



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

**RE: PART VIII - PROVISION OF A TEMPORAY CAR AND COACH PARK IN THE
ABBEY QUARTER IN THE TOWNLANDS OF GARDENS KILKENNY FOR A
PERIOD OF UP TO 5 YEARS**

*Planning & Development Acts 2000 - 2017
Planning & Development Regulations 2001 - 2018*

DATE: 10th July 2018

Dear Councillor,

In accordance with 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, Kilkenny County Council hereby gives notice of its intention to carry out the following development:

**PART VIII - PROVISION OF A TEMPORAY CAR AND COACH PARK IN THE ABBEY
QUARTER IN THE TOWNLANDS OF GARDENS KILKENNY FOR A PERIOD
OF UP TO 5 YEARS**

I attach herewith Report of the Director of Services together with Planner's Report. I am satisfied that the proposed development is consistent with proper planning and sustainable development of the area and consistent with the provisions of the City and Environs Development Plan 2014- 2020.

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the recommendations made by the Planning and other Service Departments.


Colette Byrne
Chief Executive

KILKENNY COUNTY COUNCIL
Comhairle Chontae Chill Chainnigh



Part 8 Chief Executive's Report

**Abbey Quarter
Temporary Car Park**

July 2018

This document has been prepared in accordance with the requirements of Part XI of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations, 2001 -2017.

The proposed development will involve the construction of a temporary car and coach park, with capacity for 132 cars and 7 coaches for a period of up to 5 years on a portion of the Abbey Quarter (former Smithwicks Brewery) site, located immediately to the north of the River Breagagh and to the south of St Francis Bridge. The proposed parking area will be accessed from St Francis Bridge and the area of the site measures 5,825 m².

1.1 Public Consultation

The project was advertised by Notice in the Kilkenny People newspaper published on Wednesday 16th May 2018. 3 no. Site Notices were erected on the northern boundary of the site of the proposed development, visible from St Francis Bridge. A copy of this notice is attached to Appendix 1.



Fig. 1 Public notices

Details of the proposed scheme were also advertised via the Kilkenny County Council Facebook page and on the Planning Consultation portal <https://consult.kilkenny.ie/>

Plans and particulars for the proposed Scheme were available for inspection from Wednesday 16th May 2018 to Wednesday 13th June 2018 at the following locations:

- County Hall, John St., Kilkenny.
- Carnegie Library, Johns Quay, Kilkenny.
- www.kilkennycoco.ie
- <http://consult.kilkenny.ie>

Submissions and observations were invited with respect to the proposed development dealing with the proper planning and development of the area in which the proposed development will be carried out, with

a final date for receipt of submissions on Wednesday 27th June 2018.

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

- An Taisce, The National Trust of Ireland, Tailors Hall, Dublin 8.
- Inland Fisheries Ireland, Anglesea Street, Clonmel, Co. Tipperary.
- Department of Culture, Heritage & The Gaeltacht, Newtown Rd, Wexford.

The documents on public display were as follows:

- Project Details
- Project Drawings
- Archaeological Impact Assessment
- Archaeological Statement
- Appropriate Assessment Screening
- Outline Construction Management Plan

2.0 Brief description of the proposed works

2.1 Existing site

The site of the proposed development is located in the townland of Gardens, on the Abbey Quarter site (former Smithwicks Brewery), immediately to the north of the River Breagagh and to the South of St Francis Bridge.



Figure 2 - Site Location

Following the demolition of the former brewery buildings, site is predominantly covered in a concrete slab, with a localised macadam surface.



Figure 3 - View of site of proposed development looking west from St Francis Bridge

There is currently a green palisade fence and a timber fence along the boundary of the site with St Francis Bridge and the Central Access Scheme. There is a low level concrete block wall along the boundary with the River Breagagh.

Currently, access to the site is via the former Brewery site and specifically via the security gate on Horse Barrack Lane, off Parliament Street.

2.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT.

The proposed development will provide parking for 7 no. coaches and 132 car parking spaces. The proposed layout of the car and coach parking is as outlined below :

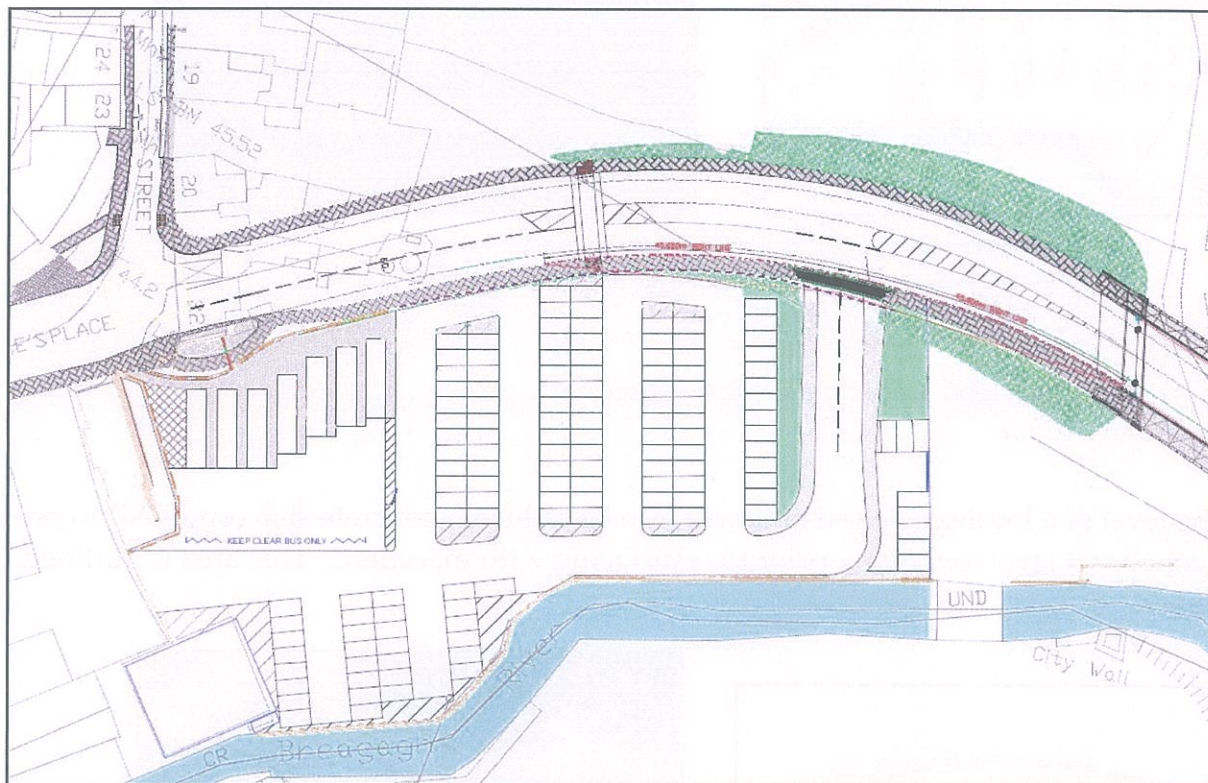


FIGURE 4 - LAYOUT OF PROPOSED CAR/COACH PARK

The car/coach park will be accessed from St Francis Bridge and the Central Access Scheme. A right turning lane will be provided from the Central Access Scheme into the car park.

The existing roadside boundary either side of the proposed entrance will be modified to provide sightlines of 45m in each direction. These sightlines will be in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS)

2.2.1 PAVEMENT

The proposed car and coach park will be constructed on top of the existing concrete slab, with the slab to be overlaid with a bituminous layer to provide a level surface.

The north west corner of the site, which is currently lower than the surrounding concrete slab will be raised by approx. 500mm to match the level of the concrete slab. The raised area will be stopped approx. 3 m away from the upstanding wall of the Bull Inn.

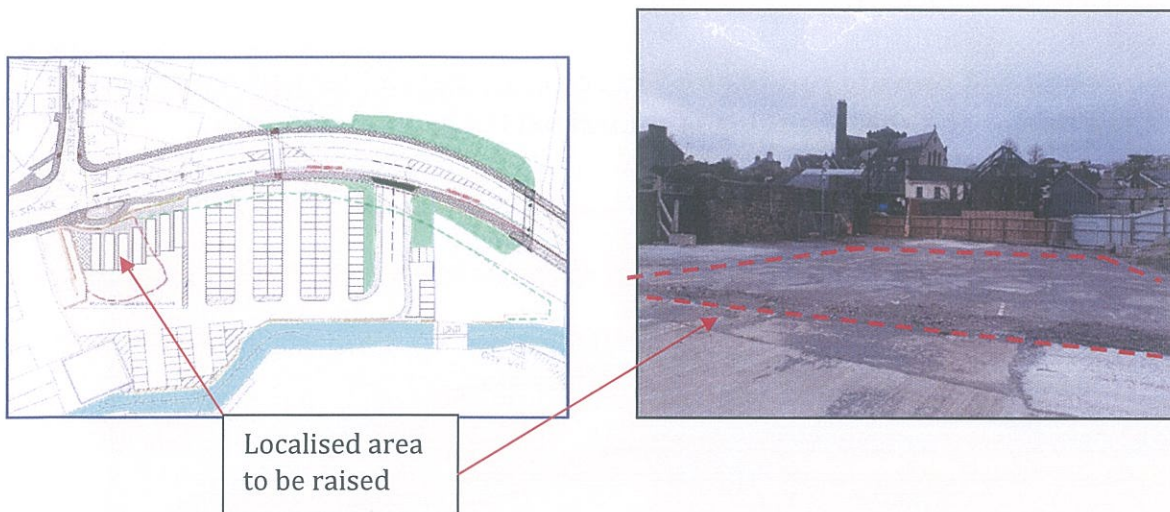


Fig. 5 Localised area of the site to be raised

The level of a localised raised area will also be reduced (concrete slab removed) to provide a consistent level to the site, prior to resurfacing with macadam. This area is outlined below.

