

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

**Planning & Development Acts, 2000 - 2019
Planning & Development Regulations, 2001 - 2019**

Part VIII Proposal 13/19

Applicant/Proposer: Roads Section - Kilkenny County Council

Subject: Poulanassy, Clonassy, Mullinavat, Co Kilkenny

Due Date: 5/06/2020

Development Description /Location

Poulanassy waterfall is located approx. 2km west of Mullinavat village in Co. Kilkenny. The site is located on agricultural lands and slopes away from the road towards Poulanassy river. Access to the site is along a local primary road within an 80km/h speed limit area.

Poulanassy waterfall is a popular amenity with locals and tourists, particular during the summer months. Current facilities are limited to an access track from the local primary road LP-1042 to the waterfall, which is located approximately 150metres from the public road. There is no dedicated car parking available to visitors in the vicinity, no pedestrian facilities on the local road and no information about the waterfall available for visitors.

The objective of the project is to provide dedicated parking facilities thereby removing current haphazard on street parking and thus improving the safety of public road users and to enhance the natural amenity of Poulanassy Waterfall. Kilkenny County Council have acquired the subject lands from a private landowner to facilitate the proposed development.

The works comprise

- Provision of a new vehicular access on local primary road LP-1042,
- relocation of boundary hedge,
- an off road visitor car park comprising 35 no car park spaces with associated hardstanding,
- kerbing and drainage system,
- a landscaped amenity area and
- upgrade of the existing trail leading to Poulanassy Waterfall

No public lighting is proposed in this rural area. However, import of granular fill material and regrading is required given the existing natural sloping topography of the car park site location.

Planning History

None

Zoning / County Development Plan

The site is located in a rural area on unzoned agricultural lands approximately 2km west of Mullinavat village outside any settlement boundary in the county development plan

Policy

Kilkenny County Development Plan 2014-2020

- Chapter 7: Recreation, Tourism and the Arts
- Chapter 12: Requirements for Development

Relevant Guidelines

- National Planning Framework Project 2040
- Regional Planning Guidelines
- County Kilkenny Rural Design Guide

The above policy documents/guidelines were considered in the assessment of the application.

Impact on Natura 2000 site (SAC or SPA):

A Stage 1 Appropriate Assessment Screening exercise report was completed by SLR Environmental Consultants commissioned by Kilgallen and Partners Ltd, on behalf of Kilkenny County Council. The report showed that no significant environmental impact is likely having regard to the nature/design of the development and distance of the subject site from any Natura 2000 site. The watercourses adjacent to the site located to the north form a surface water connection between the site and the Lower River Suir (SAC) over a distance of ca 15km downstream. There is no connectivity with any other Natura 2000 site via surface water pathways or landscape features. The potential zone of influence for the proposed development is restricted to the Lower River Suir SAC.

The works will be set back at least 35metres from the Poulanassy river and given the relative small scale and nature of the proposed works it is not likely that there be any effects on this watercourse as a result. While the Lower River Suir SAC is designated for mobile species listed as white clawed crayfish, austroptamobius pallipes, salmon, salmon salar and otter, lutra lutra, it is not likely that these will be present, or at least not in any numbers or any regularity, in the upper reaches of either the Ballinva South Stream or the Poulanassy River.

The AA Screening report has ruled out the likelihood of any significant environmental impact either alone or in combination with other plans or projects on any European Natura 2000 Network Site i.e. its conservation objectives, habitats and species. The Planning Authority on review of the Appropriate Assessment Screening Report considers that there is no anticipated significant environmental impact likely on any Natura 2000 site and therefore no requirement for a Stage 2 Natura Impact Assessment (NIS) to be carried out.

EIA Screening

A preliminary examination of the nature, size and location of the proposed development has been carried out in the Appendix 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 EIA is not required.

