

17th July 2017

**To: The Cathaoirleach and each Member of the Municipal District of Cappamore
Kilmallock**

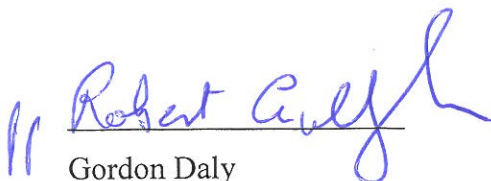
**Re: Part VIII Planning Report for Construction of a public pathway running adjacent
to the existing west town wall of Kilmallock, Co. Limerick**

A Chomhairleoir, a chara,

I enclose herewith report prepared in accordance with Section 179(3) of the Planning and Development Act 2000-2015 and Part VIII of the Planning & Development Regulations 2001-2015.

In accordance with Section 179 (4) (b) of the above Act, it is proposed to proceed as indicated in Section of this report.

Mise le meas



Gordon Daly

Director of Services

**PLANNING REPORT IN ACCORDANCE WITH
SECTION 179 3(a) OF THE PLANNING & DEVELOPMENT
ACT 2000 (as amended)**

Re: **Permission for the following:**

Construction of a public pathway running adjacent to the existing west town wall of Kilmallock, Co. Limerick

At: Ash Hill, Kilmallock, Co. Limerick

Planning Reference No. 17/8004



**Darragh Ryan,
Assistant Planner,
Planning & Environmental Services**



**Donogh O'Donoghue,
A/Senior Executive Planner,
Planning & Environmental Services**

Pursuant to Section 179 3(a) of the Planning & Development Act 2000 (as amended) this report is submitted to the members of Limerick City & 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 & County Council**

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1.0 Foreword

This planning report has been prepared pursuant to Section 179 of the Planning & Development Act 2000 (as amended), and Part 8 of the Planning & Development Regulations 2001 (as amended).

2.0 Description of the nature and extent of the proposed development

The proposed development is located in the townland of Ash Hill, Kilmallock, Co. Limerick. The site in question is currently identified as natural open space and Special Control area in the Kilmallock Local Area Plan.

The site is bounded by Community Hall, Boys National School, Supervalu Car Park and Pauls Roman Catholic Church.

The site is also bounded by the existing residential developments.

Under this planning application the Applicant, Design & Delivery Services, Limerick City & County Council proposes the following:

The pathway extends from the Supervalu Car park in the south to St Peter and Paul's Roman Catholic Church in the north. The pathway will be accessed in three locations;

1. A new entrance on the Glenfield Road between SS Peter and Paul RC Church and Scoil Mocheallog national school.
2. An existing path through SS Peter and Paul's RC Church grounds which provides access to the Martyrs Monument and the town Bastion.
3. An entrance from the SuperValu Car Park.

The project consists of;

- 535 meters of pathway varying from 2.0 to 2.5 meters.
- 250 meters 1.8 meter high twin wire mesh fence
- 290 meters timber post & rail fencing.

The plans and particulars went on public display from Monday 1st May to Tuesday 13th June, 2017. Submissions and observations had to be submitted by 31st May 2017.

Limerick County Development Plan 2010 -2016

It is an objective of the Council to encourage the successful incorporation of safe and efficient cycle and pedestrian facilities, and accessible cycleways, footpaths and pedestrian routes into the design schemes for residential, educational, employment, and recreational developments. Consideration will be given in these schemes to existing or proposed routes where applicable.

It is the objective of the Council to:

- a) Encourage the successful incorporation of safe and efficient cycle ways, accessible footpaths, and pedestrian routes, and general cycling facilities into the design schemes for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses. (Refer to Development Management Guidelines)
- b) Provide cycle ways, where appropriate, as part of all road improvement / redesign schemes ensuring, where possible, that cycle ways and footpaths are effectively separated from major vehicular carriageways,
- c) Prioritise the movement of pedestrians and cyclists in proximity to public transport nodes.
- d) Require planning applications for residential, commercial, retail, community, educational and industrial developments to demonstrate the proposal's accessibility for pedestrians and cyclists.
- e) Seek provision of appropriate, well-designed pedestrian ways for residential development proposals to link with amenities and facilities. Such proposals shall adhere to the Guidelines

on Sustainable Residential Development in Urban Areas and Urban Design Manual (DEHLG May 2009)