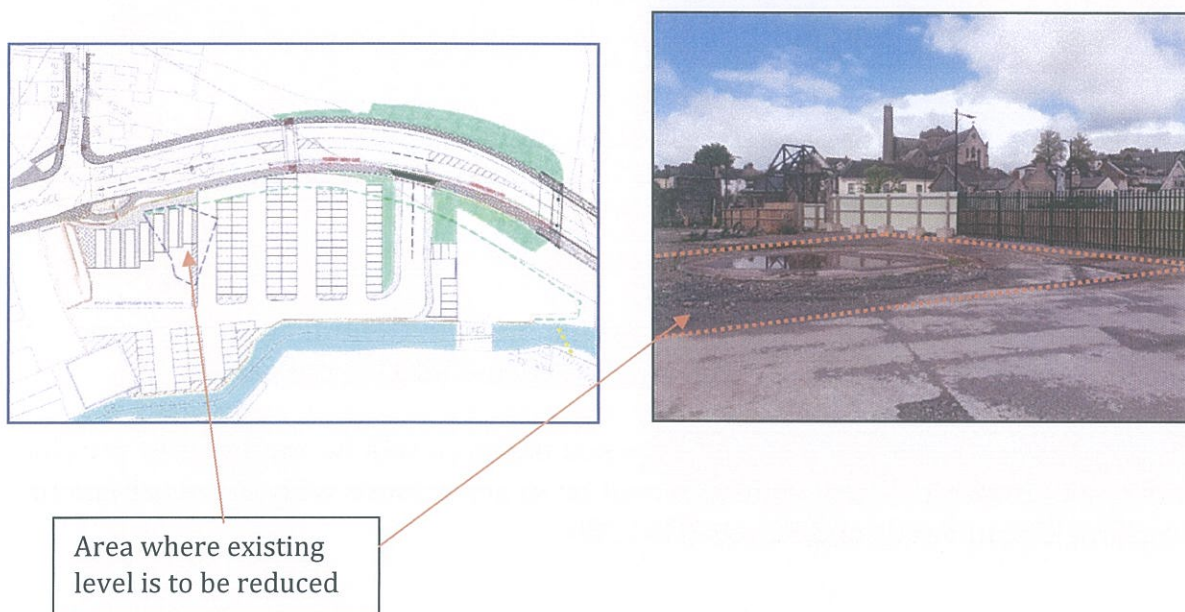


Fig. 6 Localised area of the site to be lowered

2.2.2 DRAINAGE

The proposed parking area will use the existing drainage system in the concrete yard. There are currently two surface water outfalls to the River Breagagh from this concrete yard, both of which incorporate petrol interceptors. These outfalls will be used to discharge surface water run off from the car/coach park to the River Breagagh. It is not intended to construct any new outfall as part of the proposed development.

As the existing site is covered in a hard standing (Concrete slab), there will be no increased run off of surface water from the site as a result of the proposed development.

2.2.3 BOUNDARY TREATMENT

The northern, southern and western boundaries of the site will be fenced with a timber fence, similar to the existing fence along the northern boundary of the site adjoining St Francis Bridge. The height of this fence will vary from 1.2m to 2.4m high as outlined in the project details. This fencing will either be fixed to the existing concrete slab or will be supported by posts fixed to concrete blocks.



Figure 7
Existing timber fence adjoining St Francis Bridge

Along the western boundary of the proposed development, the proposed boundary fence will be located 3m from the upstanding remains of the Bull Inn and will be supported by posts fixed to concrete blocks.



Figure 8
Example of concrete blocks to be used for fence foundations at Bull Inn

The eastern boundary of the site will be fenced using a palisade fence that will allow views of the upstanding remains of Evans Turret and the River Nore / Breaghagh.

2.2.4 PUBLIC LIGHTING

Public lighting will be provided in the car park to provide a satisfactory level of lighting at

night time.

The existing public lighting heads on the Central Access Scheme leading to St Francis Bridge will be modified by way of installing a second lighting head that will be directed into the car/coach park site.

Additional lighting will be provided along the eastern and southern boundaries of the site. The area of the required concrete foundations for the poles along these boundaries will be excavated and monitored by an archaeologist. The cabling between the lighting poles will be located above ground and will be fixed to the fencing along these boundaries.

Light spillage onto the adjoining River Breagh will be limited to less than 1.0 Lux to avoid impact on the River Breagh.

3.0 BACKGROUND AND REASONS FOR SCHEME

A Masterplan for the development of the Abbey Quarter site was approved by the elected members of Kilkenny County Council in July 2015. This Masterplan has allowed for the construction of new buildings on the site of the proposed temporary parking proposal. However, as the development of the Abbey Quarter will take a number of years to complete, there is an opportunity to accommodate some temporary or ‘Meanwhile’ uses on the site until such time as development proposals as outlined in the Masterplan are realised.

In the case of large regeneration of urban areas of this scale, it is widely recognised that the utilisation of areas of sites for “*meanwhile*” uses represents best practice allowing the site to be used in the short term for uses that are of benefit to the local community and the local economy. A meanwhile use refers to the short term use of an empty or underutilised building or land before they are brought back into a more permanent use.



Figure 9 Location of Proposed Development in the Abbey Quarter

Objective 3N of the Kilkenny City & Environs Development Plan 2014-2020 outlines an objective *“To provide for park and walk facilities for car and bus/coach parking at a site or sites in close proximity to the Abbey Creative Quarter Masterplan area to service both the Masterplan area and the city centre generally taking into account the mobility management plan for the city”*

A Parking Options Report was prepared by Roadplan Consulting on behalf of Kilkenny County Council and this report was published in December 2017. This Parking Options Report states that *“...It is clear from the parking surveys that the provision of temporary parking within the Abbey Quarter site on undeveloped plotswould be viable because there is a demand for parking at those locations. ...”* It further states that *“Overall, the intention should be to utilise the undeveloped plots on the Abbey Quarter site to temporarily fulfil the parking needs of the developing Abbey Quarter, the Medieval Mile and the needs of the city centre.”*

Objective 3K of the Kilkenny City & Environs Development Plan 2014 - 2020 outlines an objective *“...To prepare urban design criteria and recommendations for the implementation of the Abbey Creative Quarter Masterplan.”* These Urban Design Criteria have been prepared and they were adopted by Kilkenny County Council. in January 2018.

Section 1.7 of the Urban Design Code refers to the issue of Temporary Uses and notes that *“...there is an extensive area for development, which will take in the region of 10 years to complete. In this context, it is considered appropriate and beneficial for the City to allow for temporary and meanwhile uses within the Masterplan which can fulfil short term needs, while longer term solutions are being formalised. The potential uses can include, but are not limited to fairs, concerts, markets, festival events, temporary car parking, pop up shops etc”*

VARIATION NO. 5 TO KILKENNY CITY & ENVIRONS DEVELOPMENT PLAN 2014 - 2020

In order to allow for the potential for temporary parking uses on the Abbey Quarter Site a further Variation to the Kilkenny City & Environs Development Plan was required to ensure that any potential conflicts between the Abbey Quarter Masterplan (Section 4.1.6) and the recommendations of the Urban Design Criteria and the Parking Options Report are clearly resolved and dealt with in a manner that gives certainty in the City and Environs Development Plan.

This variation outlined an objective *“To provide for temporary car parking (meanwhile uses) as outlined in the Urban Design Code (completed on foot of Objective 3k) and the Parking Options Report (completed on foot of objective 3N) within the Masterplan area.”* This variation to the Kilkenny City & Environs Development Plan was adopted by Kilkenny County Council in March 2018 following a period of public consultation.

3.1 PARKING DEMAND

As outlined in the Parking Options Study, there is a need in the short term for the provision of both car and coach parking in the city, in particular in the Irishtown area of the city.

3.1.1 CAR PARKING

The Parking Options study, prepared by Roadplan Consulting on behalf of Kilkenny County Council has considered the need for additional car parking to service the proposed development of the Abbey Quarter, increased visitor numbers to the Medieval Mile and the general increase in growth of the population of Kilkenny City.

- Abbey Quarter – the development of the proposed buildings within the core of the former Brewery site (Plots 1 -6 as outlined below) could result in the need for up to 750 car parking spaces (this will be dependent on the particular uses for the buildings, which have yet to be determined)

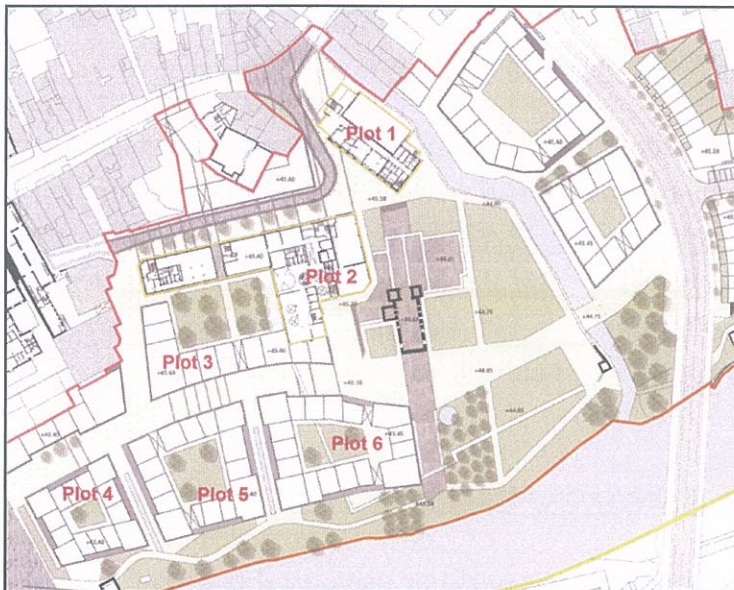


Figure 10 – Site layout for Abbey Quarter Development Plots

- An allowance of up to 60 spaces has been recommended for a general increase in population in Kilkenny.
- An allowance of up to 80 spaces has been recommended for increased visitor numbers to the Medieval Mile.

The total car parking requirement as outlined above is 890 spaces.

Car parking surveys undertaken in 2016 indicate that there could be up to 500 spaces available in existing car parks in the city, thus leaving a shortfall of 390 spaces.

The proposed temporary car park will provide approx. 130 of these spaces in the short term. The proposed temporary car park is an interim solution pending a permanent parking solution.

It is noted that the development of the former brewery site between the River Breagh and Bateman Quay will take some time to complete and thus it will also take some time for the expected parking demand to materialize. Once details of the uses for the proposed buildings are better defined, a more accurate estimate on the parking requirements can be determined.

3.1.2 COACH PARKING

Existing coach parking in the city is concentrated in the area of Kilkenny Castle, with overflow parking provided at Larchfield. As a result, many visitors to the city do not visit the full extent of the Medieval mile, with there being a very significant difference in visitor numbers between the Castle at the southern end of the medieval mile and St Canice's Cathedral at the northern end.

The Kilkenny City & Environs Development Plan 2014-2020 states that *"The Council will encourage and assist development and tourist bodies in the provision of adequate recreational and tourism infrastructure and to further develop tourist orientated facilities in the City & Environs such as signage, public realm upgrading, coach parking facilities and traffic management"*

In order to provide a balance to the tourism infrastructure in the city, there has been a long held objective to provide for coach parking in the general Irishtown area of the city, at the northern end of the Medieval Mile. The development of the proposed parking facility on the Abbey Quarter site provides that opportunity.

The layout of the proposed parking will provide 7 no. coach parking spaces on the site.

4.0 SUBMISSIONS RECEIVED

The submissions received are summarised in the following Table.

1. Watergate Theatre
2. St Canices Cathedral
3. Carol O'Byrne
4. Kilkenny Archaeological Society
5. Inland Fisheries Ireland
6. Peter Sweetman on behalf of Wild Ireland
7. Dept. of Culture, Heritage & the Gaeltacht
8. Denis & Maura O'Leary
9. Kilkenny Chamber
10. Enya Kennedy
11. Kilkenny Co. Co. - Road Design
12. Kilkenny Co. Co. - Conservation Officer

Two submissions were received after the final date for receipt of submissions and these have not been taken into consideration in the preparation of this report.