Referrals:

This application was referred to the following Sections for comment;

Conservation Officer: In support of proposed development, some recommendation made

An Taisce: No comments received

Heritage Officer – An ecological impact assessment should be carried out. In support of proposed development, some recommendation made

Parks: In support of proposed development, some recommendation made

DoAHLG (NPWS): No comments received

Services proposed:

Water supply – N/A

Waste water – N/A

Surface water – Drain to existing public surface water network via Class 1 by pass interceptor

Assessment

Access to the site is from a local primary road within an 80km/h speed zone. A new splayed access is proposed comprising a gate and height restriction barrier. Sightlines of 90metres are achievable in both directions. This requires set back of existing ditch to be replaced with post and rail fence and native hedgerow behind. The proposal represents a significant road safety improvement over existing access arrangements. A new gated entrance to allow for access to neighbouring farmland is included in the site layout plan. A total of 35 car parking spaces is proposed and are dimensioned to comply with minimum standards in the Kilkenny County Development Plan 2014-2020 and includes for two no disabled friendly parking bays. The need for this amount of car park spaces is based on an assessment of on-road car parking observed along the local primary road during the busy summer periods associated with Poulanassy Waterfall.

The project is designed in accordance with County Kilkenny Rural Design Guide. The site falls to the north away from the road. In order to achieve a safe access and parking level this requires regrading, infilling and raising of the ground. Suitable landscaping is proposed to assist integrate proposed

development into the landscape and final details shall be agreed with Parks Section. The subject site is not that visible to public view due to its location below the public road adjoining a river valley and existing screen vegetation in the area. It is considered that with time, the new landscaping proposed/agreed for the car park combined with retention of existing vegetation in the area will assist in reducing the visual impact and integrating the proposed development into the landscape.

A programme of works for proposed project accompanies the documentation. An outline construction and construction waste management plan accompanies the documentation submitted and is designed to minimize disruption to the environment and amenities of the area.

The site is not located within any designated area of the county i.e. SAC, SPA, Archaeology etc. There are no historic / archaeological protected recorded monuments, within or adjoining the site. The site is located along the South Leinster Way – a tourist waking / cycle trail in County Kilkenny. It is considered that proposed development will complement and enhance the recreational amenities provided for visitors along the South Leinster Way and benefit county Kilkenny and the Region.

The ecological impact assessment report carried out shows that there will be no significant impact on bird or other wildlife from the use of the facility which will mostly be sporadic over the week, during daylight hours and over the summer months. The behaviour of some species may change but there is adequate habitat in the area to absorb this. The location of proposed access and car park has a lower level of ecological interest. The pathway to the waterfall however supports significant biodiversity and is considered of local environmental value because of its intrinsic community and connection with a larger area of woodland. It is recommended that sensitive construction methods along be carried out to demonstrate appropriate machinery and construction methodology to minimise interference with the sod and stone ditch, trees and ditches and their rootzone along the walking trail. This is consistent with the recommendation of Parks Section and the Ecological report.

In relation to the Poulanassy river as a matter of good practice, it is considered that the ecological report be updated/revised to address the issue of protected species in the Poulanassy River in the vicinity of the site under consultation with the Planning and the Kilkenny Heritage officer.

The overall impact of the proposed development will be minor negative on the environment during construction and operation. It will not be significant either at a local or national level, provided construction is carried out sensitively with suitable safeguards and timing.

Third Party Submissions:

2 no. valid Third Party submissions were received as follows:-

1. Michael Morrissey
2. Concerned citizen

No.	Submission By	Submission Details	Submission addressed in scheme / review	Comments
1	Michael Morrissey	Storm water drainage around proposed development	Yes	A free pavement edge detail is proposed on the public road. Kerb and gully drainage proposed for car park. At detail design stage measures to maintain and improve the existing drainage paths will be incorporated as part of the boundary treatment works.
		Water damage and subsidence on the existing carriageway	Yes	At detailed design stage, where the pavement condition is identified as being sub-standard, pavement repairs will be included, particularly at the tie-in of the proposed access and areas which may deteriorate arising from the works.
		Addition of double yellow lines to reinforce the use of the parking facilities	Yes	All roadmarkings shall be provided in accordance with the Traffic Signs Manual. Verge treatment will preclude on road parking.
		Provision of concealed entrance sign and/or slow down signage	Yes	National standards apply to visibility and road design. Signage shall be provided in accordance with the Traffic Signs Manual.

