday 8th May, 2023.

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: PART 8 - Construction of a Shared Pedestrian and Cyclist Facility
Between Coote's Lane and the N76 Ring Road, Kilkenny**

*Planning & Development Acts 2000 as amended
Planning & Development Regulations 2001 as amended*

Dear Councillor,

In accordance with Section 179 of the Planning & Development Act 2000, as amended, please find attached Report of the Director of Services in relation to the public consultation process undertaken for the above scheme which was undertaken in accordance with the requirements of Part VIII of the Planning & Development Regulations 2001, as amended.

I am satisfied that the proposed development is consistent with the proper planning and sustainable development of the area and is consistent with the provisions of the Kilkenny City & County Development Plan 2021 - 2027.

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans and particulars made available for public inspection and taking into consideration the recommendations made by the Planning Department and other commitments given in this report.

Yours Sincerely,

**Sean McKeown,
Interim Chief Executive.**

**COMHAIRLE CHOONTAE CHILL CHAINNIGH
KILKENNY COUNTY COUNCIL**



INTERIM CHIEF EXECUTIVE'S REPORT

on the **Consultation Process** for the

**Proposed Coote's Lane to Ring Road
Active Travel Scheme**



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2 Introduction

This document has been prepared in accordance with the requirements of Section 179 of The Planning and Development Act 2000, as amended and Part 8 of The Planning and Development Regulations, 2001, as amended.

The proposed development involves the construction of a shared pedestrian and cyclist facility between Coote's Lane and the N76 Ring Road, Kilkenny, to include all associated and ancillary works.

Notice of the proposed development was advertised by Notice in the Kilkenny People newspaper dated Friday 17th February 2023.

A copy of the public notice is provided in Appendix A.

Details of the proposed scheme were also advertised via the Kilkenny County Council Public Consultation Portal <http://consult.kilkenny.ie/>

Plans and particular for the proposed scheme were available for inspection from Friday 17th February to Friday 17th March at the following locations:

- Kilkenny County Council Offices, County Hall, John St. Kilkenny
- Kilkenny City Municipal District Offices, City Hall, High Street, Kilkenny

<https://consult.kilkenny.ie/>

Submissions and observations were invited with respect to the proposed development dealing with the proper planning and sustainable development of the area in which the proposed development will be carried out, with a final date for receipt of submissions of 5pm on Friday 31st March, 2023.

The following Statutory Bodies were invited to make submissions on the scheme:

- Department of Housing, Local Government & Heritage;
 - Built Heritage Section;
 - National Parks & Wildlife Service (NPWS); and
 - National Monument Service;
- Inland Fisheries Ireland;
- Office of Public Works (OPW);
- Transport Infrastructure Ireland (TII);
- Roads - Kilkenny County Council
- Environment - Kilkenny County Council

The documents on public display were as follows:

- Report prepared by Kilgallen & Partners Consulting Engineers, on Particulars of Proposed Development;
- Archaeological Impact Assessment Report (AIAR);
- Appropriate Assessment Screening Report (AA Stage 1);
- Preliminary Ecological Appraisal (PEA);
- Preliminary Construction Environmental Management Plan (pCEMP);
- Flood Risk Assessment (Appendix C of Report by Kilgallen & Partners)
- Site Plans and Layouts (by Kilgallen & Partners).

3 Description of the Proposed Development

3.1 Routes Options

3.2 Cross-section

The existing Coote's Lane provides a shared surface for pedestrians and cyclists; it is 770m in length and typically 3.5m wide. The path between Coote's Lane and the Breagagh (Plate 1) is of similar width.

The cross-section of the proposed pedestrian / cyclist facility is dictated by the existing cross-section of Coote's Lane. Accordingly, the link will provide a 3.5m wide shared surface for pedestrians and cyclists.



PLATE 1 - PATH BETWEEN COOTE'S LANE AND THE RIVER BREAGAGH

3.3 Crossing of River Breagagh

The bridge must be long enough to clear the obstacle which is to be crossed and high enough not to interfere with whatever passes beneath the bridge. In this case, the minimum elevation of the soffit is determined by the existing stone arches immediately downstream.

The maximum elevation of the bridge deck is dictated by the need to tie into the existing pathway east of the Breagagh in such a way that it is accessible for pedestrians, wheelchair users, cyclists (including cargo bike and similar).

The span required to cross the Breagagh is 16m.

The proposed bridge is discussed in greater detail in Section 3.

3.4 Ring Road to River Breagagh

The finished level of the bridge deck will be above the existing ground level west of the Breagagh. A boardwalk structure will be constructed to raise the shared surface to the elevation required to meet the bridge deck.

The shared surface will slope downwards from the bridge to existing ground level at a gradient that is acceptable for wheelchair users.

The shared surface will have a bituminous macadam finish with exception to the approach ramp, which will comprise decking, either of recycled plastic or hardwood timber.

The shared surface will meet the Ring Road at a 90-degree angle; this gives rise to the risk of cyclists approaching the Ring Road failing to stop and colliding with cyclists, pedestrians or vehicles on the Ring Road.

To protect against this, gateway is proposed immediately east of the tie-in to the Ring Road which will force bicycles to slow to an appropriate speed.

3.5 Breagagh to Coote's Lane

The finished level of the bridge deck will also be above the existing ground level east of the Breagagh; however, because the ground level rises towards Coote's Lane, the finished level of the shared surface meets the existing ground level much sooner than is the case west of the Breagagh.

As before, a boardwalk structure will be constructed to raise the shared surface to the elevation required to meet the bridge deck and the surface finish will be of bituminous macadam and approach ramp will comprise decking, either of recycled plastic or hardwood timber.

Coote's Lane falls relatively steeply towards the Breagagh. This gives rise to the risk of excessive bicycle speed approaching the bridge. A gateway is proposed to the east of the bridge to force bicycles to slow to an appropriate speed.

3.6 Lighting

Route lighting will be installed over the full length of the link. The lighting will be considerate of the surrounding area and habitats and there will be no light overspill. Lighting will be LED's and comply with Kilkenny County Council requirements.

3.7 Existing Services and Utilities

Utility providers were consulted to establish if there are any underground or over ground infrastructure within the Site.

Based on this consultation, other than an ESB pole located immediately upstream of the proposed bridge which will have to be relocated, no services were identified which would require diversion in order to construct the Scheme.

3.8 Gateways

The gateways referred to in Sections 3.4 and 3.5 are sized to be fully accessible by wheelchair users, cargo bikes and similar.

4 Bridge over River Breagagh

4.1 Proposed Bridge

The bridge will comprise decking, either of recycled plastic or hardwood timber, on a steel frame.

The decking will be slip-resistant, durable, aesthetically acceptable and resistant to vandalism insofar as possible. The bridge deck will allow rainwater to pass directly through without the requirement for positive collection and disposal.

Parapets will be provided on either side of the bridge. The minimum parapet height will be 1.40m.

A bridge-type similar to that proposed is shown in Plate 2 & Plate 3.



PLATE 2 - STEEL BEAM BRIDGE



PLATE 3 - PROPOSED GUARDRAIL

4.2 Constructability

Site access and craneage are the primary constraints in terms of the constructability of the new bridge. Access to the west bank will be required from the N76 Ring Road. It is envisaged that this work would be carried out during the summer months when the ground is at its driest to minimise the damage to the existing ground.

The concrete foundations for the bridge and boardwalk will be constructed during the summer months when the River Breaghagh is at its lowest depths/flow rates and the ground is at its driest. The span of the new bridge is 16 metres with the nearest concrete elements to the river being the bridge abutments. The construction of the abutments will be at a distance back from the river with low risk of contamination of local groundwater sources.

It is likely that the bridge will be constructed in one or two individual prefabricated sections and transported to site for lifting into position possibly using an 80T mobile crane at road level.

Cranage from the road will require traffic management in the form of lane restrictions or a possible road closure.

Access to the east bank can be provided from the existing Coote's Lane for lighter machines.

The appointed works contractor will consult with the NPWS and IFI regarding derogation licences prior to construction works. At this stage, it is envisaged that derogation licences will not be required.

When the scheme is implemented, the use of the bridge and boardwalk will not have any impact on the existing habitats and environment.

5 Referral Responses

Responses were received from 2 internal sections and 2 externals. A copy of each response is attached in Appendix C.

A summary of individual items raised and response / assessment of same is provided below:

5.1 Department of Housing, Local Government and Heritage (DHLGH)

Recommends low level lighting and strongly advises against the use of dual aspect lighting to illuminate the ford in the river;

Recommends liaison with Inland Fisheries Ireland in relation to the ford and its impacts on fish movement upstream;

Recommends the implementation of an ecological buffer;

Recommends native Irish origin trees and shrubs for planting;

Recommends the use of a setback outfall to the east of the river for discharging surface run-off;

Recommends that an Underwater Archaeological Impact Assessment (UAIA) report be submitted for review and comment prior to the commencement of construction works;

Recommends Archaeological monitoring for all works that involve groundworks or an impact to the Breagh River bed/banks and their environs

Response

Lighting

The proposal to light the existing ford will be omitted.

Scheme lighting will be designed to minimise light-polluting effects while at the same time providing the minimum illumination required for the safe movement of all people using the proposed development. Dual aspect lighting will be omitted and cowls and covers added as required to minimise sky-glow and unnecessary overspill of light outside of the area required for safe use of the proposed development.

Existing Ford

A submission was received from Inland Fisheries in respect of this application. This submission does not mention the existing ford; notwithstanding this, IFI will be consulted during the detailed design stage in relation to the existing ford.

Set-back

Tree and hedgerow planting have been moved to provide the required 10m buffer. Fencing has been omitted from the west bank of river. No wildflower planting is proposed.

Soakaway / Surface Water

The soakaway on the west side of river will only receive surface water from the shared surface west of the boardwalk. There will be no ingress of surface water from the N76.

The setback outfall will comply with CIRIA C753.

Archaeology

An Underwater Archaeological Impact Assessment (UAIA) will be carried out and the report thereon submitted to the Department for its consideration before construction starts.

Archaeological monitoring will be carried out as part of the works.

5.2 Inland Fisheries Ireland (IFI)

Outlines the requirement for site-specific method statements for any proposed instream or riparian works, including the proposed water crossings – written approval from IFI to be obtained before works proceed;

Provides guidance on protecting watercourses bordering the site;

Provides guidance on buffer zones;

Provides guidance on discharging to soak-away systems or to surface water;

Recommends the use of silt curtains where works are taking place in the vicinity of aquatic zones (i.e. within buffer zones);

Recommends suspending works during heavy rains or when there is high risk of pollutants entering the surface waters;

Provides guidance using cast-in place concrete; and

Applicant or the appointed contractor contact details shall be provided to IFI prior to construction works.

Response

The Preliminary CEMP has been updated to reflect the IFI submission.

The specification for the works will be amended to incorporate the recommendations relating to protection of watercourses and aquatic life.

Method statements for all in-river and riparian works will be submitted to IFI before construction starts.

5.3 Roads Design Section, Kilkenny CoCo

Recommends speed calming gateways are provided in advance of the proposed junctions with the N76 Ring Road and LT66423. That inter-visibility is maintained between users on - N76 Ring Road Pedestrian/Cycle Lanes and Coote's Lane shared surface;

Recommends the completion of public lighting design as part of the Detailed Design Phase;

Recommends handrail lighting over the bridge;

Provides guidance on Public Lighting implementation;

Provides guidance on parapet height;

Provides guidance on appropriate warning advanced signage incl. road markings and signage;

Recommends a Quality Audit (inclusive of RSA, Walkability Audit and Mobility & Visually Impaired User Audits) in accordance with requirements of DMURS;

Outlines the requirement for a Construction and Traffic Management Plan for the proposed development;

Outlines the requirement for liaison with TII regarding interface of the proposed development with the N76 national road;

Recommends Stage 3 RSA prior to final completion;

Outlines the requirement for a Certificate of Compliance is completed of the Final Design.