5.0 IMPLICATIONS FOR THE PROPER PLANNING AND SUSTAINABLE DEVELOPMENT OF THE AREA

The proposed development is for a temporary (up to 5 years) development. The Planning Authority has determined that the proposed development is consistent with the proper planning and sustainable development of the area of the proposed development (see Senior Planner's report in Appendix. 2) The proposed development is consistent with the provisions of the Kilkenny City & Environs Development Plan 2014 - 2020, as varied the Abbey Quarter Masterplan and specifically the Urban Design Criteria/Development Code for the implementation of the Masterplan.

6.0 KILKENNY COUNTY COUNCILS INTENTION WITH REGARD TO THE PROPOSED
DEVELOPMENT

Proposed Development : Part VIII Proposal

Development of a temporary car and coach park on the Abbey Quarter

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 account the recommendations made by the Planning Department and other commitments given in this report.

Signed :



Martin Prendiville,
Head of Finance.

Appendix 1

COPY OF PUBLIC NOTICE



KILKENNY COUNTY COUNCIL

Comhairle Chontae Cill Chainnigh

Planning & Development Act 2000–2016

Planning & Development Regulations 2001-2017

NOTICE OF PROPOSED DEVELOPMENT BY A LOCAL AUTHORITY

Provision of a Temporary Car and Coach Park in the Abbey Quarter, in the townland of Gardens, Kilkenny for a period of up to 5 years.

In accordance with Part 8, Article 81, of the above regulations, Kilkenny County Council hereby gives notice of its intention to construct a temporary car and coach park in the Abbey Quarter (former Smithwicks Brewery Site), in the townland of Gardens, Kilkenny City. The site of the proposed temporary car and coach park is located immediately to the south of St Francis Bridge and to the north of the River Breaghagh.

The proposed temporary car and coach park, which will be accessed from St Francis Bridge, will have capacity for 132 cars and 7 coaches. The area of the site measures approx. 5,825 m². It is intended that the site will be used as a temporary parking area for a period of up to 5 years, while development proposals for the site are being progressed in line with the provisions of the Abbey Quarter Masterplan.

The proposed temporary development will include :

- Construction of a car and coach park with capacity for 132 cars and 7 coaches, surfaced with a bound bituminous material;
- Temporary access from St Francis Bridge.
- Fencing along the boundary of the site.
- Public lighting.
- The installation of road markings and signage.
- Hard and soft landscaping.

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 from Wednesday 16th May 2018 to Wednesday 13th June 2018 inclusive, at the following Kilkenny County Council offices:

- Planning Dept., Kilkenny County Council, County Buildings, John St., Kilkenny City from 9am to 1pm & 2pm to 4.00pm Monday to Friday (Except Public Holidays)
- Carnegie Library, Johns Quay, Kilkenny from 10am to 8pm Tuesdays, 10am to 5pm Wednesday, Thursdays and Fridays, and 10am to 1:30pm Saturdays (except Bank Holiday weekends).

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

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 e-mail address Abbeyquarterparking@kilkennycoco.ie. The latest date for receipt of submissions on the development is Wednesday 27th June, 2018. Submissions should be clearly marked "*Abbey Quarter Temporary Car Park – Planning Submission*"

Mr. Martin Prendiville
Head of Finance,
Kilkenny Co. Co.,
County Hall,
John Street,
Kilkenny.

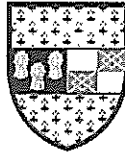
Appendix 2

Senior Planner's Report

Comhairle Chontae Chill Chainnigh

Kilkenny County Council

Planning Report



To : Martin Prenderville, Head of Finance.

From: Denis Malone, Senior Planner

Date: 6/7/2018 **Part VIII Ref:** P8/04/18

Re: Proposal for temporary car and coach park at Abbey Quarter (former **Smithwicks Brewery Site**), Gardens, Kilkenny City

Part VIII Proposal

The proposal is for a temporary car and coach park on the former Smithwick's Brewery Site at Abbey Quarter in the townland of Gardens in Kilkenny City. The temporary nature associated with this car park use is estimated to last 5 years.

Site Location

The proposed temporary car park is on the former Smithwick's Brewery Site at Abbey Quarter in the townland of Gardens in Kilkenny City.

Zoning

The site falls within a zoning of '*General Business*', within the Kilkenny City and Environs Development Plan 2014 – 2020, with an objective to provide for general development. The Permissible Uses as defined under Section 3.4.5.4 of the City and Environs Development Plan are dwellings, retailing, retail warehousing, wholesale outlets, offices, public buildings or places of assembly, cultural or educational buildings, recreational buildings, halting sites, hotels, motels, guest houses, clubs, private garages, open spaces, public service installations, medical and related consultants, restaurants, public houses, coffee shops / cafes, petrol stations, car parks, halls or discotheques. Those uses open for consideration are open space, workshop or light industry.

Objectives within the Kilkenny City and Environs Development Plan 2014 – 2020

Objective 3C

The development plan set out objective 3C specifically relating to this overall site which was "*To prepare a master plan and urban design framework for the Smithwick's site and Bateman Quay during the lifetime of the development plan.*"

This objective resulted in the Abbey Creative Quarter Masterplan, which was adopted on 31st July, 2015, which allowed for the retention and re-use of the Brewhouse Building on the Brewery Site.

An Urban Design Code was approved by the Council in January 2018 which recognised the “extensive area for development which will take in the region of 10 years or more to complete. In this context, it is considered appropriate and beneficial for the City to allow for temporary and meanwhile uses within the Masterplan area which can fulfil short term needs, while longer-term solutions are being formalised”.

Temporary car parking is identified as one of those meanwhile uses.

In March 2018 the Council adopted Variation 5 of the Kilkenny City & Environs Development Plan which provided the necessary overarching policy framework to allow for temporary car parking in the Abbey Quarter Masterplan area the provision of temporary car parking on the Abbey Quarter area. The following objective was inserted into the Kilkenny City & Environs Development Plan :

3Q : To provide for temporary car parking (meanwhile uses) as outlined in the Urban Design Code (completed on foot of Objective 3k) and the Parking Options Report (completed on foot of objective 3N) within the Masterplan area.

Heritage

Protected Structure – None in the immediate area.

Recorded Monument – There are two recorded monuments on/close to the site: The ‘Bull Inn’ (KK019-026107) is located on the southern side of St. Canices’s place and a 16th/17th century dwelling (KK019-026122) is located on the eastern side of Vicar Street.

ACA – The site falls within the St. Canices Architectural Conservation Area.

SAC – The site bounds the Breaghagh River to the south, a feeding tributary of the River Nore cSAC, which lies approximately 40 meters east of this site.

SPA – The site bounds the Breaghagh River to the south, a feeding tributary of the River Nore SPA, which lies approximately 40 meters east of this site.

pNHA – The site is not within any pNHA.

Zone of Archaeological Potential - The site is located within the Zone of Archaeological Potential, ‘KK019-026 City’, established under the National Monuments Act.

Appropriate Assessment

An Appropriate Assessment Screening Report was carried out by Moore Group – Environmental Services dated 10th May, 2018.

Relevant Planning Policy and Guidelines

Kilkenny City and Environs Development Plan 2014 – 2020 as varied. The Abbey Quarter Master Plan and the Abbey Quarter Urban Design Code

Pre-Planning Advice

The following advice was provided in a pre-planning report in relation to the future proposal for the temporary car and coach park;

- The site layout plan should indicate lighting for the car park, surface water drainage details, location of oil interceptors on site.

- Boundary details will need to be clearly defined and possibly consider some type of boundary wall to the fore bounding the public road, rather than leave the car park open.
- Site layout plan must show the buffer zone around the protected Bull Inn Wall to the north western corner of the site.
- Due to proximity to the River Breagagh, a direct feeding tributary of the River Nore, an AA Screening Report will be necessary with this Part VIII.
- Plans should clearly show that there is no excavation into the site, rather laying a surface on top of what is already existing.
- Any proposed barriers at access need to be indicated on the site layout plan.

External Departmental Reports

Department of Culture, Heritage and the Gaeltacht – Measures are outlined that need to be adhered to relating to this site and its development.

Inland Fisheries Ireland – No objections to this proposal, however conditions to be adhered to throughout the development are incorporated into this report.

An Taisce - No report returned.

Internal Departmental Reports

Roads Design – No disabled parking is provided for, regulatory stop signage and road markings at the access point with the public road should be provided along with circulatory road marking arrows along the delineated pedestrian routes within the car park.

Conservation Officer – No objections in principle to this proposal, however recommendations in relation to a palisade fence in front of the Bull Inn ruin and the River Breagagh are provided and all mitigation measures as outlined in the Archaeological Impact Assessment shall be adhered to.

Third Party Submissions

The following third party submissions were received :

1. Watergate Theatre
2. St Canices Cathedral
3. Carol O'Byrne
4. Kilkenny Archaeological Society
5. Inland Fisheries Ireland
6. Peter Sweetman on behalf of Wild Ireland
7. Dept. of Culture, Heritage & the Gaeltacht
8. Denis & Maura O'Leary
9. Kilkenny Chamber
10. Enya Kennedy

Submission Details	Response
<p>1. <u>Watergate Theatre</u></p> <p>Notes Watergate is central to evening entertainment infrastructure for proposed Abbey Quarter.</p> <p>Voices support for the establishment of a car and coach parking facility, which will make access to the theatre for visiting tour operators, schools and all those using the theatre possible.</p> <p>Notes that Tourist visitors at the Kilkenny Castle end of the Medieval mile are 6 times greater than at the Abbey Quarter end. This is not reflective on the quality of offering but rather a disproportion in the planning, development and infrastructural focus.</p> <p>Note that parking facilities in the area of Kilkenny Castle has translated directly into footfall, custom and tourism being focused in that area. States that establishment of adequate parking at the Abbey Quarter end of the city will have an immediate positive impact and uplift on businesses and tourist attractions there.</p>	<p>The support and comments in the submission are noted.</p>
<p>2. <u>The Cathedral church of St Canice</u></p> <p>Notes that the provision of coach parking is very important to connecting different aspects of Kilkenny's Heritage of visitors to Kilkenny. Impacts on businesses and historical properties continuing to sustain and support the cultural and tourism industries in Kilkenny City.</p> <p>Key requirement of the development and promotion of the Cathedral as a key feature of the Medieval Mile in the availability of sufficient parking for visitors, particularly those who arrive in coaches. Notes that visitor numbers to the Cathedral are modest when compared to the number of visitors to Kilkenny. Kilkenny Castle has significantly higher numbers owing to its ability to attract the coach tour market. Noted that Cathedral had 61,000 visitors in 2017 compared to over 400,000 for the castle</p> <p>Notes that the vista of the Cathedral and Round Tower from the Brewery site should not be compromised and that a sensitive approach should be taken to the planning and massing of any proposed buildings.</p> <p>In summary, there is an absolute need for coach parking in the general area of Irishtown to accommodate St Canices Cathedral and other heritage attractions within Irishtown.</p>	<p>The importance attached to parking is noted.</p> <p>The comment relating to the availability of parking for visitors is noted.</p> <p>Noted. This is in keeping with the provisions of the Abbey Quarter Masterplan and will be considered in the design of future buildings to be developed on the site of the proposed car park.</p> <p>The support for the temporary parking is noted.</p>