Kilmallock Local Area Plan

The LAP sets out the following with respect to acceptable development in the location in question:

- Map 2 - Land Use Zoning – the site is identified for natural open space and Special Control Area. The special control area refers to the reinforcing the heritage significance of Kilmallock town walls, Dominican Priory and Collegiate Church. The special control area limits uses to recreational and agricultural uses where compatible. Map 2 of the LAP also highlights the proposed West Walls Walk for development. ;

Strategic Objectives No 1 – 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 knowledge and appreciation of the town walls and their significance at local, regional and international levels.*
- *To protect and enhance the historical features and their surrounds.*

Objective 3 – Strong Local Economy

To encourage tourism related development where appropriate and in a sustainable manner.

Objective 5: An accessible & Legible Town

To provide amenity walks within and through the town and linking the various natural and heritage features.

Policy B6 – Town Walls

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.

5.2 Built Environment & Heritage

It is the policy of the Council to seek to protect and enhance the quality of the built heritage within Kilmallock by protecting and improving the visibility of the town walls, as defined by the Conservation and Management plan.

Policy C2 Recreational Facilities and Amenity Areas

It is the policy of the council to pursue the recommendations of the Public Realm Plan 2008 for the developmet of looped walkways and town trails, with particular emphasis on a West Walls Walk

Policy M5 Walkways

It is the policy of the council to create a continuous pedestrian route along the outside of the western walls, linking the new housing estates on the 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.

Public Realm Plan for Kilmallock Walled Town 2009

The development of the west pathway is supported by the Public Realm Plan for Kilmallock Walled Town 2009

3.1 Habitats Directive Project Screening Assessment

Both construction and operating phases of the proposed development to be considered

Construction Phase: The project consists of; <ul style="list-style-type: none">• 535 meters of pathway varying from 2.0 to 2.5 meters.• 250 meters 1.8 meter high twin wire mesh fence• 290 meters timber post & rail fencing. Are effects significant? No Are substantial works required: No Are effects significant? No Operating phase effects: Are effects significant? No	Ex-situ effects: Are effects significant? No Run-off: Are effects significant? No Abstraction: Are effects significant? No Displacement: Are effects significant? No
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Identification of Natura 2000 sites which may be impacted by the proposed development

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.	<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> Name of sites:	No
2	Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.	<i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i>	No

		Name of site:	
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> Name of site:	No
4	Impacts on birds in SPAs-	<i>Is the development within 1km of a Special Protection Area</i> Name of site: No site	As per the AA Screening submitted on file
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 – as per the AA Screening submitted on file

An Appropriate Assessment Screening Report was prepared. The screening assessment concluded that the project will not have negative impacts or effects on any Natura 2000 sites.

Accordingly, the Planning Authority is of the view that the development will not have any significant impacts on any Natura 2000 sites. Therefore an Appropriate Assessment (AA) is not considered necessary in this case.

The development has been subject of an Appropriate Assessment Screening in accordance with Article 6 (3) of the EU Habitats Directive (Directive 92/43/EEC) and the Planning & Development Acts 2000 (as amended).

3.3 Conclusion

It is considered that the proposed development is in accordance with policies of the Limerick County Development Plan 2010 – 2016 (as extended) and Kilmallock Local Area Plan 2009 - 2015 (as extended) and is therefore acceptable as per the requirements of proper planning and sustainable development of the area.

4.0 Submissions with respect to the proposed development

A total of 2 x No. written submissions/observations was received and are listed below:
Ongoing consultation is in progress with the department of Culture Heritage and the Gaeltacht.

LIST OF SUBMISSIONS RECEIVED	
SUB REF:	FROM:
1.	Kilmallock Tidy Towns - Received 13/07/2017
2.	Sarah Mc Cutcheon, Archaeologist, Design & Delivery Services – Received 13/07/17

4.1 Submissions:

SUB (1) Kilmallock Tidy Towns

Re – Development of a footpath outside the west wall.