Response

Both the National Cycling Manual and DMRB have been used as Design Standards for the proposed development.

Arising from this submission, the proposed development has been amended as follows:

- Cycle calming gateway moved closer to junction;
- Yield markings removed;
- Tactile paving added to identify transition between shared area and segregated cycleway/footpath;
- Guardrail included along grass verge over extent of pedestrian/cycle junction;
- Cycle / pedestrian junction widened to improve inter-visibility;

The public lighting design will be finalised at detailed design stage and submitted to Kilkenny County Council Roads Section for approval. The specification for this design shall comply with the requirements of Kilkenny County Council. Light pollution will be minimised as described in the response to Submission No. 1.

Parapets are 1.4m high in accordance with DN-STR-03005.

The shared surface will be 3.5m wide.

Additional signage has been added to the proposed development; signage proposals will be finalised at detailed design stage.

Stage 1 and 2 Road Safety Audits will be completed as part of the detailed design process. A Stage 3 Audit will be carried out at substantial completion stage.

Obtaining a Road Opening Licence will be the responsibility of the contractor appointed to construct the proposed development.

Any recommendations of TII shall be taken on board at detailed design stage as appropriate.

5.4 Environment Section, Kilkenny CoCo

Outlines the requirement for a Surface Water Management Plan for both the construction phase of the works and ongoing operational phase;

Outlines the requirement for the applicant to provide details for the construction of the proposed RC concrete abutments and their foundations;

Recommends a 'Site Specific' method statement if dredging or river bed excavation is necessary for the construction of the RC concrete abutments and their foundations;

Response

Please refer to section 4.2 Inland Fisheries Ireland Response as similar observations/recommendations were submitted.

6 Submissions Received

Three Public Submissions were received as part of the consultation. Please see attached report prepared by Kilgallen & Partners for responses to the submissions received under appendix D.

7 Implications for the Proper Planning & Sustainable Development of the Area

The Planning Authority has determined that the proposed development is in accordance with the proper planning and sustainable development of the area (*see Planner's Report in Appendix B*) and the proposed development is consistent with the provisions of the City and County Development Plan 2021 – 2027.

8 Kilkenny Co Co Intention with Regard to the Proposed Development

Proposed Development: Part 8 Proposal

**Construction of a Shared Pedestrian and cyclist Facility
between Coote's Lane and the N76 Ring Road, Kilkenny**

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans and particulars made available for public inspection and taking into consideration the recommendations made by the Planning Department and other commitments given in this report.

Signed:



Tim Butler
Director of Services

9 Appendix A – Copy of Public Notice



**PUBLIC NOTICE IN RELATION TO PROPOSED
DEVELOPMENT BY A LOCAL AUTHORITY**

**Section 179 of the Planning and Development Acts 2000, as amended.
Part 8 Planning and Development Regulations 2001, as amended**

**Construction of a Shared Pedestrian and Cyclist Facility
between Coote's Lane and the N76 Ring Road, Kilkenny**

In accordance with Part 8, Article 81, of the above Regulations, Kilkenny County Council give notice on **Friday, 17th February 2023** of proposal pertaining to the following development:

- To construct a shared pedestrian and cyclist facility between Coote's Lane and the N76 Ring Road, Kilkenny.
- To include all associated and ancillary works.

Plans and particulars of the proposed development will be available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours until **Friday, 17th March 2023**, at the following Kilkenny County Council offices by appointment:

Location	Opening Hours
Planning Department , Kilkenny County Council, County Hall, John Street, Kilkenny City.	From 9am to 1pm & 2pm to 4pm Monday to Friday (Except Public Holidays)
Municipal District of Kilkenny City , City Hall, High Street, Kilkenny City.	From 9am to 1pm & 2pm to 4pm Monday to Friday (Except Public Holidays)

Details of the proposed development can be viewed at <https://consult.kilkenny.ie/>

In accordance with the requirements of Article 120(1)(a) of the Planning and Development Regulations 2001 (as amended) the Planning authority has made a preliminary examination of the nature, size and location of the proposed development. The authority has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and a determination has been made that an Environmental Impact Assessment (EIA) is not required.

As per Article 120(3) of the Planning and Development Regulations 2001 (as amended), where any person considers that the development proposed to be carried out would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of this notice apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have a significant effect on the environment.

Submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development will be carried out, may be made online at <https://consult.kilkenny.ie/>, in writing to the Planning Section, Kilkenny County Council, County Hall, John Street, Kilkenny or sent to the following email address cooteslanepart8@kilkennycoco.ie. **The latest time and date for receipt of submissions on the development is 5.00pm on Friday, 31st March 2023.** Submissions should be clearly marked 'Coote's Lane to N76 Ring Road. Kilkenny Part 8 Submission'.

Tim Butler,
Director of Services.

10 Appendix B – Planner’s Report

**Chontae Chill Chainnigh
Kilkenny County Council
Planning Report**



**Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended**

Part 8 Ref. No.: Part 8: 05/22

Development: Construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road, Kilkenny

Site Location and Description

The site is located at the western end of Cootes Lane, south of Hotel Kilkenny, extending over the Breagh River, to link with the Kilkenny Ring Road at a point to the south of the Callan Road roundabout. There is a ford at the point of the crossing with low flows during the summer months, and there is an arched wall located to the north of the crossing point.

The site is identified on the Habitat and Green Infrastructure Survey of Kilkenny City and environs as part of the green infrastructure of the city.

The site is not located within or adjoining a Natura 2000 site, but is hydrologically linked with the River Nore SAC and SPA.

The site is located outside of identified zones of archaeology potential or zones of notification.



Site Location Map

Third Party Submissions

Three third party submissions have been received, including a submission from Rose Hill Residents Association, in relation to the proposed development, and the planning issues raised therein have been taken into account in the assessment of this application.

Policy

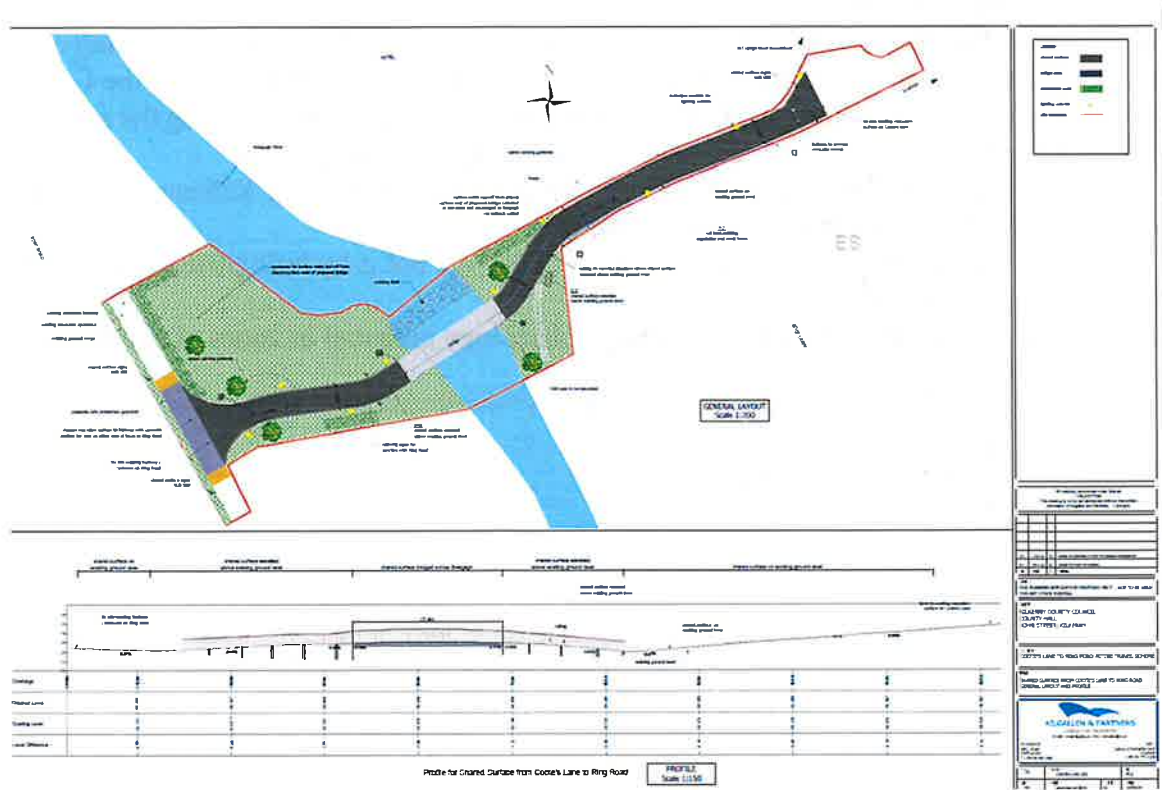
The site is located with the development boundary for of the Kilkenny City and County Development Plan 2021 – 2027, and is in accordance with the active travel policies for Kilkenny City.

Site History

No recent on-site history.

Proposed Development

Proposed construction of a shared pedestrian and cyclist facility between Coote's Lane and the N76 Ring Road, Kilkenny, to include all associated and ancillary works.



Proposed plan and section of the bridge

Documentation submitted

In addition to the drawings submitted a number of supporting documents have also been submitted as part of this application; all documentation submitted has been considered in the assessment of the proposed development. Reports submitted:

- Archaeological Impact Assessment Report
- Preliminary Ecological Appraisal
- Appropriate Assessment Screening Report
- Preliminary Construction Environmental Management Plan

Referrals

- Roads – recommends a number of conditions.
- Environment – further information recommended as per report dated May 2023.
- Department: National Monuments Service/ Archaeology – recommends archeological monitoring conditions.
- Department: NPWS – recommends a number of conditions for protection of the environment.
- Inland Fisheries Ireland – recommends a number of issues to be addressed for the protection of the environment.
- TII – no observations as per response dated March 2023.
- OPW – report not received to date

Abridged excerpts from the referral responses received are set out below.

Roads Design Office

The report received from the Roads Design Office recommends as follows:

The proposed development is welcomed. I recommend that the following be considered by the developer as the design is refined and finalised.

The design of the shared facility and associated bridge shall have regard to the requirements and recommendations of the National Cycling Manual and be in accordance with the TII, Design Manual for Road and Bridges.

It is recommended that a speed calming gateway is provided immediately in advance of the proposed junction with the N76 Ring Road in lieu of yield junction proposed. The developer shall ensure that inter-visibility is maintained at all times between users on the cycle/pedestrians lanes on the N76 Kilkenny Road and those who will now access same via an extended Cootes Lane.

A similar gateway shall be provided in as close proximity as practical to what will be a new vehicular junction with the LT66423.

The developer shall complete a public lighting design having regard to the Kilkenny County Council Public Lighting Design and based on lighting reality files as part of the detailed design phase. The inclusion of handrail lighting over the bridge should be considered subject to environmental considerations. The public lighting provided shall have energy efficient LED technology and capable to be adapted for use with a central management system (CMS –with 7pin NEMA sockets) or equivalent. The LEDs installed shall be set at a minimum of 3000 Kelvin. All proposed lighting columns shall be set a minimum of 0.5m from the shared surface edge.

All proposed lighting columns and sign poles shall be located in such a manner to be minimum 500mm off the shared surface edges.

The height of the parapets on the bridge structure shall be minimum 1.4m.

The minimum shared surface width throughout the proposed scheme shall be maintained at 3.5m.

Appropriate warning advanced signage shall be provided on the existing vehicular Cootes Lane to warn of the shared surface ahead.

All road markings and signage shall be in compliance with the Department of Transport, Traffic Signs Manual, 2019.

Prior to finalisation of the proposed design the developer shall complete a Quality Audit (inclusive of a Stage 1/2 Road Safety Audit, Walkability Audit and Mobility & visually impaired user audits) of the proposed development in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and the requirements of NGS Circular 3 of 2022 and incorporate any recommendations into the final design.