<p>3. Carol O'Byrne</p> <p>Supports the proposed development noting that it will be a huge benefit to tourism for St Canices Cathedral and tours going to the Watergate. Notes that parking for buses at that end of town is limited.</p>	<p>The support for the proposed development is noted.</p>
<p>4. Kilkenny Archaeological Society (KAS)</p> <p>KAS has consistently opposed the introduction of more traffic into the historic core of the site. Notes that the proposal is for 5 year duration only and states that during this period Kilkenny County Council must seek an alternative parking solution – suggest that Park & Ride and Park & walk solutions are used elsewhere.</p> <p>KAS response to Masterplan consultation was the Abbey Quarter should beas much as practicable a car free space.</p> <p>Welcomes protective measures proposed in relation to the upstanding remains of the Bull Inn. Notes that proposal contains no plans as to how to conserve and display them.</p> <p>Notes that 22 Vicar Street is stabilised with an ugly metal frame – suggests that a plan is also required to protect and present it.</p>	<p>As per the Parking Options Study, alternative options for parking to facilitate the development of the Abbey Quarter and the City Centre area generally will need to be considered. The current proposal is for a temporary or 'meanwhile' use of the site while development proposals are being progressed for this site and other options for longer term parking solutions are investigated further.</p> <p>As per the Masterplan, it is intended that the Masterplan area will be a pedestrian and cyclist dominated space, with limited vehicular traffic movements.</p> <p>The conservation of the Bull Inn structure will need to be considered as future development proposals for this area of the site are progressed. In the interim, the current proposal provides for the protection of the structure in the immediate term.</p> <p>Similar to the Bull Inn, long term proposals for the retained gable of 22 Vicar street will need to be considered in the context of future development proposals for this site. It does not form part of the current proposal.</p>

<p>5. Inland Fisheries Ireland</p> <p>No objection in principal subject to conditions :</p> <ul style="list-style-type: none"> • No discharge of cementitious materials or lime, sand, silt or other deleterious matter to the surface water drainage network or directly to the River Breagagh • All construction materials used during the construction phase are stored away from the river and drainage system and covered to prevent washout during rainfall. • All oils and fuels should be stored in secured bunded areas that are leakproof with a capacity of 110% of the largest drum/tank • Where portable diesel or petrol driven pumps are required, they should be sited within portable temporary bunded units. • The interceptors, if not already, should be upgraded to a Klargestor type Class 1 oil and silt interceptor. The system should have an audio and visual alarm fitted and be subject to a maintenance contract/schedule. <p>Also attached IFI document "Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters"</p>	<p>Noted.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>The existing petrol interceptors are Class 1 Interceptors. The suggested alarms and maintenance arrangements will be included in the proposed development.</p>
<p>6. Peter Sweetman on behalf of Wild Ireland</p> <p>States that all Appropriate Assessment Screening Reports on the site of the Abbey Quarter including this one are fundamentally flawed in law under an attached judgement - Case C-323-17 from the Court of Justice of the European Union – People over Wind & Peter Sweetman v Coillte Teoranta.</p> <p>States that "It is not appropriate , at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."</p>	<p>The AA Screening Report is robust and has sufficient detail to support the conclusions drawn. The project description details:</p> <p><i>'The proposed parking area will use the <u>existing</u> drainage system in the concrete yard. There are <u>currently</u> two surface water outfalls to the River Breagagh from this concrete yard, both of which incorporate petrolinterceptors. These outfalls will be used to discharge surface water runoff from the car/coach park to the RiverBreagagh. It is <u>not intended to construct any new outfall as part of the proposed development.</u>'</i></p> <p>The conclusion states:</p> <p><i>'However, significant adverse indirect impacts are unlikely given the nature of the proposed development in a previously developed site, and the inclusion in the project design of <u>existing</u> surface water interceptors.'</i></p> <p>The screening report identifies existing infrastructure which ensures the project does not require any additional</p>

	<p>measures to ensure there will be no adverse effects to the ecological integrity of any European Site.</p> <p>The determination issued as part of the public consultation exercise is deemed to be robust and complies with Article (6) of the Directive.</p>
<p>7. Department of Culture, Heritage and the Gaeltacht</p> <p>Archaeology</p> <p>Notes that the proposed temporary parking area borders on an upstanding portion of the Bull Inn, to the north of the town wall and within the Historic Core of Kilkenny City. In light of this, the Department of Arts Heritage and the Gaeltacht. recommends conditions as follows :</p> <ol style="list-style-type: none"> 1. The applicant/developer is required to employ a suitably qualified archaeologist to advise on and establish a 10m buffer zone extending from the upstanding remains of The Bull Inn (RMPNo. KK019-026(107-). No groundworks for construction, levelling and/or use as a vehicular accessway shall be permitted within this buffer zone and the area shall be fenced off and protected during all construction works. It is also recommended that the Council consider placing 'tell-tales' on the building in order to monitor its stability during any construction works. 2. The archaeologist shall then monitor, under licence, any ground disturbance required for the development – particularly those works in proximity to The Bull Inn. Please allow 5-6 weeks to facilitate the processing of an Archaeological Licence. No groundworks/construction works are to take place in the absence of the archaeologist. 3. Where monitoring is to take place, this shall be carried out to the uppermost archaeological horizons only, where they survive and where archaeological features/deposits are revealed, works shall stop pending further advice from the NMS (DCHG). Please note that all features/archaeological surfaces are to be hand-cleaned and clearly visible for photographic purposes. Section excavation through features to establish their nature and/or extent shall only take place where an archaeological licence is in place and this is agreed in advance with the Licensing Section of NMS. 4. All recorded archaeological features shall be planned and photographed and an interim report submitted to the NMS pending a decision as to how best to deal with the archaeology. The 	<p>The exact details of the buffer zone for groundworks in the area of the Bull Inn will be agreed with the National Monuments Service. The protection of the Bull Inn wall will be fundamental to the proposed development.</p> <p>The comments are noted and the Local Authority will adhere to the requirement of the National Monuments Service.(NMS)</p> <p>The comments are noted and the Local Authority will adhere to the requirement of the National Monuments Service.</p>

<p>interim report shall also include an archaeological mitigation strategy outlining the preservation in situ and/or archaeological excavation of the features/deposits revealed.</p> <p>The applicant shall note that full archaeological excavation according to best practice may be required, including an excavation report and post-excavation analysis, where preservation in situ cannot be achieved.</p> <p>5. The applicant/developer shall be prepared to be advised by the NMS and the Planning Authority with regard to any necessary Mitigating action. The applicant/developer shall facilitate the archaeologist in fulfilling all aspects of this condition.</p>	<p>The comments are noted and the local authority will adhere to the requirement of the National Monuments Service.</p> <p>Noted and agreed.</p>
<p>Architectural Heritage</p> <ol style="list-style-type: none"> 1. Suggests that some soft landscaping be provided in the Bull Inn area or fronting the remaining gable of No. 22 Vicar Street. Information panel for no. 22 should also be considered. 2. Junction of the timber fencing to the Bull Inn masonry and the design of the new gateway near the corner of Dean / Vicar Street should be shown in section – no gaps or holes should remain that could create an attraction for anti social climbing on the walls of the Bull Inn. 3. Layout does not indicate the turning circle for buses – all danger of vehicular impact to the fence and possible consequent impact to the walling should be designed out. <p>Nature Conservation</p> <ol style="list-style-type: none"> 1. Local authority must ensure that the existing petrol interceptors are in working order and have sufficient capacity for the increased run off and any repair and maintenance carried out in advance of the project. 2. Notes that there is a proposal to raise ground in one area. Movement and or importation of soil can leave the area vulnerable to escape and spread of non native invasive species. Notes that prior to commencement of project an invasive species survey must be carried out by a suitably qualified ecologist – based on results, further risk assessment or management may be required. 3. Notes that car park will extend to the River Breaghagh. Notes that riverbank vegetation must be protected. Suggested that the fencing be set 	<p>Soft landscaping will be provided where possible to improve the presentation of these structures. The use of planters will be preferred rather than the carrying out of excavations for planting.</p> <p>This issue will be considered in the detailed design of the boundary in that area. It is noted that it is not intended to open the existing gateway in the short term</p> <p>This issue will be considered in the detailed design of the boundary in that area. It is noted that it is not intended to open the existing gateway in the short term.</p> <p>This issue has been considered in the layout of the proposed parking area – it will be considered further in the detailed design.</p> <p>Noted and agreed (see submission from Inland Fisheries Ireland)</p>

<p>back from the river bank to provide a green corridor and provide a buffer for the river from the planned artificial lighting and disturbance due to the increased vehicular usage of the site. Any landscaping should use Native Species with minimal ongoing herbicide application.</p>	<p>The proposed works will not result in any impact on the riverbank of the River Breagagh. The existing hard boundary between the site and the River Breagagh will be retained at this location. Some temporary planting (in pots / planters) will be provided in this area where the layout permits.</p>
<p>8. Denis and Maura O’Leary</p> <p>1. Asking is it possible to include for provision of Parking facilities in Kilkenny City for Motor Homes.</p> <p>The submission outlines the custom and practice in European cities where such parking is permitted, outlining the benefits of such a facility to the local economy. Notes that an increased number of motor home users would visit if proper facilities were provided.</p>	<p>It is not intended to provide for the overnight parking of Motor Homes in the proposed temporary parking area.</p> <p>Section 8 of the Kilkenny Borough Council Car Park Bye Laws 2010, states that “A car park may not be used for overnight accommodation purposes, whether by camper van, caravan, van car or otherwise”</p> <p>Any proposal to provide for the parking of Motor Homes would require a change to the current Bye Laws.</p>
<p>9. Kilkenny Chamber</p> <p>1. Notes the recent parking study and the predicted growth in parking requirements in the city. Notes the long term nature of the Abbey Quarter Development and the need for the phased provision of parking as the development proceeds.</p> <p>States that Kilkenny Chamber support the proposed development.</p>	<p>The support for the proposed development is noted.</p>
<p>10. Enya Kennedy</p> <p>1. Objects to a car park on the site.</p> <p>2. Believes that what is being proposed goes beyond the scope of a Part 8 Planning application and is a material contravention to the permission given to the CAS Bridge</p> <p>3. Asks that this submission be read in conjunction with her previous submissions about this site.</p>	<p>The objection is noted.</p> <p>The current development is a proposed development by a Local Authority and thus the planning process as provided for under Part 8 of the Planning & Development Regulations 2001 as amended is the appropriate process. The Masterplan and Urban Design code provides for buildings at this location in accordance with the permission granted by An Bord Pleanala for St Francis bridge. The current proposal is temporary in nature.</p>

There were two submissions received beyond the statutory timeframe for receipt of submissions / observations and therefore cannot be taken into account of in this report.