	Addition of bicycle rack facilities	Yes	Bicycle parking provisions will be included within the facility.
	Security anti-social behaviour & littering	Yes	Provisions for a gated access have been included within the scheme. The provision of CCTV will be subject to a Data Protection Impact Assessment. Public lighting is not proposed as the amenity will be closed at night. Lighting in the natural rural setting will give rise to an urban feel and potential light pollution will impact the wildlife habitat and neighbouring properties. The provision of bins will be considered as part of a maintenance plan for the facility.
	Walkway stairs design proposal	Yes	Treated timber sleepers are considered for the stepped access. Slip resistance measures were included on the timber within the design. The use of all available products, timber, natural stone, concrete and composite materials which will best provide a safe, slip-resistant and durable product for users of the trail will be reviewed.
	Existing waterfall outside the scope of development	Yes	Low cost safety measures in the vicinity of the waterfall and watercourse will be discussed with the various state bodies and departments at detailed design stage and improvements will be targeted where possible.
	Water safety	Yes	Kilkenny County Council will discuss safety measures in the vicinity of the waterfall and watercourse with the various state bodies and departments.
	Road area outside the scope of the development shown – provision of	Yes	Access arrangements to the new car park will accommodate

		a single pull in bay on the south side		anticipated traffic. No on-road parking will be provided.
		Provision of brown point of interest signage to show case the development	Yes	A signage strategy will be developed for the site.
		Ongoing management and maintenance	Yes	The site will be managed and maintained by Kilkenny County Council in collaboration with other state bodies and departments.
2	Concerned citizen / Anonymous	Potential for antisocial behaviour. Request for CCTV at car park, height barrier and lighting	Yes	Provisions for a gated access have been included within the scheme. The provision of CCTV will be subject to a Data Protection Impact Assessment. Public lighting is not proposed as the amenity will be closed at night. Lighting in the natural rural setting will give rise to an urban feel and potential light pollution will impact the wildlife habitat and neighbouring properties.
		Possibility of a care taker to manage litter control	Yes	The provision of bins will be considered as part of a maintenance plan for the facility.
		Drainage on the road is inadequate	Yes	At detail design stage measures to maintain and improve the existing drainage paths will be incorporated as part of the boundary treatment works. This can be achieved with a combination of filter drains, piped culverts and open channels while maintaining natural drainage routes.
		Existing access point to the waterfall is along a Blind spot on the road	Yes	It is intended to maintain the existing historic trail entrance for pedestrians on the public road with minor works only proposed at this location. Sightline provisions at the proposed new carpark access will improve the visibility to this pedestrian access point and will provide improved visibility for

		Haphazard parking on the road	Yes	<p>recreational walkers on the South Leinster way and local area.</p> <p>Dedicated off-carriageway parking will provide sufficient parking bays and remove the requirement for parking of vehicles on the public road which currently obscure visibility to the existing access. Measures to mitigate parking on the verge which could potentially obstruct sightlines will be included through provisions of knee rail fence or similar traffic management solution at detailed design stage.</p>
		Suitable railing at the bank of the waterfall and handrail along the steps recommended for safety reasons	Yes	<p>Low cost safety measures in the vicinity of the waterfall and watercourse will be discussed with the various state bodies and departments within Kilkenny County Council at detailed design stage and improvements will be targeted where possible.</p>

All observations were read and considered in the assessment of this application by the Planning Authority and Roads Design Team. On foot of the submissions received under the consultation process, a number of undertakings shall be carried when preparing the detailed design and tender documentation to address the concerns raised and improve the scheme layout from a proper planning, environmental and amenity viewpoint.

Conclusion:

Having regard to the policies and objectives of the Kilkenny County Development Plan 2014-2020 and the location and design of the proposed development, referral reports on file, third party submissions, it is considered that the proposed development would not seriously injure the environment or amenities of the area, would not give rise to a traffic hazard and would be acceptable in terms of traffic convenience and safety and in the enhancement of Kilkenny county's tourism product and if constructed in accordance with the

attached conditions the proposed development would accord with the proper planning and sustainable development of the area

The development has been screened for EIA and Appropriate Assessment, which showed that no significant environmental impact is likely on any Natura 2000 site and environment for the area.