The developer shall ensure that a Certificate of Compliance is completed of the final design in accordance with the requirements of NGS Circular 2 of 2022.

The applicant shall be required to provide a construction and traffic management plan for the proposed development. The applicant shall consult with the Kilkenny Municipal District Office in regard to the specific detailed proposals.

The recommendations of TII shall be taken on board noting the interface of the proposed development with the N76 national road.

Upon completion the developer shall complete a stage 3 Road Safety Audit and complete any required recommendations on foot of that audit.

A road opening licence may be required in respect of all works affecting the public road and footpaths.

Environment

The report received from the Environment Section recommends further information as set out below; I consider that the information may be addressed by way of condition that the developer complies with in advance of works proceeding on site.

1. On the submitted engineering drawing Shared Surface From Coote's Lane To Ring Road general Layout And Profile No. 21079-C-DR-101 - PL1 it shows the shared surface macadam area with a slope of -6.99% to -9.27% coming from the Coote's land footpath direction and a slope of 3.29% from the N76 cycle/footpath direction with no regard to how surface water shall be contained and prevented from entering the Breagagh river during heavy rainfall.

The applicant shall submit a surface water management plan for both the construction phase of the works and the ongoing operational phase. It shall include details of

a. soakaways/surface water drains – (Receiving clean uncontaminated water only)

b. drain and sediment traps to minimise flow velocity

c. silt traps,

d. silt curtain and their proximity to the aquatic buffer zones.

Proposed buffer zones around aquatic zones should be clearly marked and their proposed locations indicated on an updated site layout plan clearly highlighting the aquatic zones.

2. The applicant shall provide details for the construction of the proposed RC concrete abutments and their foundations. If dredging or river bed excavation is necessary for the construction of same.

The applicant shall submit a 'site-specific' method statement for to containment of all sedimentary run-off from concrete pour and how this shall be maintained throughout the construction phase of the project. This method statement shall include details of;

a. cast-in-place concrete works to be done. If so works to be done in dry areas isolated from any water that may enter watercourse.

b. Pre-cast concrete to be used where possible.

c. Concrete to be stored in dry secure areas away from aquatic buffer zones should concrete need to be stored on-site.

d. preliminary details for location and operation of on-site, off-site wheel washing and concrete truck washdown to be provided.

e. any proposed instream or riparian works to be carried out.

Note: Any instream works or works which take place in the riparian zone must comply with IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016).

3. The applicant also shall submit details for the location and operation of the proposed onsite 'self-contained' welfare unit compound for the duration of the construction works.

Department of Heritage

The report received from the Department of Heritage notes as follows:

Nature Conservation

The Department has reviewed the Appropriate Assessment Screening Report prepared by APEM and dated January 2023 and agrees with its findings that, based on the available scientific information and project details provided by Kilgallen and Partners Consulting Engineers Ltd, the proposed active travel scheme from Cootes Lane to the Ring Road in Kilkenny city does not pose a risk of likely significant effects on the River Barrow and River Nore Special Area of Conservation (SAC) and River Nore Special Protection Area (SPA).

Matters related to Ecological Impact Assessment:

Lighting

Light pollution is named as a pollutant of emerging concern in the Zero Pollution Action Plan, a key deliverable of the European Green Deal, adopted by the European Commission in 2021. The Department notes the inclusion of artificial lighting along the new pathway. Drawing Number 21079-C-DR-101 indicates that there will be dual aspect lighting at the bridge to illuminate the ford within the River Breagagh. Artificial lighting beside rivers can significantly alter the dynamics of aquatic insect populations and their predators and should be avoided. Therefore, the Department strongly advises against the use of dual aspect light designed to illuminate the ford in the river, which it considers will likely have negative impacts on biodiversity. The element of the project should be reconsidered.

The Department recommends the use of low level lighting, with warmer colours (i.e., CCT values at or below 2700K). The lighting should have an automatic cut-off during the night and be reduced in intensity during sensitive dawn and dusk periods. Cowls and covers should be used to eliminate sky-glow.

The Department considers that the following guidance must be adhered to, given the emerging concern in relation to the negative impacts of artificial light at night (ALAN) on biodiversity:

EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, (UNEP/EUROBATS Secretariat (2018))

Guidance Note 01/21 The Reduction of Obtrusive Light at Night (Institute of Lighting Professionals (2021))

□ *Guidance Note 08/18 Bats and Artificial Lighting in the UK -Bats and the Built Environment Series (Bat Conservation Trust/ Institute of Lighting Professionals (2018))*

River Breagagh – barrier to fish movement

The Preliminary Ecological Appraisal Report prepared by Caroline Shiel, B.Sc., Phd., states that water was not flowing under the ford in the river on the date of the survey (28th September 2022). The Department advises Kilkenny County Council to liaise with Inland Fisheries Ireland in relation to the ford and its impacts on fish movement upstream. It may be that this ford should be modified at a future date as it could be impeding fish movement. Kilkenny County Council must ensure that the new foot bridge will not hamper any future work to the ford in this regard.

Landscaping

The Department notes the proposal to landscape the area west of the River Breagagh and advises that an ecological buffer of at least 10 metres for the top of the riverbank is left undisturbed and that the planned fencing is set back at least 10 metres from the river. Any trees or shrubs planted should be of native Irish origin. The Department advises against the planting of wildflower seeds.

Soakaway

The planned soakaway shown on drawing number 21079-C-DR-101 to the west of the River Breagagh should take runoff from the path only and not from the nearby ring road. The soakaway must be designed in accordance with CIRIA C753 The SuDS Manual (Sustainable Drainage System).

Setback Outfall

The Department recommends the use of a setback outfall to the east of the river, from which surface water runoff from the east is discharge to the river. Details of such outfalls can be found in CIRIA C753 The SuDS Manual. This will avoid disturbance to the riverbank.

Underwater Archaeology

The proponent's documentation, including the submitted desk-study archaeological assessment report (Colm Flynn Archaeology, (Draft) March 2022) has been reviewed by the Department who are charged, as statutory consultees in the planning process, on behalf of the Minister for Housing, Local Government and Heritage, with the protection, preservation and promotion of underwater cultural heritage in Ireland. The Department concurs with the recommendations for archaeological mitigation as outlined in the archaeological assessment report (Section 6.0) and recommend that an Underwater Archaeological Impact Assessment (UAIA) report be compiled and submitted to this Department for review and comment prior to the commencement of construction works.

Archaeological Recommendations

1. The developer shall commission an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:

a. A desktop assessment that addresses the archaeological, including underwater, and built heritage of the proposed River Breagagh development area. The assessment shall include a full inventory and mapping of the sites of all identified archaeological/cultural heritage features and structures (including those identified underwater) and shall also include maps/drawings that clearly indicate

any proposed impacts on these assets/areas of archaeological potential arising from the proposed project. The UAIA shall assess all proposed in-water development (including in areas of reclaimed ground) and shall also assess any proposed Site Investigation impacts and potential secondary or indirect impacts such as construction works to facilitate access and areas of scouring as a result of potential changes in hydrology. All historic masonry remains and any other identified archaeological/underwater cultural heritage shall be surveyed in detail as part of the assessment.

b. The UAIA shall include a licenced dive/wade assessment centred on (but not confined to) the area(s) where works are proposed at the River Breagagh, accompanied by a hand-held metal detection survey, undertaken by a suitably licenced and experienced underwater archaeologist with metal detection experience. All archaeological remains identified shall be surveyed in detail (details to be set out in a method statement). A Dive/Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for all of these works. All archaeological diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019. Please allow 3-4 weeks to facilitate the processing of archaeological licences.

c. Having completed the work, the archaeologist shall submit a written report to this Department describing the findings of the UAIA, including the results of the wade survey. The report should comment on the degree to which the extent, location and levels of all proposed works required for the development may impact upon any archaeological remains. This report should be illustrated with appropriate plans, sections and photographs. Where archaeological materials are shown to be present, further mitigation measures will be required. These may include recommendations for institution of appropriate buffer zones, engineering and architectural redesigns to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. This Department will advise the proponent with regard to these matters. No construction works shall commence until this Department has had the opportunity to fully evaluate the findings of the UAIA and our recommendations have been received and agreed by the proponent.

d. An updated Construction Environment Management Plan should incorporate any significant findings that emerge from the UAIA process, including but not limited to, the location of any archaeological or cultural heritage constraints relevant to a proposed development and present appropriate mitigation measures to protect the archaeological or cultural heritage environment.

2. Archaeological monitoring is to take place of all works that involve groundworks or an impact to the Breagagh river bed/banks and their environs, including any geotechnical site investigations, as below:

a. The services of a suitably qualified and suitably experienced underwater archaeologist shall be engaged to carry out the archaeological monitoring.

b. The archaeological monitoring shall be licensed by this Department and a detailed method statement that sets out the monitoring strategy is to accompany a licence application.

c. A Finds Retrieval Strategy shall be included in the methodology and all excavated deposits shall be spread and metal detected (under licence) to recover any archaeological objects that they may contain.

d. The monitoring archaeologist shall obtain a dive/survey licence in order to facilitate investigation of underwater archaeological materials should they be uncovered/identified.

e. Please note vetting of licence applications by the Department takes 3-4 weeks.

f. A communication strategy is to form part of the monitoring strategy to ensure full communication is in place between the monitoring archaeologist and the plant operator(s) at all times during works. The archaeological personnel undertaking the monitoring will be in a position to monitor directly all elements of the works, to ensure they have unobstructed views of the excavations, and the plant and machinery operators shall be prepared to facilitate the archaeological personnel in the undertaking of their monitoring work.

g. Should archaeological materials be found during the course of monitoring, the archaeologist shall have work on the affected area of the site stopped pending further archaeological investigation and a decision by the Department regarding appropriate mitigation. The developer shall be prepared to be advised by this Department with regard to any mitigating action (preservation in-situ and/or excavation). The developer shall facilitate the archaeologist in recording any material found.

h. The planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Inland Fisheries Ireland

The report received from the IFI recommends the following:

The storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems either directly or indirectly. Any watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. There should be no interference with the bed, gradient, profile or alignment of any watercourse without the prior notification and the written agreement of Inland Fisheries Ireland.

IFI requests that the applicant or the appointed contractor provide site-specific method statements for any proposed instream or riparian works, including the proposed water crossings. Method statements should be provided at least ten working days before works commence. They must document in detail the proposed works and the mitigation measures to be applied. Written approval from IFI should be obtained before works proceed.

Watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. Any instream works or works which take place in the riparian zone must comply with IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016).

Buffer zones should be clearly marked around aquatic zones in advance of works commencing. Machines should not enter these zones unless absolutely necessary. Nor should material stockpiles or spoil heaps be permitted within this zone. Temporary drainage associated with construction works should be designed to divert water away from buffer zones and must not be allowed to discharge directly into aquatic zones.

Only clean, uncontaminated waters should be discharged to soak-away systems or to surface water. Drains and sediment traps should minimise flow velocities and the potential for erosion, for example by using cut-off drains. Natural flow paths should not be interrupted or diverted to create the potential for erosion. Any soak pits should be on suitable ground and provide sufficient retention time to attenuate potential contaminated water.

Silt curtains should be used where works taking place in the vicinity of aquatic zones (i.e. within the buffer zone) have the potential for discharge directly to surface waters, for example at the Breaghagh water crossing. Works should be suspended during heavy rains or when there is high risk of pollutants entering surface waters.

When cast-in-place concrete is required, work must be done in the dry and effectively isolated from any water that may enter the drainage network for a period sufficient to cure the concrete. Pre-cast concrete should be used where possible, to reduce the risk to aquatic life. Concrete delivery vehicles should be precluded from washing out within the buffer zone or at locations which would result in a discharge to surface waters. If cement is stored on site during construction work, it should be held in a dry secure area when not in use.