Assessment

The proposal is for the use of an area of 5,825 m² of the Abbey Quarter area as a temporary use for a period of up to maximum of 5 years.

This is compatible with the zoning provision for the area and is also in line with the provisions of the Urban Design Criteria and Development Code and Variation 5 of the

Kilkenny City & Environs Development Plan both approved and adopted by the Council in November 2017 and March 2018 respectively.


The proposed development has been designed to avoid impacting on the upstanding and subsurface archaeology in the development area.

The proposed development has been screened for appropriate assessment and it has been concluded that significant adverse indirect impacts are unlikely given the nature of the proposed development in a previously developed site, and the inclusion in the project design of existing surface water interceptors.

Conclusion

From assessing all the documents submitted with this Part VIII proposal, the submissions received along with the internal departmental and external bodies submissions, the Planning Authority concludes that the Part 8 application for a temporary car and coach park at Abbey Quarter (former Smithwicks Brewery Site), Gardens, Kilkenny City, is consistent with proper planning and sustainable development on this site within an Architectural Conservation Area within Kilkenny City, subject to the following:

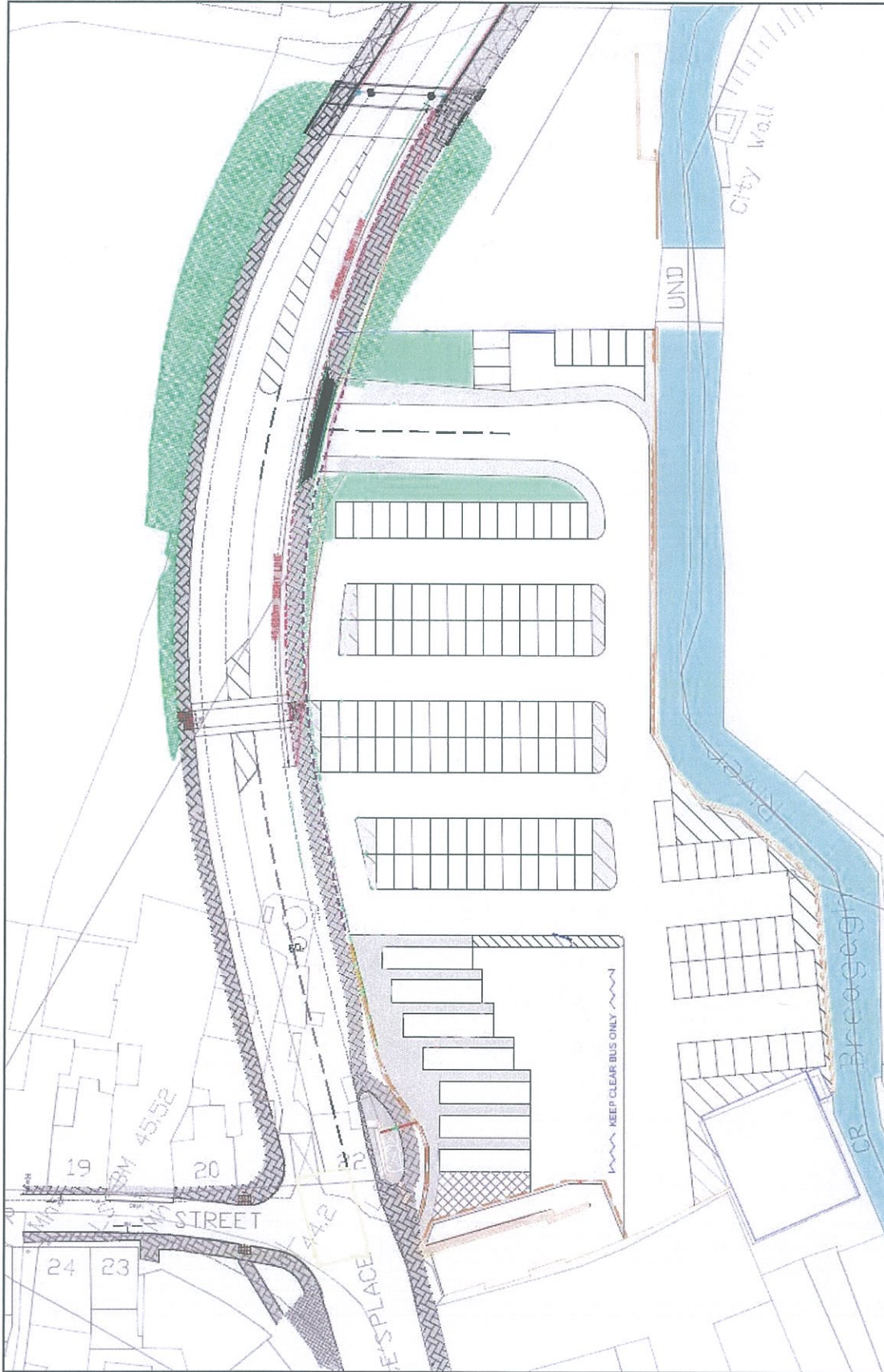
- The consent expires after a period of 5 years from the date of commencement of the use as a carpark.
- Conditions as advised by Inland Fisheries Ireland, in their report dated 26.06.2018.
- Conditions as advised by the Department of Culture, Heritage and the Gaeltacht, in their report dated 27th June, 2018.
- Conditions as advised by the Roads Design Section of Kilkenny County Council in their report dated 29th June, 2018.
- Adhere to the measures as outlined in the Archaeological Impact Assessment by Dr. Richard Clutterbuck, dated May 2018.

Signed: 
Denis Malone
Senior Planner

Date: 6/7/2018

Appendix 3

Part 8 Scheme Drawing



Appendix 4

Submissions received



Kilkenny County Council
County Hall
John Street Kilkenny

26 June 2018

Dear Kilkenny County Council,

Re: Abbey Quarter Temporary Car and Coach Parking – Planning Submission

As you know the Watergate Theatre, Kilkenny’s Municipal Theatre, is situated at the heart of the developing cultural quarter, the Abbey Quarter and towards the end of the Medieval Mile. As a 324-seater theatre, funded by local and central government, we have a remit to provide arts, creative, cultural, educational and entertainment opportunities to people of all ages, abilities and backgrounds in Kilkenny; both resident and visitors.

The Watergate is also central to the evening entertainment infrastructure of the proposed Abbey Quarter, so it is essential that access to it is made as straightforward as possible for patrons.

Through this submission the Watergate would like to voice its support for the establishment of a car and coach parking facility which will make access to the theatre for visiting tour operators, schools and all those using the municipal amenity, possible.

The current annual numbers visiting tourist sites and businesses at the Kilkenny Castle end of the Medieval Mile is almost six times as large as that which accesses the attractions and businesses at the proposed Abbey Quarter end. This is not reflective of the quality of offering at one end over the other, rather it points to a disproportion in the planning, development and infrastructural focus given to one end, perhaps to the detriment of the other.

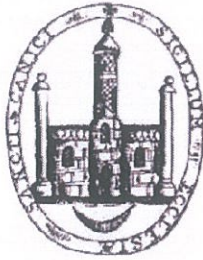
The allocation of sufficient and visible parking at the Kilkenny Castle end of the Medieval Mile has translated directly into footfall, custom and tourism being focussed in that area. This precedent provides an excellent case for developing the same facilities to give focus in equal measure to the resident businesses and tourist attractions at the Abbey Quarter end to enable access to and development of this section of the city.

The establishment of adequate parking at the Abbey Quarter end of the city will have an immediate positive impact and uplift on the businesses and tourist attractions there. We are delighted to see the plan for this through the provision of a temporary car and coach park.

Please contact me for any questions that might arise as part of this submission.

Kindest regards,

Joanna Cunningham
Executive Director
Watergate Theatre



THE CATHEDRAL CHURCH OF ST CANICE, KILKENNY

From the Cathedral Administrator: Elizabeth Keyes
The Close, Kilkenny, Ireland
Telephone: +353 (0)56 776 4971 Fax: +353 (0)56 772 3646
e-mail: administrator.cathedral@ossory.anglican.org

Re: Abbey quarter Temporary Car Park-Planning Submission
26th June 2018

To Whom It May Concern:

Kilkenny Union of Parishes Select Vestry, including St Canice's Cathedral and Round Tower, welcome the opportunity to make a submission regarding coach parking near the Cathedral.

The infrastructure of coach parking is very important to connecting different aspects of Kilkenny's heritage while a visitor is in Kilkenny. It also impacts on businesses and historical properties continuing to sustain and support the cultural and tourism industries in Kilkenny city.

As you will be aware, the earliest sustained settlement in Kilkenny can be traced back to the church of Canice which grew in influence in the north of the settlement to become the principal ecclesiastical power in Leinster outside Dublin. This influence resulted in the development of a substantial monastic town later to become Irish town. Four years after the 1169 Anglo-Norman invasion, the focus of the settlement shifted to the south - later to become Hightown- where, on a hill overlooking the river Nore, an earth and-timber structure was to mark the beginning of the development of Kilkenny Castle. Ireland's Medieval Mile, which was launched by National Tourism Authority (Failte Ireland) and Kilkenny Borough Council in March 2014, stretches between these two hugely significant sites- St Canice's Cathedral, where the story began, and Kilkenny Castle- the purchase of which in 1301 by James Butler was to have a profound impact on the fortunes of the town.

The Medieval Mile in terms of all the attractions and associations along and off its route aims to "unlock the past" and position the historic city as a "must see" destination for domestic and overseas visitors. The 'Medieval Mile' brand has been designed .to influence visitor movement through the city, improve visitor engagement with the city's rich history and encourage overseas trade to promote the region using the brand. A key requirement of the ,development and promotion of St Canice's Cathedral as key feature of the Medieval Mile is the availability of sufficient parking for visitors, especially those who arrive in coaches. Currently, visitor numbers to the Cathedral are relatively modest when compared with the number of tourists who; come to Kilkenny each year. Kilkenny Castle draws much higher visitor volumes largely on account of its being able to attract the coach tour market. At present St. Canice's Cathedral cannot promote its offer of value to this market owing largely to the lack of a suitable coach park in immediate proximity to the Cathedral. Last year 2017, end of year figures for Kilkenny Castle showed over 400,000 visitors to the site while St Canice's Cathedral's end of year figures showed 61,000. St Canice's Cathedral is primarily a place of worship, however to sustain the fabric of the Cathedral long term, we are appreciative and dependant of the revenue generated by tourism. Research into the performance of the Medieval Mile is showing the effects that the imbalance of coach parking - which is currently concentrated at the Castle end of the city with no provision at all at the Cathedral end- is having on visitor dwell time and visitor flow.