Recommendation:

I recommend that the project be progressed as proposed. All submissions and referrals have been considered as part of the assessment.

It is therefore recommended that the Part 8 application for Poulanassy Waterfall Visitor Car Park & Walking Trail, be approved by Council subject to the following conditions

Ross O'Shea 05/06/2020

Executive Planner

I agree with the above recommendation.

 5/6/2020

Senior Planner

First Schedule

Reasons & Considerations for Decision on Ref: Part 8 13/19

Having regard to the policies and objectives of the Kilkenny County Development Plan 2014-2020 and the location and design of the proposed development, referral reports on file, third party submissions, it is considered that the proposed development would not seriously injure the amenities or environment of the area, would not give rise to a traffic hazard and would be acceptable in terms of traffic convenience and safety and enhancement of Kilkenny county tourism product and if constructed in accordance with the attached conditions the proposed development would accord with the proper planning and sustainable development of the area.

Second Schedule

Conditions attached to Ref. Part 8 13/19

1. The development shall be carried out and completed in accordance with the documents lodged with this application as part of the Part 8 planning application submission.

Reason: In the interests of proper planning

2. On foot of the submissions received under the consultation process, the following undertakings shall be carried out
 - a. Drainage arrangements for the adjoining road and lands on the opposite side of the road shall be incorporated at detailed design stage.
 - b. Existing road pavement will be assessed and improvements incorporated at detailed design stage;

- c. Traffic management arrangements, including signage and lining shall be addressed at detailed design stage;
- d. The applicant shall make provision for bicycle parking in line with the requirements set-out in the Kilkenny County Development Plan 2014-2020 – Chapter 11 Transport to serve proposed development. Details of the number, type and location of these stands shall be agreed as detailed design stage. The locations shall not create any obstruction;
- e. The provision of CCTV if deemed necessary will be subject to a Data Protection Impact Assessment;
- f. The provision of bins shall be considered as part of a maintenance plan for the facility;
- g. The design of the stepped trail to provide a safe, slip-resistant and durable product for users of the trail including the proposed seating will be reviewed and agreed at detailed design with the Planning Authority;
- h. Safety measures in the vicinity of the waterfall and watercourse shall be discussed with the various relevant state bodies and departments and incorporated at detailed design stage as appropriate;
- i. A signage strategy shall be developed for the site in line with National Guidelines legislation;
- j. Method statements for the construction of the pathway shall be carried out to demonstrate appropriate machinery and construction methodology to minimise interference with the sod and stone ditch, trees and ditches and their rootzone along the walking trail;
- k. A final landscaping planting plan for the car park embankment area shall be agreed with the Parks Section at detailed design stage. This shall incorporate the recommendation from Parks Section and that contained in the ecological report;
- l. The existing steps from the public road and stone plaque name plate shall be retained and/or reincorporated as part of the historical access to the waterfall in the detailed design;
- m. The recommendation contained in The Ecological Assessment & Impact Report, prepared by Roger Goodwillie & Associates shall be followed in the scheme implementation. The Report shall be updated/revised to address the issue of protected species in the

Poulanassey River in the vicinity of the site. Such revision shall inform the detailed design, best practice environmental measures in accordance with TII methodology, timing and scope of works;

- n. All works shall be undertaken outside of the bird nesting season, i.e. works will only be undertaken from Sept to Feb, in accordance with the Wildlife (Amendment) Acts;
- o. Best practice measures, to avoid impacts on key habitats and any protected species, shall be implemented.

Reason: In the interests of proper planning and protection of the environment

- 3 a. All construction and environmental works pertaining to the proposed development shall be carried out in a manner that complies with the recommendations detailed in the outline construction and construction waste management plan submitted with the planning application documents.

- b. The development works shall be designed and undertaken so as to facilitate the minimization of waste production. Any wastes to be removed from site (including waste subsoil, stone and rubble) shall only be removed by an Authorised Waste Contractor and shall be disposed of to an Authorised Recovery/Disposal Site.

Reason: To minimise waste and in the interests of environmental protection.