Before works commence the applicant or the appointed contractor should provide contact details for a competent person to ensure that environmental mitigation measures are correctly implemented.

Screening for Appropriate Assessment

A Screening exercise was completed, which showed that no significant environmental impact is likely on any Natura 2000 site.

Environmental Impact Assessment (EIA)

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an Environmental Impact Assessment Report (EIAR) is not required.

Conclusion and Recommendation

Having considered the documentation submitted, third party submissions, referral responses, and relevant policies, I consider that the proposed development is in accordance with the proper planning and sustainable development of the area.

It is recommended that the Part 8 application for the proposed construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road, Kilkenny, be approved by the Council subject to the drawings and details submitted with this Part 8 proposal, including the Archaeological Impact Assessment Report and Preliminary Construction Environmental Management Plan, and subject to the recommendations as per the reports of the Department of Heritage National Monuments Service, and National Parks and Wildlife Service, Inland Fisheries Ireland and Roads Design Office. The recommendation of the Environment Section shall be addressed in full prior to the commencement of development.



3rd May 2023

C. Kelly, Senior Executive Planner (Acting)



03/05/'23

N. Louw, Senior Planner (Acting)

11 Appendix C - Referral Responses



Planning Ref: Part 8 05/22 Coote's Lane to Ring Road Link
(Please quote in all related correspondence)

31 March 2023

Director of Services – Planning
Planning Section,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny

Via email to cooteslanepart8@Kilkennycoco.ie

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Construction of a Shared Pedestrian and Cyclist Facility and all associated and ancillary works between Coote's Lane and the N76 Ring Road, Kilkenny.

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

The Department has reviewed the Appropriate Assessment Screening Report prepared by APEM and dated January 2023 and agrees with its findings that, based on the available scientific information and project details provided by Kilgallen and Partners Consulting Engineers Ltd, the proposed active travel scheme from Cootes Lane to the Ring Road in Kilkenny city does not pose a risk of likely significant effects on the River Barrow and River Nore Special Area of Conservation (SAC) and River Nore Special Protection Area (SPA).

Matters related to Ecological Impact Assessment:

Lighting

Light pollution is named as a pollutant of emerging concern in the Zero Pollution Action Plan, a key deliverable of the European Green Deal, adopted by the European Commission



in 2021. The Department notes the inclusion of artificial lighting along the new pathway. Drawing Number 21079-C-DR-101 indicates that there will be dual aspect lighting at the bridge to illuminate the ford within the River Breagagh. Artificial lighting beside rivers can significantly alter the dynamics of aquatic insect populations and their predators and should be avoided. Therefore, the Department strongly advises against the use of dual aspect light designed to illuminate the ford in the river, which it considers will likely have negative impacts on biodiversity. The element of the project should be reconsidered.

The Department recommends the use of low level lighting, with warmer colours (i.e., CCT values at or below 2700K). The lighting should have an automatic cut-off during the night and be reduced in intensity during sensitive dawn and dusk periods. Cowls and covers should be used to eliminate sky-glow.

The Department considers that the following guidance must be adhered to, given the emerging concern in relation to the negative impacts of artificial light at night (ALAN) on biodiversity:

- EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, (UNEP/EUROBATS Secretariat (2018))
- Guidance Note 01/21 The Reduction of Obtrusive Light at Night (Institute of Lighting Professionals (2021))
- Guidance Note 08/18 Bats and Artificial Lighting in the UK -Bats and the Built Environment Series (Bat Conservation Trust/ Institute of Lighting Professionals (2018))

River Breagagh – barrier to fish movement

The Preliminary Ecological Appraisal Report prepared by Caroline Shiel, B.Sc., Phd., states that water was not flowing under the ford in the river on the date of the survey (28th September 2022). The Department advises Kilkenny County Council to liaise with Inland Fisheries Ireland in relation to the ford and its impacts on fish movement upstream. It may be that this ford should be modified at a future date as it could be impeding fish movement. Kilkenny County Council must ensure that the new foot bridge will not hamper any future work to the ford in this regard.

Landscaping

The Department notes the proposal to landscape the area west of the River Breagagh and advises that an ecological buffer of at least 10 metres for the top of the riverbank is left



undisturbed and that the planned fencing is set back at least 10 metres from the river. Any trees or shrubs planted should be of native Irish origin. The Department advises against the planting of wildflower seeds.

Soakaway

The planned soakaway shown on drawing number 21079-C-DR-101 to the west of the River Breagagh should take runoff from the path only and not from the nearby ring road. The soakaway must be designed in accordance with CIRIA C753 The SuDS Manual (Sustainable Drainage System).

Setback Outfall

The Department recommends the use of a setback outfall to the east of the river, from which surface water runoff from the east is discharge to the river. Details of such outfalls can be found in CIRIA C753 The SuDS Manual. This will avoid disturbance to the riverbank.

Underwater Archaeology

The proponent's documentation, including the submitted desk-study archaeological assessment report (Colm Flynn Archaeology, (Draft) March 2022) has been reviewed by the Department who are charged, as statutory consultees in the planning process, on behalf of the Minister for Housing, Local Government and Heritage, with the protection, preservation and promotion of underwater cultural heritage in Ireland. The Department concurs with the recommendations for archaeological mitigation as outlined in the archaeological assessment report (Section 6.0) and recommend that an Underwater Archaeological Impact Assessment (UAIA) report be compiled and submitted to this Department for review and comment prior to the commencement of construction works.

Archaeological Recommendations

1. The developer shall commission an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:
 - a. A desktop assessment that addresses the archaeological, including underwater, and built heritage of the proposed River Breagagh development area. The assessment shall include a full inventory and mapping of the sites of all identified archaeological/cultural heritage features and structures (including those identified underwater) and shall also include maps/drawings that clearly indicate



any proposed impacts on these assets/areas of archaeological potential arising from the proposed project. The UAIA shall assess all proposed in-water development (including in areas of reclaimed ground) and shall also assess any proposed Site Investigation impacts and potential secondary or indirect impacts such as construction works to facilitate access and areas of scouring as a result of potential changes in hydrology. All historic masonry remains and any other identified archaeological/underwater cultural heritage shall be surveyed in detail as part of the assessment.

- b. The UAIA shall include a licenced dive/wade assessment centred on (but not confined to) the area(s) where works are proposed at the River Breaghagh, accompanied by a hand-held metal detection survey, undertaken by a suitably licenced and experienced underwater archaeologist with metal detection experience. All archaeological remains identified shall be surveyed in detail (details to be set out in a method statement). A Dive/Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for all of these works. All archaeological diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019. Please allow 3-4 weeks to facilitate the processing of archaeological licences.
- c. Having completed the work, the archaeologist shall submit a written report to this Department describing the findings of the UAIA, including the results of the wade survey. The report should comment on the degree to which the extent, location and levels of all proposed works required for the development may impact upon any archaeological remains. This report should be illustrated with appropriate plans, sections and photographs. Where archaeological materials are shown to be present, further mitigation measures will be required. These may include recommendations for institution of appropriate buffer zones, engineering and architectural redesigns to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. This Department will advise the proponent with regard to these matters. No construction works shall commence until this Department has had the opportunity to fully evaluate the findings of the UAIA and our recommendations have been received and agreed by the proponent.
- d. An updated Construction Environment Management Plan should incorporate any significant findings that emerge from the UAIA process, including but not limited to, the location of any archaeological or cultural heritage constraints relevant to



a proposed development and present appropriate mitigation measures to protect the archaeological or cultural heritage environment.

2. Archaeological monitoring is to take place of all works that involve groundworks or an impact to the Breagagh river bed/banks and their environs, including any geotechnical site investigations, as below:
 - a. The services of a suitably qualified and suitably experienced underwater archaeologist shall be engaged to carry out the archaeological monitoring.
 - b. The archaeological monitoring shall be licensed by this Department and a detailed method statement that sets out the monitoring strategy is to accompany a licence application.
 - c. A Finds Retrieval Strategy shall be included in the methodology and all excavated deposits shall be spread and metal detected (under licence) to recover any archaeological objects that they may contain.
 - d. The monitoring archaeologist shall obtain a dive/survey licence in order to facilitate investigation of underwater archaeological materials should they be uncovered/identified.
 - e. Please note vetting of licence applications by the Department takes 3-4 weeks.
 - f. A communication strategy is to form part of the monitoring strategy to ensure full communication is in place between the monitoring archaeologist and the plant operator(s) at all times during works. The archaeological personnel undertaking the monitoring will be in a position to monitor directly all elements of the works, to ensure they have unobstructed views of the excavations, and the plant and machinery operators shall be prepared to facilitate the archaeological personnel in the undertaking of their monitoring work.
 - g. Should archaeological materials be found during the course of monitoring, the archaeologist shall have work on the affected area of the site stopped pending further archaeological investigation and a decision by the Department regarding appropriate mitigation. The developer shall be prepared to be advised by this Department with regard to any mitigating action (preservation in-situ and/or excavation). The developer shall facilitate the archaeologist in recording any material found.



- h. The planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie

Is mise, le meas

Edel Griffin
Development Applications Unit
Administration



**Iascach Iníre Éireann
Inland Fisheries Ireland**

Planning Section,
Kilkenny County Council
County Hall,
John Street,
Kilkenny

22 March 2023

Description: Part 8 Submission: Construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road, Kilkenny

Location: Coote's Lane and the N76 Ring Road, Kilkenny City

Submitted via <https://consult.kilkenny.ie/en/consultation/construction-shared-pedestrian-and-cyclist-facility%C2%A0between-coote%E2%80%99s-lane-and-n76-ring-road-kilkenny>

To whom it may concern:

Inland Fisheries Ireland (IFI) is the statutory authority tasked under section 7(1) of the Inland Fisheries Act 2010 (No. 10 of 2010) with responsibility for the protection, management, and conservation of the inland fisheries resource.

The site of the proposed development is in the Bregagh (Kilkenny)_030 catchment. The current Ecological Status of the Bregagh_030 is *Moderate*, and it is *At Risk* of not reaching its Water Framework Directive (WFD) objectives by 2027. Among the significant pressures on this surface water body are Diffuse Sources Urban Run-off and Hydromorphology (Channelisation and Embankments). The Bregagh is also negatively impacted by a number of barriers to fish passage along its length. In respect of this Part 8 application IFI wish to make the following observations:

The storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems either directly or indirectly. Any watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. There should be no interference with the bed, gradient, profile or alignment of any watercourse without the prior notification and the written agreement of Inland Fisheries Ireland.

IFI requests that the applicant or the appointed contractor provide site-specific method statements for any proposed instream or riparian works, including the proposed water crossings. Method statements should be provided at least ten working days before works commence. They must document in detail the proposed works and the mitigation measures to be applied. Written approval from IFI should be obtained before works proceed.

Watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. Any instream works or works which take place in the riparian zone must comply with IFI's *Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters* (2016).



**Iascach Intíre Éireann
Inland Fisheries Ireland**

Buffer zones should be clearly marked around aquatic zones in advance of works commencing. Machines should not enter these zones unless absolutely necessary. Nor should material stockpiles or spoil heaps be permitted within this zone. Temporary drainage associated with construction works should be designed to divert water away from buffer zones and must not be allowed to discharge directly into aquatic zones.

Only clean, uncontaminated waters should be discharged to soak-away systems or to surface water. Drains and sediment traps should minimise flow velocities and the potential for erosion, for example by using cut-off drains. Natural flow paths should not be interrupted or diverted to create the potential for erosion. Any soak pits should be on suitable ground and provide sufficient retention time to attenuate potential contaminated water.

Silt curtains should be used where works taking place in the vicinity of aquatic zones (i.e. within the buffer zone) have the potential for discharge directly to surface waters, for example at the Breaghagh water crossing. Works should be suspended during heavy rains or when there is high risk of pollutants entering surface waters.

