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11 February 2016

To : Each Member of the Municipal District of Cappamore-Kilmallock

Re: Construction of a Pedestrian Bridge and ancillary works at Northbridge, Kilmallock.

Section 179 Planning & Development Act 2000-2015.

Part 8 of the Planning and Development Regulations 2001-2015.

A Chomhairleoir, a chara,

I enclose herewith report prepared in accordance with Section 179 of the Planning & Development Act 2000 -2015 and Part 8 of the Planning & Development Regulations 2001-2015 in respect of the above proposed development.

The plans and particulars went on public display from Monday 30th November 2015 to Tuesday 26th January 2016. A total of 4 written submissions were received details of which are set out in the attached Part 8 Planning Report.

It is proposed to proceed as indicated in the Planning Report.

Is mise le meas,

Gerard O'Connor

Senior Executive Engineer

Service Operations/Maintenance Services

South Division



**PLANNING REPORT IN ACCORDANCE WITH
SECTION 179 3(a) OF THE PLANNING AND
DEVELOPMENT ACT 2000 – 2015**

Re: Permission for the construction of a pedestrian bridge over the
Loobagh River and ancillary works

At: Northbridge in townland of Glenfield & Ardyoul
Kilmallock

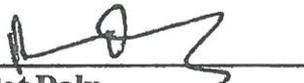
Planning Reference no. 15-8010



Joseph Duffy
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Stephane Duclot
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Kieran Lehane
Director of Services
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Pursuant to Section 179 3(a) of the Planning & Development Act 2000-2015, this report is submitted to the members of Limerick City and County Council. In accordance with Section 179(4) (b) of the above Act, it is proposed to proceed as indicated in Section 5 of this report



Conn Murray,
Chief Executive
Limerick City and County Council

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1.0 Foreword

This planning report has been prepared pursuant to Section 179 of the Planning and Development Act 2000-2015, and Part 8 of the Planning and Development Regulations 2001-2015.

2.0 Description of the nature and extent of the proposed development

The proposed development is located at Northbridge in townland of Glenfield & Ardyoul, Kilmallock, Co. Limerick. The footbridge is located adjacent and alongside the R512 circa 0.5km north of Kilmallock town centre and crosses the Loobagh river.

It is proposed to construct a pedestrian bridge over the Loobagh River and ancillary works. The works will provide a pedestrian crossing and link existing amenity walkways and will improve pedestrian safety at this location.

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

The proposed footbridge is located adjacent to and alongside the R512 circa 0.5km north of Kilmallock town centre. It should be noted that the site falls within flood zone A. However no implications arise on Natural Open Spaces in the Kilmallock Local Area Plan and will accord with the proper planning and sustainable development of the area.

3.1 Relevant Policies and Objectives

The Limerick County Development Plan 2010-2016 sets out the following:

Objective IN O35: Minimise threat and consequences of flooding

It is the objective of the Council to avert, or where this is not possible, to minimise the threat of flooding in new developments and existing built up areas. Priority will be given to the protection of vulnerable uses that would be seriously affected by the consequences of flood events. The Council will have regard to Government Guidelines, 'The Planning System and Flood Risk Management' and OPW data and advice in the assessment of all development proposals and any subsequent amendments.

Objective IN O39: To minimise the impact of structures and earthworks on flood plains and river flow.

It is an objective of the Council in general not to permit development of the following types in or across flood plains or river channels unless it can be clearly demonstrated using flood impact assessments, that they would not create or exacerbate risk of flooding in sensitive locations such as:

a) Construction of embankments, wide bridge piers or similar structures.

b) Raising of ground levels where this would interfere with natural river flow or currents.

Objective EH O1: Nature Conservation Sites

It is the objective of the Council to:

- a) Maintain the conservation value of those sites as defined in the Planning and Development Acts 2000 - 2010 (SPAs, SACs) or lands proposed for inclusion by the Department of Environment Heritage and Local Government, as well as any other sites that may be so designated during the lifetime of this plan.
- b) Ensure that development projects and development plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under this plan unless they comply with article 6 of the Habitats Directive.
- c) Maintain the conservation value of all Natural Heritage Areas and also Natural Heritage areas proposed for designation by the DEHLG as well as any other sites that may be so designated during the lifetime of the plan

Objective EH O2: Species Protection

It is the objective of the Council to seek to protect plant, animal and bird species that have been identified by the Habitats Directive, Birds Directive, Wildlife Act and the Flora Protection Order in line with national and EU legislation

The Kilmallock Local Area Plan 2009-2015 sets out the following:

Objective 1:

An enhanced Physical and Natural Environment

- To assist the various agencies and groups responsible for the conservation and management of the town walls in formulating, planning and implementing a successful conservation and management programme for this unique national monument;
- To improve public awareness and increase knowledge and appreciation of the town walls and their significance at local, regional, national and international levels;
- To form part of the wider national and international Walled Town heritage, sharing good practice, skills and expertise;
- To ensure sufficient land is zoned for development so as to strengthen and consolidate the existing urban form and support the long term viability of the town;
- To establish a clear development boundary in accordance with the needs of the town and based where possible on recognisable physical features;
- To maintain a clear physical and visual edge to the town that reinforces the distinction between the built-up area and the open countryside;
- To protect and enhance the historical features and their surroundings;
- To protect the characteristics of the burgage plots inherited from medieval times;
- To protect and enhance the River Loobagh and its environment;

- To introduce land designations where necessary to protect important structures, natural features and views;
- To protect water quality and maintain bio-diversity; and
- To encourage the reduction, reuse and recycling of waste and improve energy efficiency to reduce the impact of climate change.

Objective 5:

An Accessible and Legible Town

- To establish a safe and user-friendly movement framework to improve permeability and accessibility within the centre of the town and between the various land uses outside the town core;
- To ensure that the local road network provides ease of access for residents between the various residential and employment areas;
- To provide for a more pedestrian and cyclist friendly environment in the town which reduces conflict between the needs of pedestrian and motorist;
- To provide amenity walks within and through the town and linking the various natural and heritage features; and
- To ensure that both visitors and residents have access to varied means of transportation to and from Kilmallock, with an emphasis on public transport.

Policy B7: Special Control Area

It is the policy of the Council not to permit future development in the Special Control Area (SCA), other than leisure/tourism development which complements the use of the town walls, and the historical buildings and the natural amenities located within these zones. Amenities defined in the Public Realm Plan such as walkways along the town walls will be generally permitted.

Policy C2: Recreational Facilities and Amenity Areas

It is the Policy of the Council to:

- Ensure that existing and proposed public open spaces identified within the Urban Development Framework and Land Use Zoning Map are protected and/or developed appropriately for recreational purposes to serve the needs of the local residents;
- Facilitate the future expansion of the GAA through zoning of adequate recreational lands accessible from the town centre and by different transport modes;
- Pursue the recommendations of the Public Realm Plan 2008 for the development of looped walkways and town trails, with particular emphasis on a West Walls Walk, together with associated interpretation and signage provision and landscape improvements;
- Continue to co-operate with sports clubs, schools and community organisations in the provision of adequate sports and recreational facilities to serve existing and future residents;
- Seek to improve the existing public open spaces within the town in accordance with the recommendations of the Public Realm Plan 2008;
- Seek to reinforce the riparian character of the town by safeguarding and enhancing the natural qualities of the Loobagh River corridor;
- Seek to enhance the biodiversity value of the town through suitable landscape enhancement and management measures;

- (h) Ensure that all new developments enhance the recreational and amenity value of the town; and
- (i) Seek a contribution towards the landscaping of public open space and creation of recreational facilities in association with the development of nearby residential, industrial or commercial developments.

Policy M5: Walkways

It is a policy of the Council to create a continuous pedestrian route along the outside of the western walls, linking the new housing on Charleville Road to the School and Church on Glenfield Road, while improving accessibility to one of the most impressive stretches of town wall in Ireland.

3.2 Habitats Directive Project Screening Assessment

Habitats Directive Project Screening Assessment Screening for Appropriate Assessment

<p>Construction Phase: Improvement works</p> <p>Are effects significant: No</p> <p>Are substantial works required: No</p> <p>Operating phase effects: Limited and localised</p> <p>Are effects significant: No</p>	<p>Ex-situ effects: n/a</p> <p>Are effects significant n/a</p> <p>Run-off: surface water run-off collected by road gullies and discharged to existing storm drain facilities, considered adequate.</p> <p>Are effects significant: No</p> <p>Abstraction: None</p> <p>Displacement: None</p>
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Identification of Natura 2000 sites which may be impacted by the proposed development

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

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

Conclusion

Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC and SPA. The applicants have not conducted a Screening for Appropriate Assessment of Natura 2000. It is considered that the proposed development will not have a significant effect on the Natura 2000 network and a Stage 2 Appropriate Assessment is not required.

3.3 Land Acquisition

All lands required for the development are in the control of Limerick City and County Council.