Kilmallock tidy towns are very supportive of this excellent proposal and look forward to its completion.

They suggest the following:

Path

A width of 2 meter should be sufficient for public use and be in scale with the wall.

The path should have natural sweeps rather than straight lines.

A raised “wooden” walkway could be placed over the marsh area for low impact on the area.

If made of (plastic lumber) it would be zero maintenance.

Nature

A biodiversity report is being produced for the site by Geoff Hunt and funded by Kilmallock Tidy Towns. The first of 3 visits to the site was completed on 20th May 2017. The next one will be in the autumn and completion in spring 2018. A copy will be forwarded to your office. We would like to see the area kept as natural as possible and managed to this end. Lawns areas and grass cutting should be kept to a minimum.

Fence

The fence between the school and low wall could be timber stakes and wire fence with a mixed hedge planted on same of whitethorn, holly and other natives.

Trees

We suggest the planting of specimen trees on the fence side of the walk.

Planning Authority Comments

The following comments have been received from Design and Delivery

‘Regarding planting, the existing boundary fence line will be augmented. In the northern field to the south of the school there will be little or no planting along the fence line to preserve the longer views of the wall, which is a Protected View in the LAP Policy B8 (d).

The planting on the fence between the school and the walk will have to be restricted due to the presence of archaeological features which would be impacted by root disturbance.'

Condition shall apply.

SUB (2) Sarah McCutcheon, Archaeologist, Design & Delivery Services, LCCC

Representatives of the National Monuments Service have been consulted at all stages of the planning of the development. Archaeological test trenching is currently underway to finalise some outstanding route details and the Department's final comments on the results of this testing will be built into the final design.

There is a possibility of disturbing previously unknown archaeological material/artefacts. In this instance, it is a policy of Limerick County Council to require archaeological monitoring of all ground disturbance associated with the development (10.10.2 paragraph 3 County Development Plan 2010-2016).

Archaeological monitoring by a qualified archaeologist shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority **four** weeks in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture Heritage and the Gaeltacht shall be informed. The developer shall be prepared to be advised by the Department of Culture Heritage and the Gaeltacht with regard to any necessary mitigating action and shall facilitate the archaeologist in recording any material found. On completion, an archaeological report detailing the works shall be submitted to the Planning Authority and the Department of Culture Heritage and the Gaeltacht.

Archaeological mitigation will be finalised on foot of result of testing.

Planning Authority Comment:

The Planning Authority note the above comments and appropriate conditions to apply

5.0 Action taken by Local Authority

It is proposed to proceed with the development in accordance with the information submitted on file dated the 27th of April, 2017 and the details and specifications contained in this report.

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 27th of April and the reports received by the Planning Authority on 13/07/17, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. Archaeological monitoring shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture Heritage and the Gaeltacht shall be informed. The developer shall be prepared to be advised by the Department of Culture Heritage and the Gaeltacht with regard to any necessary mitigating action and shall facilitate the archaeologist in recording any material found. On completion, an archaeological report detailing the works shall be submitted to the Planning Authority and the Department of Culture Heritage and the Gaeltacht. Archaeological mitigation will be finalised on foot of result of Archaeological test trenching.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains that may exist within the site.

3. Fuels oils and lubricants shall be stored in safe areas at least 25m from any water course. Refuelling of machinery shall take place at a similar distance from any water course.

Reason: In the interest of proper planning and orderly development.

4. Concrete mixing areas, where these occur, are to be located 25m from any watercourse and shall be managed appropriately to avoid spillages. No concrete washings are to be discharged to water courses.

Reason: In the interest of proper planning and orderly development.

5. Sand and gravel shall be stored 25m from any drain or water course and any excess shall be removed after works have been completed to minimise risk of run off and possible sedimentation in watercourses or drains.

Reason: In the interest of proper planning and orderly development.

6. Water course banks and the embankment to be left intact, on completion of works.

Reason: In the interest of proper planning and orderly development.

7. The planting along the existing site boundaries shall be retained and reinforced by additional planting to match existing where appropriate.
Reason: In the interest of biodiversity and visual amenity.