When cast-in-place concrete is required, work must be done in the dry and effectively isolated from any water that may enter the drainage network for a period sufficient to cure the concrete. Pre-cast concrete should be used where possible, to reduce the risk to aquatic life. Concrete delivery vehicles should be precluded from washing out within the buffer zone or at locations which would result in a discharge to surface waters. If cement is stored on site during construction work, it should be held in a dry secure area when not in use.

Before works commence the applicant or the appointed contractor should provide contact details for a competent person to ensure that environmental mitigation measures are correctly implemented.

Please acknowledge this submission in accordance with the obligations of the Planning Authority under Article 28 (5) of the Planning and Development Regulations SI No. 600 of 2001 (as amended). Any future correspondence in respect of this application should be sent by email to cormac.goulding@fisheriesireland.ie or by post to the address below.

Yours sincerely,

Cormac Goulding
Fisheries Environmental Officer
South-Eastern River Basin District



Una Kealy,
Administrative Officer
Planning

Date: 08/03/2023

Ref: – **Part 8 05/22 Cootes Lane to Ring Road Link**

A Chara,

The proposed development is welcomed. I recommend that the following be considered by the developer as the design is refined and finalised.

The design of the shared facility and associated bridge shall have regard to the requirements and recommendations of the National Cycling Manual and be in accordance with the TII, Design Manual for Road and Bridges.

It is recommended that a speed calming gateway is provided immediately in advance of the proposed junction with the N76 Ring Road in lieu of yield junction proposed. The developer shall ensure that inter-visibility is maintained at all times between users on the cycle/pedestrians lanes on the N76 Kilkenny Road and those who will now access same via an extended Cootes Lane.

A similar gateway shall be provided in as close proximity as practical to what will be a new vehicular junction with the LT66423.

The developer shall complete a public lighting design having regard to the Kilkenny County Council Public Lighting Design and based on lighting reality files as part of the detailed design phase. The inclusion of handrail lighting over the bridge should be considered subject to environmental considerations. The public lighting provided shall have energy efficient LED technology and capable to be adapted for use with a central management system (CMS –with 7pin NEMA sockets) or equivalent. The LEDs installed shall be set at a minimum of 3000 Kelvin. All proposed lighting columns shall be set a minimum of 0.5m from the shared surface edge.

All proposed lighting columns and sign poles shall be located in such a manner to be minimum 500mm off the shared surface edges.

The height of the parapets on the bridge structure shall be minimum 1.4m.

The minimum shared surface width throughout the proposed scheme shall be maintained at 3.5m.

Appropriate warning advanced signage shall be provided on the existing vehicular Cootes Lane to warn of the shared surface ahead.

All road markings and signage shall be in compliance with the Department of Transport, Traffic Signs Manual, 2019.

Prior to finalisation of the proposed design the developer shall complete a Quality Audit (inclusive of a Stage 1/2 Road Safety Audit, Walkability Audit and Mobility & visually impaired user audits) of the proposed development in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and the requirements of NGS Circular 3 of 2022 and incorporate any recommendations into the final design.

The developer shall ensure that a Certificate of Compliance is completed of the final design in accordance with the requirements of NGS Circular 2 of 2022.

The applicant shall be required to provide a construction and traffic management plan for the proposed development. The applicant shall consult with the Kilkenny Municipal District Office in regard to the specific detailed proposals.

The recommendations of TII shall be taken on board noting the interface of the proposed development with the N76 national road.

Upon completion the developer shall complete a stage 3 Road Safety Audit and complete any required recommendations on foot of that audit.

A road opening licence may be required in respect of all works affecting the public road and footpaths.

Mise le meas,



Seamus Foley,
Senior Executive Engineer,
Road Design Section.



Date 3rd May 2023
Planning Reference Part-8 _ 05/22

John Prendergast /Suzanne Noonan / Claire Kelly
Planning Section
Kilkenny County Council
County Hall

Issued By: Email

Applicant	Kilkenny County Council
Application	Construction of a Shared Pedestrian and Cyclist Facility between Coote’s Lane and the N76 Ring Road, Kilkenny

A Chara,

I refer to the above; the following further information is required:

SURFACE WATER

1. On the submitted engineering drawing SHARED SURFACE FROM COOTE'S LANE TO RING ROADGENERAL LAYOUT AND PROFILE No. 21079-C-DR-101 - PL1 it shows the shared surface macadam area with a slope of -6.99% to -9.27% coming from the Coote’s land footpath direction and a slope of 3.29% from the N76 cycle/footpath direction with no regard to how surface water shall be contained and prevented from entering the Breaghagh river during heavy rainfall.

The applicant shall submit a surface water management plan for both the construction phase of the works and the ongoing operational phase. It shall include details of

- a. soakaways/surface water drains – (Receiving clean uncontaminated water only)
- b. drain and sediment traps to minimise flow velocity
- c. silt traps,
- d. silt curtain and their proximity to the aquatic buffer zones.

Proposed buffer zones around aquatic zones should be clearly marked and their proposed locations indicated on an updated site layout plan clearly highlighting the aquatic zones.

2. The applicant shall provide details for the construction of the proposed RC concrete abutments and their foundations. If dredging or river bed excavation is necessary for the construction of same.

The applicant shall submit a ‘site-specific’ method statement for to containment of all sedimentary run-off from concrete pour and how this shall be maintained throughout the construction phase of the project. This method statement shall include details of;

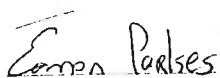
- a. cast-in-place concrete works to be done. If so works to be done in dry areas isolated from any water that may enter watercourse.
- b. Pre-cast concrete to be used where possible.

- c. Concrete to be stored in dry secure areas away from aquatic buffer zones should concrete need to be stored on-site.
- d. preliminary details for location and operation of on-site, off-site wheel washing and concrete truck washdown to be provided.
- e. any proposed instream or riparian works to be carried out.

Note: Any instream works or works which take place in the riparian zone must comply with IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016).

- 3. The applicant also shall submit details for the location and operation of the proposed onsite 'self-contained' welfare unit compound for the duration of the construction works.

Your Sincerely



Eamon Parkes

Environment Department.

12 D - Designer's Responses to Submissions



KILGALLEN & PARTNERS

CONSULTING ENGINEERS

Kilkenny County Council

Coote's Lane to Ring Road Active Travel Scheme

Report on Part 8 Submissions

(In accordance with Section 179 3(b) of the Planning and Development Acts, 2000 – 2017 and Part 8 of the Planning and Development Regulations 2001 – 2017)

Kilkenny County Council County Hall, Johns Street, Kilkenny	21079-R-P8-RSP Issue DR1	Kilgallen & Partners Consulting Engineers 3 Danville Business Park Co. Kilkenny
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Coote's Lane to Ring Road Active Travel Scheme

REVISION HISTORY

Client	Kilkenny County Council
Project	Coote's Lane to Ring Road Active Travel Scheme
Title	Report on Part 8 Submissions

Date	Detail of Issue	Issue No.	Origin	Checked	Approved
17/04/2023	Draft issue	DR1	RK	PB	PB

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Appendix A –Presentation included with submission of Rose Hill Residents Association

Coote's Lane to Ring Road Active Travel Scheme

INTRODUCTION

In accordance with Part XI, Section 179 of the Planning and Development Act 2000 as amended, and Part VIII, Article 80 & 81 of the Planning and Development Regulations 2001 as amended, Kilkenny County Council gave notice of its intention to carry out development [‘the proposed development’] comprising of the construction of a shared pedestrian / cyclist facility between Coote’s Lane and the N77 Ring Road.

Plans and Particulars of the proposed development were made available for public inspection in accordance with the above Act and Regulations.

Further to this public consultation, a total of six submissions / observations were received. This report presents copies of these submissions and provides responses to each submission.

This report is to be read in conjunction with the following plans and particulars drawings.

Document Reference	Document Type	Title
21079-C-DR-000	Drawing	Contents
21079-C-DR-100	Drawing	Site Location
21079-C-DR-101	Drawing	Shared Surface from Coote's Lane to Ring Road General Layout and Profile
21079-S-DR-111	Drawing	Steel Framed Pedestrian Bridge - General Arrangements
21079-R-P8	Report	Report of Particulars of Proposed Development

Drawing 21079-C-DR-101 has now been updated to reflect the responses to the submissions contained in this report.

SUBMISSION NO. 1 DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE**Submission**

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage



Planning Ref: Part 8 05/22 Coote's Lane to Ring Road Link
(Please quote in all related correspondence)

31 March 2023

Director of Services – Planning
Planning Section,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny

Via email to cooteslanepart8@Kilkennycoco.ie

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Construction of a Shared Pedestrian and Cyclist Facility and all associated and ancillary works between Coote's Lane and the N76 Ring Road, Kilkenny.

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

The Department has reviewed the Appropriate Assessment Screening Report prepared by APEM and dated January 2023 and agrees with its findings that, based on the available scientific information and project details provided by Kilgallen and Partners Consulting Engineers Ltd, the proposed active travel scheme from Cootes Lane to the Ring Road in Kilkenny city does not pose a risk of likely significant effects on the River Barrow and River Nore Special Area of Conservation (SAC) and River Nore Special Protection Area (SPA).

Matters related to Ecological Impact Assessment:**Lighting**

Light pollution is named as a pollutant of emerging concern in the Zero Pollution Action Plan, a key deliverable of the European Green Deal, adopted by the European Commission

Aonad na nIarratas ar Fhorbairt, Oifigi an Rialtais, Bóthair an Bhaile Nua, Loch Garman, Y35 AP90
Development Applications Unit, Government Offices, Newtown Road, Wexford, Y35 AP90
manager_dau@npws.gov.ie
www.gov.ie/housing

Coote's Lane to Ring Road Active Travel Scheme



in 2021. The Department notes the inclusion of artificial lighting along the new pathway. Drawing Number 21079-C-DR-101 indicates that there will be dual aspect lighting at the bridge to illuminate the ford within the River Breagagh. Artificial lighting beside rivers can significantly alter the dynamics of aquatic insect populations and their predators and should be avoided. Therefore, the Department strongly advises against the use of dual aspect light designed to illuminate the ford in the river, which it considers will likely have negative impacts on biodiversity. The element of the project should be reconsidered.

The Department recommends the use of low level lighting, with warmer colours (i.e., CCT values at or below 2700K). The lighting should have an automatic cut-off during the night and be reduced in intensity during sensitive dawn and dusk periods. Cowls and covers should be used to eliminate sky-glow.

The Department considers that the following guidance must be adhered to, given the emerging concern in relation to the negative impacts of artificial light at night (ALAN) on biodiversity:

- EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, (UNEP/EUROBATS Secretariat (2018))
- Guidance Note 01/21 The Reduction of Obtrusive Light at Night (Institute of Lighting Professionals (2021))
- Guidance Note 08/18 Bats and Artificial Lighting in the UK -Bats and the Built Environment Series (Bat Conservation Trust/ Institute of Lighting Professionals (2018))

River Breagagh – barrier to fish movement

The Preliminary Ecological Appraisal Report prepared by Caroline Shiel, B.Sc., Phd., states that water was not flowing under the ford in the river on the date of the survey (28th September 2022). The Department advises Kilkenny County Council to liaise with Inland Fisheries Ireland in relation to the ford and its impacts on fish movement upstream. It may be that this ford should be modified at a future date as it could be impeding fish movement. Kilkenny County Council must ensure that the new foot bridge will not hamper any future work to the ford in this regard.

Landscaping

The Department notes the proposal to landscape the area west of the River Breagagh and advises that an ecological buffer of at least 10 metres for the top of the riverbank is left



undisturbed and that the planned fencing is set back at least 10 metres from the river. Any trees or shrubs planted should be of native Irish origin. The Department advises against the planting of wildflower seeds.