3.4 Conclusion

It is considered that the construction of the proposed development is in accordance with the Limerick County Development Plan 2010-2016, the Kilmallock Local Area Plan 2009-2015 (which was extended for a further 5 years) and the proper planning and sustainable development of the area. Taking into consideration the nature and scale of the proposed development, it is deemed acceptable at this location

4.0 Submissions with respect to the proposed development

A total of 4 no. written submissions/observations were received and are listed

LIST OF SUBMISSIONS RECEIVED		
SUB REF	FROM	Date received
A.	Water Safety Development Officer, Limerick City and County Council	08/12/15
B.	Executive Archaeologist, Limerick City and County Council	15/01/16
C.	Environment Officer, Limerick City and County Council	20/01/16
D.	Heritage Officer, Limerick City and County Council	27/01/16

Sub A- Water Safety Development Officer, Limerick City and County Council

Submissions description

- Water Safety Development Officer states the following:
Erect 2 no. Ringbouy with accompanying boxes at either end of the footbridge along the water's edge. Boxes, Ringbuoy and rope to comply with Irish Water Safety requirements.

Planning Departments Comments

The Planning Authority notes the above. Condition to be attached.

Sub B- Executive Archaeologist, Limerick City and County Council

Submissions description

- Executive Archaeologist states the following;
The proposed development is a pedestrian bridge constructed at a distance of 6.75m downstream (west) of North Bridge. It is a single span and will not impact the existing river bed. Judging from the arches of the existing bridge and older maps the river was previously wider and the current banks maybe made ground of relatively recent origin. It is proposed to pile both sides of the river bank to provide a foundation for the bridge. From the submitted plans there appears to be little or no excavation planned. If there is excavation to provide the foundation for the bridge this should be archaeologically monitored.

Planning Departments Comments

The Planning Authority notes the above.

Sub C Environment Officer, Limerick City and County Council

Submissions description

- Environment Officer states the following;
Prior to the commencement of development the applicant shall submit to the Planning Authority for agreement in writing a waste management plan for the recovery/disposal of all wastes arising from the construction of a pedestrian bridge over the Loobagh River and all other associated works.

Planning Departments Comments

The Planning Authority notes the above. Condition to be attached

Sub D Heritage Officer, Limerick City and County Council

Submissions description

- Heritage Officer states the following;
"the proposed footbridge is to the south of the existing bridge. While there are no street lights on the existing bridge, some are to the north and south of it, there is additional lighting on the proposed footbridge and other lighting is called for in the vicinity. It is recommended that this lighting be low pressure sodium lighting and be bat friendly in design.

From the point of view of otter passage, from the drawings it looks as sufficient space is allowed between the abutment base and the river to allow otter passage even in times of high water flow. It is recommended that the construction follows this design.

From the point of view of bird life, bridges often provide nesting habitats for the Dipper (Cinclus cinclus) and in this situation the design could be improved by allowing a slight projection on each of the abutments of roughly 3 inches by four inches which could simply be a small amount of concrete daubed onto the abutment. These should be located 3/4 way up for best effect and would provide a platform from which the Dippers could attach their nests or provide roosting platforms

1 That lighting be bat friendly in design and also installed in such way as to prevent excessive light spill onto the river. It is to be of low pressure sodium type lighting.

Reason: to minimise wild life disturbance.

2 That the bridge be constructed as in the drawings furnished with sufficient room between the abutment and river channel to allow otter movement.

Reason: so as not to act as a barrier to the movements of otters up or down stream.

3 That small concrete ledges 3/4 way up the abutment and measuring 3 inches by four inches be installed to provide nesting habitats for Dippers.

Reason: to create additional nesting or roosting habitats for these birds.

4 That the minimum amount of trees necessary to facilitate construction be removed.

Reason: to retain as much as possible of the bankside tree cover"

Planning Departments Comments

The Planning Authority notes the above. Condition to be attached

Conclusion

The construction of a pedestrian bridge over the Loobagh River and ancillary works is in accordance with the proper planning and sustainable development.

5.0 Action taken by Local Authority

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

1. Prior to the commencement of the project the applicant shall submit to the Planning Authority for agreement in writing a waste management plan for the recovery/disposal of all wastes arising from the construction works.

Reason: In the interest of proper planning and orderly development

2. The lighting shall be bat friendly in design and installed in such way as to prevent excessive light spill onto the river. It shall be of low pressure sodium type lighting.

Reason: To minimise wild life disturbance.

3. The bridge shall be constructed as in the drawings furnished with sufficient room between the abutment and river channel to allow for otter movement.

Reason: To not act as a barrier to the movements of otters up or down stream.

4. The small concrete ledges three quarters way up the abutment and measuring three inches by four inches shall be installed to provide nesting habitats for Dippers.

Reason: To create additional nesting or roosting habitats for these birds.

5. The minimum amount of trees necessary to facilitate construction to be removed. Prior to the commencement of developments details of any trees to be removed shall be submitted for the written agreement of the Planning Authority.

Reason: To retain as much as possible of the bankside tree cover.

6. Within 4 weeks of the completion of this structure 2 no. Ringbouy with accompanying boxes at either end of the footbridge along the water's edge shall be provided. Boxes, Ringbuoy and rope shall comply with Irish Water Safety requirements.

Reason: In the interest of water safety.