The imbalance of coach parking is having a dramatic effect on how the city is being presented to visitors when they arrive into Kilkenny City. St. Canice's is the birthplace of Kilkenny and should in effect be the starting point for any visit to the city. In 2013, with support from Failte Ireland, we engaged Louise Browne Associates to create an interpretive framework for the Cathedral Close and we would like to submit this work for the local authorities and citizens of Kilkenny to have a deeper understanding of the founding site of

Kilkenny city. The interpretive framework for the Cathedral Close builds directly on the previous work undertaken for Failte Ireland and the Kilkenny Councils -A Strategic Tourism Development and Implementation Plan for the City- which has set the agenda for the development of the destination. We also note, as was indicated at the meeting, that the vista of the Cathedral and Round Tower from the Brewery site should not be further compromised and that a sensitive approach should be taken to the planning and massing of any proposed buildings. In summary there is an absolute need for coach parking in the general area of Irishtown to accommodate not only St Canice's Cathedral, but also the other heritage attractions within Irishtown.

Yours sincerely,

Elizabeth Keyes

Cathedral Administrator

On behalf of the Kilkenny Union of Parishes Select Vestry, including St Canice's Cathedral and Round Tower.

Dear Mr. Prendiville,

I would like to give my support to the proposed development of a Temporary Car and Coach park in the Abbey Quarter. I feel that this will be of huge benefit to the tourism for St. Canices Cathedral as at the moment the parking for buses at that end of the town is limited. It will also be of benefit to tours going to the Watergate theatre.

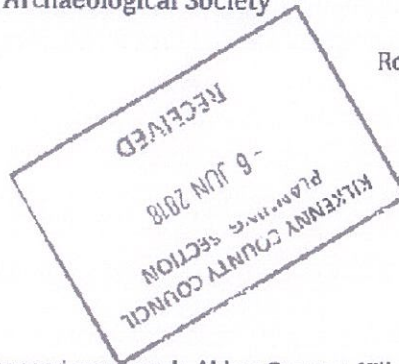
Yours sincerely,

Carol O'Byrne.

Kilkenny Archaeological Society

Rothe House,
Kilkenny.

Annette Fitzpatrick,
Administrative Officer,
Kilkenny County Council,
County Hall, John Street,
Kilkenny.



31 May 2018.

Ref: Part 8 proposal – Temporary car and coach park, Abbey Quarter, Kilkenny.

Dear Ms. Fitzpatrick,

The above proposal was discussed by the Conservation Committee and by the Council of this Society. We wish to make the following observations.

Kilkenny Archaeological Society (KAS) has consistently opposed the introduction of more traffic into the historic core of the city. We note that this proposal is for a five year duration only. During this period Kilkenny County Council must seek an alternative parking solution. Such issues arise in almost every historic city and town in Europe, and widely used solutions include Park-and-Ride, Park-and-Walk etc.

The KAS submission of 08 February 2015 on the Brewery Masterplan Consultation stated that '...the Abbey Quarter should be ... as much as practicable, a car-free space'. KAS has consistently opposed proposals that would result in more car traffic entering the historic core of the city.

We welcome the protective measures proposed in relation to the upstanding remains of the historic Bull Inn where it abuts the car park, and which is an integral part of the Abbey Quarter. However the proposal contains no plans as to how to conserve and display them. The protected gable wall of the former no. 22 Vicar Street, located outside the Abbey Quarter, is stabilised by a huge ugly metal frame. It is an incongruous feature and also requires a plan to protect and present it into the future. The ambitious Medieval Mile archaeological concept deserves an imaginative and aesthetic solution to both these structures.

Yours Sincerely,


Declan Murphy.

Chair, Conservation Committee and member of Council.



Planning Section
Kilkenny County Council
County Hall
John Street
Kilkenny R95 A39T



Iascach Iníre Éireann
Inland Fisheries Ireland

26.06.2018

Re: Part 8 Proposal – Provision of a Temporary Car and Coach Park

Dear Sir/Madam,

In respect of the above named planning application, Inland Fisheries Ireland (IFI) has considered the application and has no objections in principal to the application subject to the following conditions:

- There shall be no discharge of cementitious materials or of lime, sand, silt or other deleterious matter to the surface water drainage network or directly to the River Breagagh
- All construction materials used during the construction phase are stored away from the river and drainage system and covered to prevent washout during rainfall
- All oils and fuels should be stored in secure bunded areas that are leakproof with a capacity of 110% of the largest drum/tank
- Where temporary diesel or petrol driven pumps are required, they should be sited within portable temporary bunded units.
- The interceptors as mentioned in Section 4.1.2 if not already, should be upgraded to a Klargester-type Class 1 oil and silt interceptor. The system should have an audio and visual alarm fitted and be subject to a maintenance contract/schedule

I attach the IFI document *Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters* which provides further detail on IFI requirements in relation to watercourse protection.

Please do not hesitate to contact IFI should you require further detail or clarification on any matter



Iascach Intíre Éireann
Inland Fisheries Ireland

Yours sincerely,

Jane Gilleran

.....
Jane Gilleran
Fisheries Environmental Officer
Inland Fisheries

PETER SWEETMAN & ASSOCIATES
113 LOWER RATHMINES ROAD
DUBLIN 6

sweetmanplanning@gmail.com

Director of Services Planning
Kilkenny County Council
County Hall
Kilkenny

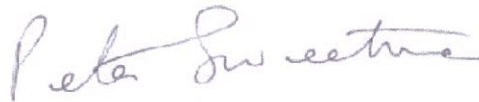
2018-06-26

"Abbey Quarter Temporary Car Park – Planning Submission"

Dear Sir/Madam

All Appropriate Assessment Screening Reports on the site of the Abbey Quarter including this one are fundamentally flawed in law decided under the attached Judgement. **It is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.**

Yours faithfully



Peter Sweetman
and on behalf of Wild Ireland

СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
TRIBUNAL DE JUSTICIA DE LA UNIÓN EUROPEA
SOUDNÍ DVŮR EVROPSKÉ UNIE
DEN EUROPÆISKE UNIONS DOMSTOL
GERICHTSHOF DER EUROPÄISCHEN UNION
EUROOPA LIIDU KOHUS
ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
COURT OF JUSTICE OF THE EUROPEAN UNION
COUR DE JUSTICE DE L'UNION EUROPÉENNE
CÚIRT BHEITHIÚNAIS AN AONTAIS EORPAIGH
SUD EUROPSKE UNIE
CORTE DI GIUSTIZIA DELL'UNIONE EUROPEA



EIROPAS SAVIENĪBAS TIESA
EUROPOS SAJUNGOS TEISINGUMO TEISMAS
AZ EURÓPAI UNIÓ BÍRÓSÁGA
IL-ĠORTI TAL-ĠUSTIZZJA TAL-UNJONI EWROPEA
HOF VAN JUSTITIE VAN DE EUROPESE UNIE
TRYBUNAŁ SPRAWIEDLIWOŚCI UNII EUROPEJSKIEJ
TRIBUNAL DE JUSTIÇA DA UNIÃO EUROPEIA
CURTEA DE JUSTITIE A UNIUNII EUROPENE
SÚDNY DVOR EURÓPSKEJ UNIE
SODIŠČE EVROPSKE UNIJE
EUROOPAN UNIONIN TUOMIOISTUIN
EUROPEISKA UNIONENS DOMSTOL

JUDGMENT OF THE COURT (Seventh Chamber)

12 April 2018 *

(Reference for a preliminary ruling — Environment — Directive 92/43/EEC — Conservation of natural habitats — Special areas of conservation — Article 6(3) — Screening in order to determine whether or not it is necessary to carry out an assessment of the implications, for a special area of conservation, of a plan or project — Measures that may be taken into account for that purpose)

In Case C-323/17,

REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 10 May 2017, received at the Court on 30 May 2017, in the proceedings

People Over Wind,

Peter Sweetman

v

Coillte Teoranta,

THE COURT (Seventh Chamber),

composed of A. Rosas, President of the Chamber, C. Toader (Rapporteur) and E. Jarašiūnas, Judges,

Advocate General: J. Kokott,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

* Language of the case: English.

EN

– People Over Wind and Mr Sweetman, by O. Clarke, Solicitor, O. Collins, Barrister-at-Law, and J. Devlin, Senior Counsel,

Coillte Teoranta, by J. Conway, Solicitor, S. Murray, Barrister-at-Law, and D. McGrath, Senior Counsel,

– the European Commission, by C. Hermes and E. Manhaeve, acting as Agents,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

Judgment

- 1 This request for a preliminary ruling concerns the interpretation of Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7; ‘the Habitats Directive’).
- 2 The request has been made in proceedings brought by People Over Wind, an environmental NGO, and by Peter Sweetman against Coillte Teoranta (‘Coillte’), a company owned by the Irish State that operates in the forestry sector, relating to the works necessary to lay the cable connecting a wind farm to the electricity grid.

Legal context

EU law

- 3 The 10th recital of the Habitats Directive states:

‘... an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future’.
- 4 Article 2 of the Habitats Directive provides:
 - ‘1. The aim of this Directive shall be to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.
 2. Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.

3. Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.’

5 Article 3(1) of the Habitats Directive is worded as follows:

‘A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species’ habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.

...’

6 Article 6 of the Habitats Directive states:

‘1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human

health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.’

Irish law

- 7 The High Court (Ireland) explains that development consent is regulated by the Planning and Development Acts and regulations made thereunder. The competent authority is the local planning authority and an appeal lies to An Bord Pleanála (the Irish Planning Board).
- 8 Certain types of development are classified as ‘exempted development’ and, subject to certain exceptions, do not require consent under the Planning and Development Acts. Thus, an example of exempted development is ‘the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking’.
- 9 Nevertheless, ‘exempted development’ projects may be subject to other types of consent or a process of adoption. The European Communities (Birds and Natural Habitats) Regulations 2011 (‘the 2011 Regulations’) apply to projects other than developments requiring development consent within the meaning of the Planning and Development Acts. Furthermore, a development which comes within ‘exempted development’ must nevertheless be subject to consent under the Planning and Development Acts where appropriate assessment under Article 6(3) of the Habitats Directive is required.
- 10 Regulation 42 of the 2011 Regulations provides:
 - ‘1. A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.
 2. A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.
 - ...
 6. The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening

under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.

7. The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.’

The dispute in the main proceedings and the question referred for a preliminary ruling

- 11 The main proceedings relate to the assessment of the effects that the laying of the cable connecting a wind farm to the electricity grid potentially has on two special areas of conservation under the European ecological network Natura 2000, one of which is that of the River Barrow and River Nore (Ireland). That river constitutes a habitat for the Irish subspecies of the freshwater pearl mussel (*margaritifera durrovensis*; ‘the Nore pearl mussel’), which is included in Annex II to the Habitats Directive. The extant adult population of this pearl mussel is, according to the estimates mentioned by the referring court, as low as 300 individuals, having been as high as 20 000 individuals in 1991. The life span of each individual is said to be between 70 and 100 years, but the Nore pearl mussel is said not to have reproduced itself since 1970. According to the referring court, it is apparent from recent monitoring surveys that this species is threatened with extinction, on account of the high level of sedimentation of the bed of the River Nore, to which the species is particularly vulnerable, sedimentation which inhibits the successful restocking of the river by juveniles.
- 12 The consent required for developing the wind farm at issue in the main proceedings, with the exception of its connection to the grid, was dealt with in previous procedures. The consent granted by An Bord Pleanála in 2013 was subject to various conditions. Thus, according to condition 17 of that planning permission, ‘the construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including ... (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter watercourses ...’.
- 13 Following the grant of that permission, the developer addressed the question of connecting the wind farm concerned to the electricity grid by means of a cable. The dispute in the main proceedings concerns that connection.
- 14 The applicants in the main proceedings submit that river pollutants resulting from the laying of the connection cable, such as silt and sediment, will have a harmful effect on the Nore pearl mussel.