Soakaway

The planned soakaway shown on drawing number 21079-C-DR-101 to the west of the River Breaghagh should take runoff from the path only and not from the nearby ring road. The soakaway must be designed in accordance with CIRIA C753 The SuDS Manual (Sustainable Drainage System).

Setback Outfall

The Department recommends the use of a setback outfall to the east of the river, from which surface water runoff from the east is discharge to the river. Details of such outfalls can be found in CIRIA C753 The SuDS Manual. This will avoid disturbance to the riverbank.

Underwater Archaeology

The proponent's documentation, including the submitted desk-study archaeological assessment report (Colm Flynn Archaeology, (Draft) March 2022) has been reviewed by the Department who are charged, as statutory consultees in the planning process, on behalf of the Minister for Housing, Local Government and Heritage, with the protection, preservation and promotion of underwater cultural heritage in Ireland. The Department concurs with the recommendations for archaeological mitigation as outlined in the archaeological assessment report (Section 6.0) and recommend that an Underwater Archaeological Impact Assessment (UAIA) report be compiled and submitted to this Department for review and comment prior to the commencement of construction works.

Archaeological Recommendations

1. The developer shall commission an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:
 - a. A desktop assessment that addresses the archaeological, including underwater, and built heritage of the proposed River Breaghagh development area. The assessment shall include a full inventory and mapping of the sites of all identified archaeological/cultural heritage features and structures (including those identified underwater) and shall also include maps/drawings that clearly indicate

Coote's Lane to Ring Road Active Travel Scheme



- any proposed impacts on these assets/areas of archaeological potential arising from the proposed project. The UAIA shall assess all proposed in-water development (including in areas of reclaimed ground) and shall also assess any proposed Site Investigation impacts and potential secondary or indirect impacts such as construction works to facilitate access and areas of scouring as a result of potential changes in hydrology. All historic masonry remains and any other identified archaeological/underwater cultural heritage shall be surveyed in detail as part of the assessment.
- b. The UAIA shall include a licenced dive/wade assessment centred on (but not confined to) the area(s) where works are proposed at the River Breaghagh, accompanied by a hand-held metal detection survey, undertaken by a suitably licenced and experienced underwater archaeologist with metal detection experience. All archaeological remains identified shall be surveyed in detail (details to be set out in a method statement). A Dive/Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for all of these works. All archaeological diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019. Please allow 3-4 weeks to facilitate the processing of archaeological licences.
 - c. Having completed the work, the archaeologist shall submit a written report to this Department describing the findings of the UAIA, including the results of the wade survey. The report should comment on the degree to which the extent, location and levels of all proposed works required for the development may impact upon any archaeological remains. This report should be illustrated with appropriate plans, sections and photographs. Where archaeological materials are shown to be present, further mitigation measures will be required. These may include recommendations for institution of appropriate buffer zones, engineering and architectural redesigns to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. This Department will advise the proponent with regard to these matters. No construction works shall commence until this Department has had the opportunity to fully evaluate the findings of the UAIA and our recommendations have been received and agreed by the proponent.
 - d. An updated Construction Environment Management Plan should incorporate any significant findings that emerge from the UAIA process, including but not limited to, the location of any archaeological or cultural heritage constraints relevant to

Coote's Lane to Ring Road Active Travel Scheme



a proposed development and present appropriate mitigation measures to protect the archaeological or cultural heritage environment.

2. Archaeological monitoring is to take place of all works that involve groundworks or an impact to the Breagagh river bed/banks and their environs, including any geotechnical site investigations, as below:
 - a. The services of a suitably qualified and suitably experienced underwater archaeologist shall be engaged to carry out the archaeological monitoring.
 - b. The archaeological monitoring shall be licensed by this Department and a detailed method statement that sets out the monitoring strategy is to accompany a licence application.
 - c. A Finds Retrieval Strategy shall be included in the methodology and all excavated deposits shall be spread and metal detected (under licence) to recover any archaeological objects that they may contain.
 - d. The monitoring archaeologist shall obtain a dive/survey licence in order to facilitate investigation of underwater archaeological materials should they be uncovered/identified.
 - e. Please note vetting of licence applications by the Department takes 3-4 weeks.
 - f. A communication strategy is to form part of the monitoring strategy to ensure full communication is in place between the monitoring archaeologist and the plant operator(s) at all times during works. The archaeological personnel undertaking the monitoring will be in a position to monitor directly all elements of the works, to ensure they have unobstructed views of the excavations, and the plant and machinery operators shall be prepared to facilitate the archaeological personnel in the undertaking of their monitoring work.
 - g. Should archaeological materials be found during the course of monitoring, the archaeologist shall have work on the affected area of the site stopped pending further archaeological investigation and a decision by the Department regarding appropriate mitigation. The developer shall be prepared to be advised by this Department with regard to any mitigating action (preservation in-situ and/or excavation). The developer shall facilitate the archaeologist in recording any material found.

Coote's Lane to Ring Road Active Travel Scheme



- h. The planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie

Is mise, le meas

Edel Griffin
Development Applications Unit
Administration

ResponseLighting

The proposal to light the existing ford will be omitted.

Scheme lighting will be designed to minimise light-polluting effects while at the same time providing the minimum illumination required for the safe movement of all people using the proposed development. Dual aspect lighting will be omitted and cowls and covers added as required to minimise sky-glow and unnecessary overspill of light outside of the area required for safe use of the proposed development.

Existing Ford

A submission was received from Inland Fisheries in respect of this application. This submission does not mention the existing ford; notwithstanding this, IFI will be consulted during the detailed design stage in relation to the existing ford.

Set-back

Tree and hedgerow planting has been moved to provide the required 10m buffer. Fencing has been omitted from the west bank of river. No wildflower planting is proposed.

Soakaway / Surface Water

The soakaway on the west side of river will only receive surface water from the shared surface west of the boardwalk. There will be no ingress of surface water from the N76.

The setback outfall will comply with CIRIA C753.

Archaeology

An Underwater Archaeological Impact Assessment (UAIA) will be carried out and the report thereon submitted to the Department for its consideration before construction starts.

Archaeological monitoring will be carried out as part of the works.

Coote's Lane to Ring Road Active Travel Scheme

SUBMISSION NO. 2 INLAND FISHERIES IRELAND (IFI)**Submission****Iascach Intíre Éireann
Inland Fisheries Ireland**

Planning Section,
Kilkenny County Council
County Hall,
John Street,
Kilkenny

22 March 2023

Description: Part 8 Submission: Construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road, Kilkenny

Location: Coote's Lane and the N76 Ring Road, Kilkenny City

Submitted via <https://consult.kilkenny.ie/en/consultation/construction-shared-pedestrian-and-cyclist-facility%2%A0between-coote%E2%80%99s-lane-and-n76-ring-road-kilkenny>

To whom it may concern:

Inland Fisheries Ireland (IFI) is the statutory authority tasked under section 7(1) of the Inland Fisheries Act 2010 (No. 10 of 2010) with responsibility for the protection, management, and conservation of the inland fisheries resource.

The site of the proposed development is in the Bregagh (Kilkenny)_030 catchment. The current Ecological Status of the Bregagh_030 is *Moderate*, and it is *At Risk* of not reaching its Water Framework Directive (WFD) objectives by 2027. Among the significant pressures on this surface water body are Diffuse Sources Urban Run-off and Hydromorphology (Channelisation and Embankments). The Bregagh is also negatively impacted by a number of barriers to fish passage along its length. In respect of this Part 8 application IFI wish to make the following observations:

The storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems either directly or indirectly. Any watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. There should be no interference with the bed, gradient, profile or alignment of any watercourse without the prior notification and the written agreement of Inland Fisheries Ireland.

IFI requests that the applicant or the appointed contractor provide site-specific method statements for any proposed instream or riparian works, including the proposed water crossings. Method statements should be provided at least ten working days before works commence. They must document in detail the proposed works and the mitigation measures to be applied. Written approval from IFI should be obtained before works proceed.

Watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. Any instream works or works which take place in the riparian zone must comply with IFI's *Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters* (2016).

IFI Cluain Meala, Sraid Anglesea, Cluain Meala, Co. Tiobraid Arann, E91 RD25
IFI Clonmel, Anglesea Street, Clonmel, Co. Tipperary, E91 RD25
+353(0)52 618 0055 - info@fisheriesireland.ie - www.fisheriesireland.ie

Coote's Lane to Ring Road Active Travel Scheme



Iascach Iníre Éireann
Inland Fisheries Ireland

Buffer zones should be clearly marked around aquatic zones in advance of works commencing. Machines should not enter these zones unless absolutely necessary. Nor should material stockpiles or spoil heaps be permitted within this zone. Temporary drainage associated with construction works should be designed to divert water away from buffer zones and must not be allowed to discharge directly into aquatic zones.

Only clean, uncontaminated waters should be discharged to soak-away systems or to surface water. Drains and sediment traps should minimise flow velocities and the potential for erosion, for example by using cut-off drains. Natural flow paths should not be interrupted or diverted to create the potential for erosion. Any soak pits should be on suitable ground and provide sufficient retention time to attenuate potential contaminated water.

Silt curtains should be used where works taking place in the vicinity of aquatic zones (i.e. within the buffer zone) have the potential for discharge directly to surface waters, for example at the Breaghagh water crossing. Works should be suspended during heavy rains or when there is high risk of pollutants entering surface waters.

When cast-in-place concrete is required, work must be done in the dry and effectively isolated from any water that may enter the drainage network for a period sufficient to cure the concrete. Pre-cast concrete should be used where possible, to reduce the risk to aquatic life. Concrete delivery vehicles should be precluded from washing out within the buffer zone or at locations which would result in a discharge to surface waters. If cement is stored on site during construction work, it should be held in a dry secure area when not in use.

Before works commence the applicant or the appointed contractor should provide contact details for a competent person to ensure that environmental mitigation measures are correctly implemented.

Please acknowledge this submission in accordance with the obligations of the Planning Authority under Article 28 (5) of the Planning and Development Regulations SI No. 600 of 2001 (as amended). Any future correspondence in respect of this application should be sent by email to cormac.goulding@fisheriesireland.ie or by post to the address below.

Yours sincerely,

Cormac Goulding
Fisheries Environmental Officer
South-Eastern River Basin District

Coote's Lane to Ring Road Active Travel Scheme

Response

The Preliminary CEMP has been updated to reflect the IFI submission.

The specification for the works will be amended to incorporate the recommendations relating to protection of watercourses and aquatic life.

Method statements for all in-river and riparian works will be submitted to IFI before construction starts.

SUBMISSION NO. 3 KILKENNY COUNTY COUNCIL ROADS DESIGN OFFICE**Submission**

Comhairle Chontae Chill Chainnigh
Halla an Chontae Sraid Eoin Cill Chainnigh

Foistail agus Áiteanna Inbhuanaíthe a Chruthú

Kilkenny County Council
County Hall John Street Kilkenny

Creating Sustainable Communities and Places



Una Kealy,
Administrative Officer
Planning

Date: 08/03/2023

Ref: – Part 8 05/22 Cootes Lane to Ring Road Link

A Chara,

The proposed development is welcomed. I recommend that the following be considered by the developer as the design is refined and finalised.

The design of the shared facility and associated bridge shall have regard to the requirements and recommendations of the National Cycling Manual and be in accordance with the TII, Design Manual for Road and Bridges.

It is recommended that a speed calming gateway is provided immediately in advance of the proposed junction with the N76 Ring Road in lieu of yield junction proposed. The developer shall ensure that inter-visibility is maintained at all times between users on the cycle/pedestrians lanes on the N76 Kilkenny Road and those who will now access same via an extended Cootes Lane.

A similar gateway shall be provided in as close proximity as practical to what will be a new vehicular junction with the LT66423.

The developer shall complete a public lighting design having regard to the Kilkenny County Council Public Lighting Design and based on lighting reality files as part of the detailed design phase. The inclusion of handrail lighting over the bridge should be considered subject to environmental considerations. The public lighting provided shall have energy efficient LED technology and capable to be adapted for use with a central management system (CMS –with 7pin NEMA sockets) or equivalent. The LEDs installed shall be set at a minimum of 3000 Kelvin. All proposed lighting columns shall be set a minimum of 0.5m from the shared surface edge.

All proposed lighting columns and sign poles shall be located in such a manner to be minimum 500mm off the shared surface edges.

The height of the parapets on the bridge structure shall be minimum 1.4m.

The minimum shared surface width throughout the proposed scheme shall be maintained at 3.5m.

Appropriate warning advanced signage shall be provided on the existing vehicular Cootes Lane to warn of the shared surface ahead.

All road markings and signage shall be in compliance with the Department of Transport, Traffic Signs Manual, 2019.

Coote's Lane to Ring Road Active Travel Scheme

Prior to finalisation of the proposed design the developer shall complete a Quality Audit (inclusive of a Stage 1/2 Road Safety Audit, Walkability Audit and Mobility & visually impaired user audits) of the proposed development in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and the requirements of NGS Circular 3 of 2022 and incorporate any recommendations into the final design.

The developer shall ensure that a Certificate of Compliance is completed of the final design in accordance with the requirements of NGS Circular 2 of 2022.

The applicant shall be required to provide a construction and traffic management plan for the proposed development. The applicant shall consult with the Kilkenny Municipal District Office in regard to the specific detailed proposals.

The recommendations of TII shall be taken on board noting the interface of the proposed development with the N76 national road.

Upon completion the developer shall complete a stage 3 Road Safety Audit and complete any required recommendations on foot of that audit.

A road opening licence may be required in respect of all works affecting the public road and footpaths.

Mise le meas,

Seamus Foley,
Senior Executive Engineer,
Road Design Section.

Coote's Lane to Ring Road Active Travel Scheme

Response

Both the National Cycling Manual and DMRB have been used as Design Standards for the proposed development.

Arising from this submission, the proposed development has been amended as follows:

- Cycle calming gateway moved closer to junction
- Yield markings removed.
- Tactile paving added to identify transition between shared area and segregated cycleway/footpath.
- Guardrail included along grass verge over extent of pedestrian/cycle junction
- Cycle / pedestrian junction widened to improve inter-visibility.

The public lighting design will be finalised at detailed design stage and submitted to Kilkenny County Council Roads Section for approval. The specification for this design shall comply with the requirements of Kilkenny County Council. Light pollution will be minimised as described in the response to Submission No. 1.

Parapets are 1.4m high in accordance with DN-STR-03005.

The shared surface will be 3.5m wide.

Additional signage has been added to the proposed development; signage proposals will be finalised at detailed design stage.

Stage 1 and 2 Road Safety Audits will be completed as part of the detailed design process. A Stage 3 Audit will be carried out at substantial completion stage.

Obtaining a Road Opening Licence will be the responsibility of the contractor appointed to construct the proposed development.

Any recommendations of TII shall be taken on board at detailed design stage as appropriate.

Cootes Lane to Ring Road Active Travel Scheme

SUBMISSION NO. 4 ROSE HILL RESIDENTS ASSOCIATION**Submission**

Rose Hill Residents Association
Rose Hill, Kells Road, Kilkenny



Kilkenny County Council,
John Street,
Kilkenny.

30th March 2023

RE: Rose Hill Estate support of the Cootes Lane Active Travel Scheme

Dear Sirs,

We the Rosehill Resident's Association are writing this letter in support of the planning application for the development of Cootes Lane Active Travel Scheme.

Cootes Lane is an important part of the community in Rose Hill and the provision of and enhancement of this area will help positively contribute to the local area and further afield.

As outlined in the document attached, compiled by one of our resistance Barry Rafter BE Ceng MIEI we see the positive impacts for the estate including:

- The lane will less likely be used for anti-social behaviour as it will be well lit at night and have increased footfall.
- Opening of this section of the lane should reduce dumping & littering.
- Access to the river for small children will be more difficult.
- Should improve the appearance of the estate in this area and is a nice feature / amenity close to the estate.
- Added access to the Rind Road for walkers, joggers, cyclists from the estate.

Coote's Lane to Ring Road Active Travel Scheme

Rose Hill Residents Association
Rose Hill, Kells Road, Kilkenny



We trust areas of concern will be mitigated and addressed before final planning approval including:

- Potentially increased number of cyclists & e-scooters sharing space with increased numbers of pedestrians, particularly school children on Cootes Lane. Cootes Lane is narrow in sections with no markings to segregate pedestrians from cyclists. How will this risk be addressed?
- Careful selection of bridge deck material is required to reduce possible noise generated from footfall & cyclists on the bridge.
- The proposal to replace the hedgerow with a wire fence raises a concern relating to noise mitigation and impact on nature.
- Consideration should also be given to the residents of Rose Hill when it comes to planning construction, working hours, security etc. Any risks of young children accessing the works area need to be considered. Noise & dust possible issues also.

Overall, the Cootes Lane Active Travel Scheme should have a positive effect on the Rose Hill Estate.

It is for all these reasons that Rosehill residents' association are in full support of the proposed development, and we hope our concerns for the implementation of the project will be taken into consideration.

Best regards

Rose Hill Residents Association

Contact for correspondence with Rose Hill Residents Association committee:

Pat Kenny Email patkenny20@gmail.com
Seán Manicle Email sean@mpic.ie
Catherine Keane Email catkeane@gmail.com
Sarah Quinlan Email sarahquinlan@yahoo.co.uk
Michael Hannigan Email mhannigan3@gmail.com

[Presentation submitted as part of this submission is provided in Appendix A]

Coote's Lane to Ring Road Active Travel Scheme

Response

Shared surfaces will have a minimum width of 3.5m in accordance.

The proposed development includes gateways to encourage lower cycling speeds.

The concerns regarding noise will be addressed at detailed design stage however the texture of the finished surface must be such as to provide appropriate skid/slip resistance.

The landscaping design has been revised to include additional planting on the east side of the river.

Works will be carried out in accordance with planning conditions and appropriate standards governing construction activities, noise, dust etc.

SUBMISISON NO. 5 RALFE KAMPE**SUBMISSION**

Ralf Kampe
14 Rose Hill Mews
R95 Y8C5 Kilkenny

To the
Planning Section
Kilkenny County Council
County Hall
John Street
Kilkenny

Date: 30.03.2023
Construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road. **Kilkenny Part 8 Submission**

Dear Madam/ Sir,

I am a resident of the Rose Hill estate, and I welcome this new improvement project. I support submission made by the Rose Hill Resident's Association. However, I would like to make two observations towards the further planning, design and construct this project.

The plan layout of the new development states to "*cut back existing vegetation and erect fence Y-Z*". The existing vegetation currently functions both as a refuge for small creatures - an element of biodiversity and as acoustic protection for some of the residents of Rose Hill Estate. Its removal without replacement would have a detrimental effect.

If those elements need to be removed, they should be reinstated at a suitable place nearby for a new wildlife refuge and sound insulation measure against noise emissions from the traffic on the Ring Road and the building supply systems of the Hotel Kilkenny. During the day the predominant sound is the traffic on the Ring Road, especially the accelerating traffic coming from the Callan Road roundabout. A second noise emitter which is most noticeable at night, is the building supply plant of the Hotel Kilkenny complex to the rear of the Swimming pool buildings. The existing boundary hedgerows (y-Z) including mature trees are currently mitigating these emissions and provide a visual buffer to the Hotel, laneway, and Ring Road.

1. In general, any hedgerows, trees, bushes, and shrubs that need to be removed should be reinstated again nearby and within the project area, placed as well as sound protection elements between the Ring Road and the corner of Hotel Kilkenny/Rose Hill estate on both sides of the Breagagh river.
2. The following should be implemented: Noise protection elements such as evergreen hedges in combination with a noise protection wall most effectively near the CHP plant building, at the hotel boundary wall or within the Rose Hill Estate near the western boundary.

I hope this will give a positive impact to this otherwise very welcomed project.

Sincerely

Ralf Kampe

Coote's Lane to Ring Road Active Travel Scheme

Response

The landscaping design has been revised to include additional planting on the east side of the river.

SUBMISSION NO. 6 M O'BRIEN**Submission**

Speed calming gateways

VIEW EDIT REVISIONS

Author: M O'Brien**Observations****Active Travel****Title:** Speed Calming Gateways

The speed calming gateways are of poor design and are unnecessary on this small project. They should be omitted from the final design.

Both gateways are located at chicane style approaches to the bridge which will have a calming effect. Also the angle of approach changes on both side of the bridge which would also lead to a calming effect.

The design falls the national cycle manual for both 1.14 forgiveness and 1.25 Comfort.

Speed calming gates are not best practice. If cycle calming is deemed necessary a tactile ground solution would be far superior and safer.

The goal should be to encourage active travel, not to impede it.

The gates hinder: Impaired vision pedestrians, wheel chairs, buggies, cargo bikes, social cycling & walking, progress and flow.

The gates create: a hazard, a crash risk, a pinch point, conflict.

Overall active travel Infrastructure like this is very welcome but it should be designed to international best practice.

Information

Unique Reference Number: KK-C211-CTLN-1
Status: Approved

Date Created: 13.03.2023 - 10:39pm
Date Submitted: 13.03.2023 - 11:44pm
No. of documents attached: 0
Boundaries Captured on Map: No

Consultation:

Construction of a Shared Pedestrian and Cyclist Facility between Coote's Lane and the N76 Ring Road, Kilkenny



Coote's Lane to Ring Road Active Travel Scheme

Response

The proposed development must be safe for all users and so traffic calming measures are required to encourage low speeds. This requirement is recognised in Section 1.9.3. of the National Cycle Manual, which notes the challenges associated with shared facilities and recommends speed reduction measures be considered.

The following site-specific hazards must also be considered in this instance:

- the longitudinal profile of the shared surface which generally falls towards the N76 (Kilkenny Ring Road) potentially resulting in higher speeds for cyclists.
- the junction with the footpath and cycle path on the N76 and need to slow cyclists and other road users on approach to this junction.
- the likelihood of people stopping on the bridge to view the River Bregagh and adjacent existing ford structure.
- the need for refuge space for pedestrians and other vulnerable road users along the route which the speed calming gateways provides.

Gateways have been designed in accordance with DN-GEO-03047 and NTA Guidance Document: "Access Control of Active Travel Facilities" July 2022.

Overall, while the speed calming gateways may not be favoured by some cyclists, their inclusion is required to provide a balance of safety and accessibility to all users.