- 15 Coillte contends that the cable laying at issue in the main proceedings is ‘exempted development’ not requiring consent, within the meaning of the applicable national planning legislation. However, it accepts that, if the project were to require appropriate assessment of the environmental implications, planning permission would have to be obtained from the local planning authority.
- 16 In order to determine whether it was necessary to carry out such appropriate assessment, Coillte instructed consultants to conduct the examination (‘screening’).
- 17 The screening report drawn up by those consultants concluded, inter alia, as follows:
 - ‘(a) In the absence of protective measures, there is potential for the release of suspended solids into waterbodies along the proposed route, including directional drilling locations.
 - (b) With regards to [the Nore pearl mussel], if the construction of the proposed cable works was to result in the release of silt or pollutants such as concrete into the pearl mussel population area of river through the pathway of smaller streams or rivers, there would be a negative impact on the pearl mussel population. Sedimentation of gravels can prevent sufficient water flow through the gravels, starving juvenile [Nore pearl mussels] of oxygen.’
- 18 It is apparent from the file before the Court that ‘protective measures’ were also analysed by that report.
- 19 Subsequently, on the basis of that report, the following recommendation was drawn up for Coillte by the ‘programme manager’:

‘As set out in detail in the ... appropriate assessment screening report, on the basis of the findings of that report and in light of the best scientific knowledge, the grid connection works will not have a significant effect on the relevant European sites in light of the conservation objectives of the European sites, alone or in combination with the Cullenagh wind farm and other plans or projects, and an appropriate assessment is not required. This conclusion was reached on the basis of the distance between the proposed Cullenagh grid connection and the European sites, and the protective measures that have been built into the works design of the project.’
- 20 Adopting the above reasons and recommendation, Coillte, as a public authority referred to in Regulation 42 of the 2011 Regulations, determined that no appropriate assessment, within the meaning of Article 6(3) of the Habitats Directive, was required in this instance.
- 21 The referring court considers that the decision that appropriate assessment was not required is based on the ‘protective measures’ referred to in the screening report. That court makes clear that the protective measures proposed and taken into

account by the authors of that report are not as stringent as those required in condition 17(k) of the planning permission for the wind farm concerned.

- 22 In the light of the foregoing, the High Court decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling:

‘Whether, or in what circumstances, mitigation measures can be considered when carrying out screening for appropriate assessment under Article 6(3) of the Habitats Directive?’

Consideration of the question referred

- 23 First of all, it should be noted that Article 6 of the Habitats Directive imposes upon the Member States a series of specific obligations and procedures designed, as is clear from Article 2(2) of the directive, to maintain, or as the case may be restore, at a favourable conservation status natural habitats and, in particular, special areas of conservation (judgments of 11 April 2013, *Sweetman and Others*, C-258/11, EU:C:2013:220, paragraph 36 and the case-law cited, and of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraph 31).
- 24 According to the Court’s case-law, the provisions of Article 6 of the Habitats Directive must be construed as a coherent whole in the light of the conservation objectives pursued by the directive. Indeed, Article 6(2) and Article 6(3) are designed to ensure the same level of protection of natural habitats and habitats of species, whilst Article 6(4) merely derogates from the second sentence of Article 6(3) (see, to that effect, judgment of 14 January 2016, *Grüne Liga Sachsen and Others*, C-399/14, EU:C:2016:10, paragraph 52 and the case-law cited).
- 25 Thus, Article 6 of the Habitats Directive divides measures into three categories, namely conservation measures, preventive measures and compensatory measures, provided for in Article 6(1), (2) and (4) respectively. It is clear from the wording of Article 6 of the Habitats Directive that that provision contains no reference to any concept of ‘mitigating measure’ (see, to that effect, judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraphs 57 and 58 and the case-law cited).
- 26 It follows that, as is apparent from the reasoning of the request for a preliminary ruling, that the measures which the referring court describes as ‘mitigating measures’, and which Coillte refers to as ‘protective measures’, should be understood as denoting measures that are intended to avoid or reduce the harmful effects of the envisaged project on the site concerned.
- 27 Thus, by its question, the referring court asks, in essence, whether Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether or not it is necessary to carry out subsequently an appropriate assessment of a project’s implications for a site concerned, it is possible, at the screening

stage, to take account of the measures intended to avoid or reduce the project's harmful effects on that site.

- 28 The 10th recital of the Habitats Directive states that an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future. That recital finds expression in Article 6(3) of the directive, which provides *inter alia* that a plan or project likely to have a significant effect on the site concerned cannot be authorised without a prior assessment of its implications for that site (judgment of 7 September 2004, *Waddenvereniging and Vogelbeschermingsvereniging*, C-127/02, EU:C:2004:482, paragraph 22).
- 29 As the Court has pointed out, Article 6(3) of the Habitats Directive refers to two stages. The first, envisaged in the provision's first sentence, requires the Member States to carry out an appropriate assessment of the implications for a protected site of a plan or project when there is a likelihood that the plan or project will have a significant effect on that site. The second stage, which is envisaged in the second sentence of Article 6(3) and occurs following the aforesaid appropriate assessment, allows such a plan or project to be authorised only if it will not adversely affect the integrity of the site concerned, subject to the provisions of Article 6(4) of the directive (judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraphs 44 and 46 and the case-law cited).
- 30 It should be added that Article 6(3) of the Habitats Directive also integrates the precautionary principle and makes it possible to prevent in an effective manner adverse effects on the integrity of protected sites, resulting from the plans or projects envisaged. A less stringent authorisation criterion than that set out in that provision could not ensure as effectively the fulfilment of the objective of site protection intended under that provision (judgment of 26 April 2017, *Commission v Germany*, C-142/16, EU:C:2017:301, paragraph 40 and the case-law cited).
- 31 In the present instance, as the parties to the main proceedings and the Commission agree, the uncertainty of the referring court concerns only the screening stage. More specifically, the referring court asks whether measures intended to avoid or reduce the harmful effects of a plan or project on the site concerned can be taken into consideration at the screening stage, in order to determine whether it is necessary to carry out an appropriate assessment of the implications, for the site, of that plan or project.
- 32 Article 6(3) of the Habitats Directive sets out clearly that the obligation to carry out an assessment is dependent on both of the following conditions being met: the plan or project in question must not be connected with or necessary to the management of the site, and it must be likely to have a significant effect on the site.

- 33 It is apparent from the file before the Court that the referring court considers the first of those conditions to be met.
- 34 As regards the second condition, it is settled case-law that Article 6(3) of the Habitats Directive makes the requirement for an appropriate assessment of the implications of a plan or project conditional on there being a probability or a risk that the plan or project in question will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the site concerned (judgment of 26 May 2011, *Commission v Belgium*, C-538/09, EU:C:2011:349, paragraph 39 and the case-law cited). The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project (see, to that effect, judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraph 45 and the case-law cited).
- 35 As the applicants in the main proceedings and the Commission submit, the fact that, as the referring court has observed, measures intended to avoid or reduce the harmful effects of a plan or project on the site concerned are taken into consideration when determining whether it is necessary to carry out an appropriate assessment presupposes that it is likely that the site is affected significantly and that, consequently, such an assessment should be carried out.
- 36 That conclusion is supported by the fact that a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the site concerned must be carried out not at the screening stage, but specifically at the stage of the appropriate assessment.
- 37 Taking account of such measures at the screening stage would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would be deprived of its purpose and there would be a risk of circumvention of that stage, which constitutes, however, an essential safeguard provided for by the directive.
- 38 In that regard, the Court's case-law emphasises the fact that the assessment carried out under Article 6(3) of the Habitats Directive may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site concerned (judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraph 50 and the case-law cited).
- 39 It is, moreover, from Article 6(3) of the Habitats Directive that persons such as the applicants in the main proceedings derive in particular a right to participate in a procedure for the adoption of a decision relating to an application for authorisation of a plan or project likely to have a significant effect on the environment (see, to

that effect, judgment of 8 November 2016, *Lesoochránárske zoskupenie VLK*, C-243/15, EU:C:2016:838, paragraph 49).

- 40 In the light of all the foregoing considerations, the answer to the question referred is that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

Costs

- 41 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Seventh Chamber) hereby rules:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

[Signatures]



**An Roinn Cultúir,
Oidhreachta agus Gaeltachta**
Department of Culture,
Heritage and the Gaeltacht

Planning Ref: **Part 8 - Abbey Quarter**
(Please quote in all related correspondence)

27 June 2018

Director of Services – Planning
Kilkenny
County Hall,
John Street Lower,
Kilkenny,
R95 A39T

Via email to planning@kilkennycoco.ie

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

Proposed Development: Part 8 application for Temporary Car Park at Abbey Quarter, Gardens, Kilkenny

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in relation to the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Archaeology

The Department refers to the recent notification in relation to the above Part 8 application and the recent submission of supporting documents to the National Monuments Service (NMS) of the Department of Culture, Heritage and the Gaeltacht (DCHG) in relation to same (letter dated 17-05-2018 to Mr Terry Allen (Principal Officer, NMS) from Ms Colette Byrne (Chief Executive Kilkenny County Council). On review of the documentation supplied, please find outlined below the archaeological recommendations of the Department.

As noted in the Part 8 application the proposed development of the temporary car park borders an upstanding portion of the late medieval building known as the Bull Inn to the west (RMP KK019-026(107-)), and is located to the north of the town wall and River Breaghagh within the Historic Core of Kilkenny City (RMP KK019-026---). In light of this the Department recommends that the following be carried out as a condition of Part 8 permission. Whilst the Department notes that, for the most part, the development will require the raising and levelling out of the current ground levels across the site and that little ground disturbance is envisaged, archaeological monitoring has been included here as part of this recommendation (see Item 2 below) in order to allow for appropriate archaeological mitigation to be carried out where groundworks may be required.