Appendix A –Presentation included with submission of Rose Hill Residents Association

KILKENNY COUNTY COUNCIL



Cootes Lane Active Travel Scheme

Rose Hill Residents Association Review
Compiled by Barry Rafter BE Ceng MIEI

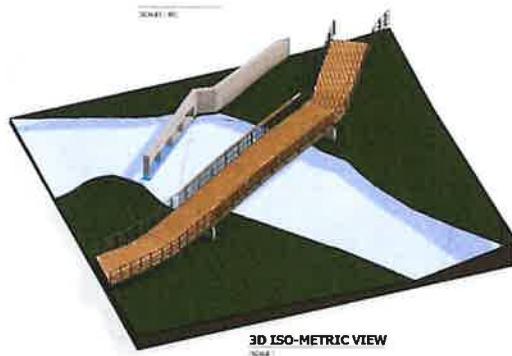
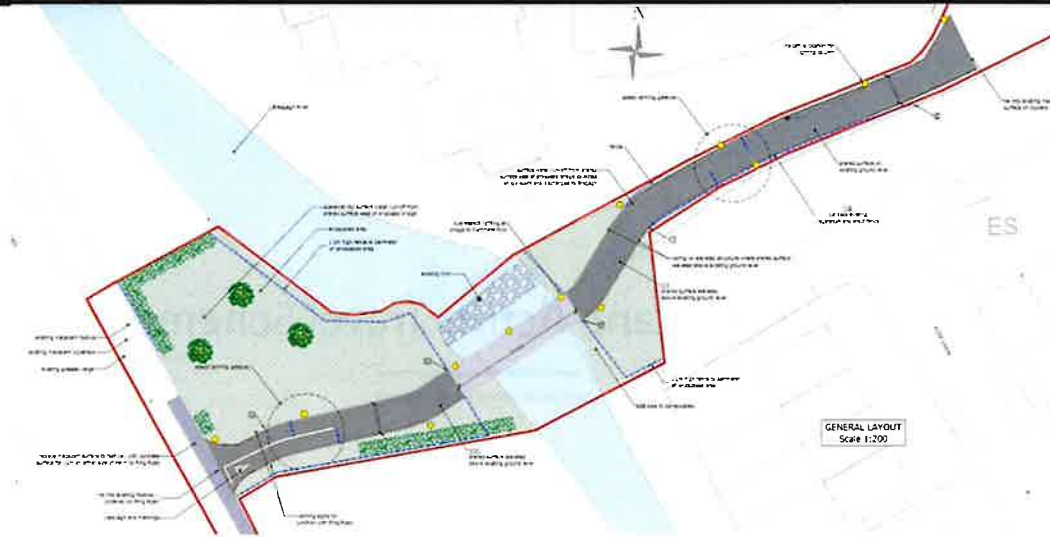
What is the Project?

- Upgrade of Cootes Lane at the rear of Hotel Kilkenny as far as the Breagagh River
- Construction of a new shared use bridge over the Breagagh River
- New path to connect to the Kilkenny Ring Road on west side of the river.

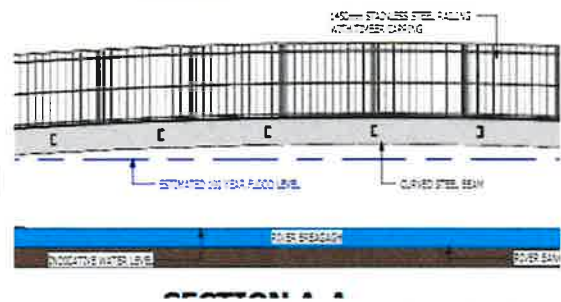


Coote's Lane to Ring Road Active Travel Scheme

Extent of Works



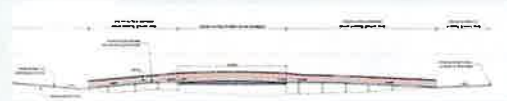
NORTH EAST ELEVATION (SCALE 1 : 80)



Bridge Detail



What the Bridge Might Look Like



Additional Scope

- Site clearance of existing trees adjacent Breaghagh River & ESB pole relocated
- New surfacing and drainage to Cootes Lane
- New street lighting
- New fencing to bridge approaches and boundary with Rose Hill Estate
- Speed calming gateways on bridge approaches
- Landscaping & tree planting to both sides of the Breaghagh

Cootes Lane to Ring Road Active Travel Scheme

Positive
Impacts for
Rose Hill
Estate

The lane will less likely be used for anti social behaviour as it will be well lit at night and have increased footfall

Opening up of this section of the lane should reduce dumping & littering

Access to the river for small children will be more difficult

Should improve the appearance of the estate in this area and is a nice feature / amenity close to the estate

Added access to the Ring Road for walkers, joggers, cyclists from the estate.

Possible
Negative
Impacts on
Rose Hill
Estate

Increased pedestrians and cyclists on Cootes now that access is opened up from the Ring Road

Potentially increased number of cyclists & e-scooters sharing space with pedestrians, particularly school children on Cootes Lane. Cootes Lane is narrow in sections with no markings to segregate pedestrians from cyclists

Careful selection of bridge deck material required to reduce possible noise generated from footfall & cyclists on the bridge

Dangers during construction with young children accessing the works area. Noise & dust possible issues also. Working hours need to be considered.

Cootes Lane to Ring Road Active Travel Scheme



Conclusions

Overall the Cootes Lane Active Travel Scheme should have a positive effect on the Rose Hill Estate.

Some points to note should be how possible additional cyclists, e-scooters etc are managed on Cootes Lane, particularly in narrow sections of the lane.

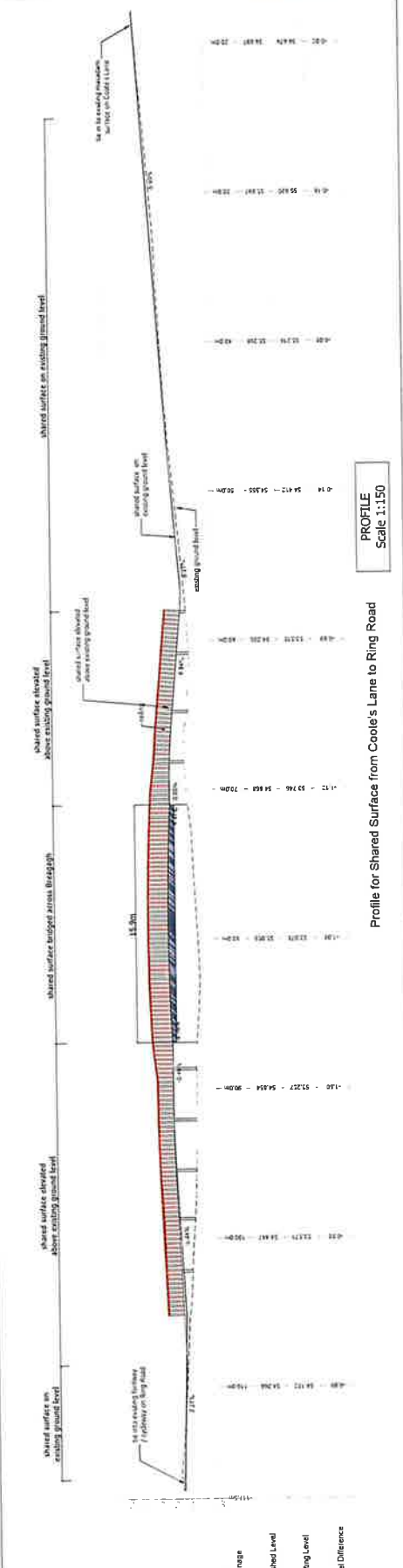
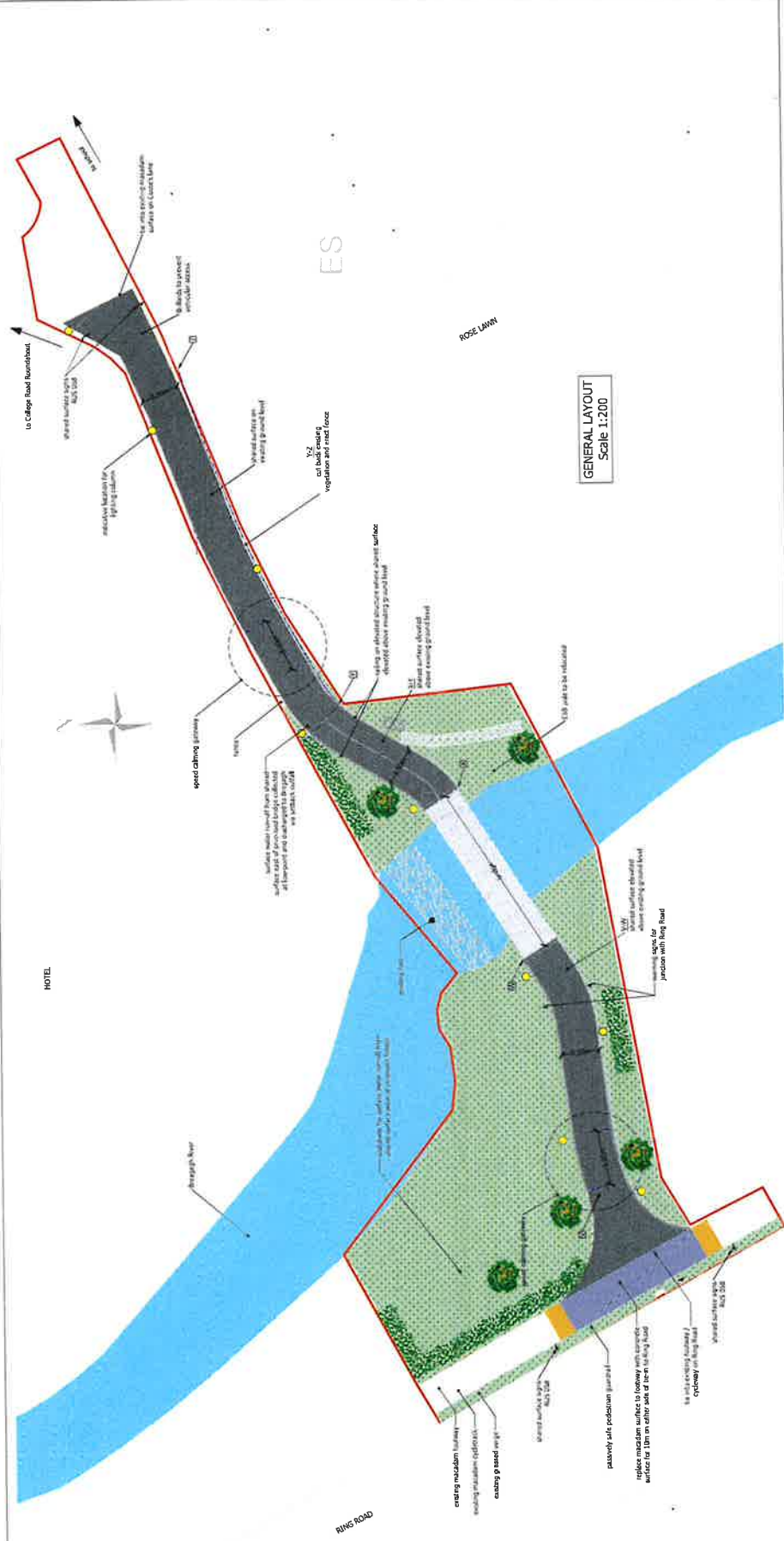
Also, the bridge deck & approaches should be constructed of materials that limit noise nuisance to the residents of Rose Hill Estate.

Consideration should also be given to the residents of Rose Hill when it comes to planning construction, working hours, security etc.

13 Appendix E - Revised General Layout & Profile

LEGEND

[Symbol]	shared surface
[Symbol]	bridge deck
[Symbol]	undeveloped area
[Symbol]	lighting columns
[Symbol]	site boundary



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REV	DATE	BY	DESCRIPTION
001	14.02.20	SM	ISSUED FOR TENDERS, TO BE USED FOR ANY OTHER PURPOSES.
002	14.02.20	SM	ISSUED FOR TENDERS, TO BE USED FOR ANY OTHER PURPOSES.
003	14.02.20	SM	ISSUED FOR TENDERS, TO BE USED FOR ANY OTHER PURPOSES.
004	14.02.20	SM	ISSUED FOR TENDERS, TO BE USED FOR ANY OTHER PURPOSES.
005	14.02.20	SM	ISSUED FOR TENDERS, TO BE USED FOR ANY OTHER PURPOSES.

PROJECT
COOLE'S LANE TO RING ROAD ACTIVE TRAVEL SCHEME

CLIENT
KILKENNY COUNTY COUNCIL
COUNTY HALL
JOHN STREET, KILKENNY

DESIGNER
KILGALLEN & PARTNERS
100, SOUTH STREET, DUBLIN 15, IRELAND
TEL: 01 454 4444
WWW.KILGALLENANDPARTNERS.COM

DATE	2019-09-10	REV	1
SCALE	As shown @ A1	SHEET	1/1
PROJECT NO.	2109P-CR-101	DATE	11/11/23