Archaeological Condition:

1. The applicant/developer is required to employ a suitably qualified archaeologist to advise on and establish a 10m buffer zone extending from the upstanding remains of The Bull Inn (RMP No. KK019-026(107-)). No groundworks for construction, levelling and/or use as a vehicular accessway shall be permitted within this buffer zone and the area shall be fenced off and protected during all construction works. It is also recommended that the Council consider placing 'tell-tales' on the building in order to monitor its stability during any construction works.
2. The archaeologist shall then monitor, under licence, any ground disturbance required for the development – particularly those works in proximity to The Bull Inn. Please allow 5-6 weeks to facilitate the processing of an Archaeological Licence. No groundworks/construction works are to take place in the absence of the archaeologist.
3. Where monitoring is to take place, this shall be carried out to the uppermost archaeological horizons only, where they survive and where archaeological features/deposits are revealed, works shall stop pending further advice from the NMS (DCHG). Please note that all features/archaeological surfaces are to be hand-cleaned and clearly visible for photographic purposes. Section excavation through features to establish their nature and/or extent shall only take place where an archaeological licence is in place and this is agreed in advance with the Licensing Section of NMS.
4. All recorded archaeological features shall be planned and photographed and an interim report submitted to the NMS pending a decision as to how best to deal with the archaeology. The interim report shall also include an archaeological mitigation strategy outlining the preservation *in situ* and/or archaeological excavation of the features/deposits revealed. The applicant shall note that full archaeological excavation according to best practice may be required, including an excavation report and post-excavation analysis, where preservation *in situ* cannot be achieved.
5. The applicant/developer shall be prepared to be advised by the NMS and the Planning Authority with regard to any necessary mitigating action. The applicant/developer shall facilitate the archaeologist in fulfilling all aspects of this condition.

Architectural Heritage

The site was inspected by Department representatives in May 2018 to discuss the proposal in the context of the built heritage and archaeological special interest of the wider St Francis Abbey area and the proposed regeneration which has been the subject of a master plan.

The current car park proposal seeks to create a new vehicular entrance from the Kilkenny Central Access Scheme bridge east of the junction of Dean Street and Vicar Street. The Department previously communicated concern about the provision of a roadway off the bridge access route into the historic St Francis Abbey site. In light of this general concern the Council has confirmed in writing that the proposed car park access will not be used as a precedent for future access south through the main abbey site south of the River Breaghagh. This is welcome.

The car park site includes some upstanding late mediaeval walls which are associated with the former Bull Inn as well as the late mediaeval gable of the recently demolished nineteenth-century house, no.22 Vicar Street, removed for the KCAS. The area for coach parking comes nearest to these walls. While the development will raise ground levels the raised area will be terminated approximately 3m away from the upstanding walls.

Some details should be included in the material to fully describe the proposal and mitigate potential impacts to the built heritage:

- It is intended to erect 2m high fencing held in place by concrete gabions and provide an information panel on the fencing for visitors. Soft landscaping at the Bull Inn area or fronting

the remaining gable of No.22 Vicar Street to mitigate the visual impact should be considered. An information panel on No.22 should also be considered.

- The junction of the timber fencing to the Bull Inn masonry at the pedestrian egress and design of a new gateway near the corner with Dean / Vicar Streets (currently a set of steel gates), and the location it joins further south to the masonry wall, should be shown in section or part-elevation detail. No gaps or holes should remain that could create an attraction for anti-social climbing on the walls of the Bull Inn.
- The layout does not indicate the turning circle for buses nearest the Bull Inn wall. All danger of vehicular impact to the fence and possible consequent impact to the walling should be designed out.

Nature Conservation

The proposed development site is on the old Smithwicks Brewery site and measures 5825m². It is proposed to provide temporary car parking for 7 coaches and 132 cars for a period of 5 years.

The proposed development is directly adjacent to the Breagagh River, a tributary of the nearby River Nore which forms part of the River Barrow and River Nore cSAC (Site Code 002162).

There is a potential pathway for silts oils, hydrocarbons and other contaminants to enter the cSAC. It is stated in the Appropriate Assessment screening document that the proposed development will use the existing drainage system in the concrete yard which incorporates two petrol interceptors. The Local Authority must ensure that these are in working order and have sufficient capacity for the increased water run-off and any repair and maintenance carried out in advance of the project.

There is a proposal to raise ground level in one area and reduce it in another area. Movement and/or importation of soil can leave the area vulnerable to escape and spread of non-native invasive plant material (i.e. species listed in Schedule 3 of the Birds and Habitats Regulations). It is known that three such species, Japanese Knotweed, *Fallopia Japonica*, Himalayan Balsam, *Impatiens glandulifera*, and Giant hogweed, *Heracleum mantegazzianum* are present in the general area of the development. Prior to the commencement of the project an invasive species survey must be carried out by a suitably qualified ecologist and based on the results of this survey, invasive species risk assessment and management (if required) must be incorporated into the construction management plan for the project.

It appears that the car park will extend to the edge of the Breagagh River. Riverbank vegetation must be protected during the development. It is suggested that the car park and palisade fencing, if used, is set back from the riverbank to provide a green corridor and provide a buffer for the river from the planned artificial lighting and disturbance due to the increased vehicular usage of the site. Any landscaping should use native species and the project design should incorporate minimal on-going herbicide application.

You are requested to send further communications to this Department's Development Applications Unit (DAU) via **eReferral**, where used, or to manager.dau@chg.gov.ie; if emailing is not possible, correspondence may alternatively be sent to:

The Manager
Development Applications Unit (DAU)
Department of Culture, Heritage and the Gaeltacht
Newtown Road
Wexford
Y35 AP90

Seskin Little

Lisdowney

Co. Kilkenny

27th June, 2018.

Martin Prendiville

Head of Finance

Kilkenny County Council

County Hall

John Street

Kilkenny

RE: Abbey Quarter Temporary Car Park - Planning Submission

Dear Sir/Madam,

Our submission is in relation to the possible inclusion in the above mentioned plan of the provision of parking facilities in Kilkenny City for Motor homes.

Such facilities are commonplace in Northern Ireland, the United Kingdom and most of the EU countries.

The concept is a French one which started back in the early 1980's with the first 'Aire' system and now there are in excess of 20,000 sites throughout the EU ranging from as small as 4 to 5 bays in small villages to 300 bay sites at premier tourist locations on the prime tourist routes.

It should be noted that the European model which has been developed since the early 80's and which now represents best practice, provides solely for the provision of parking for motor homes and it is an express condition of all such facilities that absolutely no camping activity is allowed whatsoever and this is provided for in the laws covering general parking regulations for each country.

Charges range from free to €10 to €12 per 24 hour stay, the maximum stay is usually limited to 48 hours.

Electricity is free on some sites while at others is supplied by meter and paid for either by an older token system but now more usually by credit card.

Sites are usually located in or closely adjacent to the venue centres so that the visitors can access the local shops, bars, restaurants within easy walking distance of the site.

Typically, motor home owners purchase approximately 100 litres of diesel to fill up and also carry two 11kg gas containers for refill not to mention expenditure on food drink entertainment etc.

In Germany for example the typical motor home purchaser is aged 60 plus, retired and consequently has a large block of leisure time at their disposal and considerable spending potential.

Apart from the Irish domestic scene which currently has in excess of 10,000 registered motor homes and a similar owner profile, the potential of the continental market (if it had the right type of facilities available here) is an enormous hitherto untapped tourism resource given the vast numbers of motor home owners in those countries who are now just one overnight ferry trip away from us.

It is important to note that overnight parking provision for motor homes **which has no camping component** is an entirely different concept to the traditional camping site which caters for a different market.

Traditional camping sites for example, require considerable investment to provide their unique facilities e.g. large open spaces and road structure, toilet blocks, shower blocks, cooking and washing facilities, play areas for the children, sport and leisure facilities which of their very nature require large sites away from built up areas due to the high impact of such sites.

Motor home owners already have all the facilities they require on board their vehicles and simply require a safe parking area for vehicles averaging 2.5 metres by 7 metres.

Infrastructural needs are thus minimal as their vehicles already have fresh water storage, waste water storage, fuel storage, toilet and shower provision and cooking facilities.

Apart from the dedicated parking bays, services are usually provided by way of a single service point which has the following features:

1. Potable water tap.
2. Gray water disposal.
3. Chemical toilet disposal with rinsing tap.

One central garbage disposal point and strategically placed electrical hook up points to cater for the number of bays are usually provided with payment now usually by way of credit card.

By virtue of their size motor homes are not a natural fit on regular car parking areas given the car sized spaces provided and the busy nature of such locations.

Since a motor home represents a huge investment for their owners they are usually unwilling to park them at locations where they are likely to be subjected to damage theft etc.

In our experience, the motor home community in Ireland and abroad appreciate and respect secure parking locations where facilities are provided and are in the main, very mature and environmentally responsible individuals.

Portumna in Galway which has recently developed its own motor home parking facility is a very good working example although it currently has only provision for 17 bays.

It is incredible that we are trying to market Irelands Ancient East and the Wild Atlantic Way which covers some 2,500 kms. and there is not a single motor home site available on the route!

In contrast Germany's 'Romantic Way' route of a mere 350 kms. has 19 such sites provided.

The Mosel valley in Germany which sees many motor home visitors each year has a route of only 135 kms. between Trier and Koblenz, and yet has a facility provided every 10 kms on each side of the river!

It is a sad fact that such a high percentage of Irish motor home owners only use their vehicles for vacation on the continent due to complete lack of proper dedicated sites at home.

We also know from talking to fellow motor home enthusiasts from e.g. France and Germany, that they avoid holidaying in Ireland due to lack of dedicated sites here.

The small number of foreigners who do venture here, mainly have the smaller commercial vehicle conversion type motor homes which are but a tiny fraction of the motor home numbers we could be getting if we planned to provide proper facilities.

It should be borne in mind that increased vehicle capacity on new vessels by Irish Ferries between Ireland and France and the new Brittany Ferries vessel operating from Cork to Santander in Spain mean there is now a growing capacity for motor homes to visit Ireland and we should be responding in a positive way by providing the dedicated facilities.

We have in excess of 20 years experience of motor homing here and extensively abroad and would be delighted to render any assistance or use as sound boards on any project initiated to provide motor home parking in Kilkenny.

Yours sincerely

Denis and Maura O'Leary

Following the recent Parking Options Study, which took into account the predicted population increase, the predicted growth in visitor numbers and the regeneration of the Abbey Quarter, it is estimated that an overall additional parking requirement of over 1,300 extra spaces is needed in Kilkenny City. It is recognised that the development of the Abbey Quarter is a long term project which will span many years and in which the final parking demand is not required immediately. A phased provision of parking will be required as the development proceeds and the demand for parking is likely to change significantly over the likely timeframe for the implementation of the Abbey Quarter Masterplan.

Kilkenny Chamber supports the proposal for the provision of a temporary car and coach park on a portion of the Abbey Quarter site which will provide approximately 132 car parking spaces and 7 coach spaces for a fixed period of up to 5 years.

John Hurley.

Kilkenny Chamber

As I have done so on previous occasions I object to a car park on this site.

I believe that what is being proposed here goes beyond the scope of a part 8 planning application, I would say that this is a material contravention to the permission given to the CAS Bridge.

I wish for this to be read in conjunction with my previous submissions about this site.

Enya Kennedy

