

# SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

**Pedestrian & Cycle Link between the River Nore  
Linear Park and The Riverside  
Gardens, Co. Kilkenny**

Prepared for: **Kilgallen & Partners Ltd**

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**SLR** 

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## 1.0 Introduction

The purpose of this report is to identify the legal requirement or otherwise for an Environmental Impact Assessment to be carried out for a Pedestrian & Cycle link between the river Nore linear park and the Riverside Gardens in Kilkenny City, Co Kilkenny.

### 1.1 Project Overview and Rationale

This EIA screening will relate to a Part 10 planning application process, whereby Kilkenny County Council is proposing to develop a pedestrian and cycle link on the western bank of the River Nore, Kilkenny, between the Riverside Gardens (Abbey Quarter) and The River Nore Linear Park (Bishops Meadows). The link is required to provide a safe pedestrian route along the river's edge from the River Nore Linear Park to the Riverside Gardens. The link is currently provided via a series of access routes which take the public away from the river's edge.

### 1.2 Existing Development

The River Nore Linear Park, which comprises of 2.6km of walk/cycleway in Bishops Meadows, was constructed in 2006 and is currently linked to the Peace Park Walk and Canal Walk through a series of access routes, which take the public away from the river's edge, as indicated in Appendix A. The Riverside Gardens project, which was constructed in 2020, forms part of the Abbey Quarter Masterplan, providing a pedestrian and cycle link between Greens Bridge and Bateman Quay. The new boardwalk will connect both these walkways along the banks of the river.

A feasibility study was carried out in 2009, to explore options to connect the River Nore Linear Park at Bishops Meadows to the existing track/ramp at Greens Bridge. The 2009 project never came to fruition, but the new proposed project will include this element of the works and go a step further, by linking through to the new Riverside Gardens Project at the Abbey Quarter, using a spare arch in the adjoining Greens Bridge.



Figure 1:  
 The River Nore Linear Park

### 1.3 Proposed Development

The River Nore Linear Park, which comprises of a 2.6km of walkway in Bishops Meadows, was constructed in 2006 and is currently linked to the Peace Park Walk and Canal Walk through a series of access routes, which take the public away from the river’s edge, as indicated in Figure 1. The Riverside Gardens project, which was constructed in 2020/21, forms part of the Abbey Quarter Masterplan, providing a pedestrian link between Greens Bridge and Bateman Quay.

The proposed pedestrian link, in the form of a boardwalk, is required to join up the existing River Nore Linear Park trail, approx. 160m upstream of Greens Bridge to the new Riverside Gardens walk, approx. 30m downstream of Greens Bridge. The overall length of the pedestrian link is approximately 190m (Figure 2).

This link will make use of the existing westernmost spare arch beneath Greens Bridge and will necessitate the construction of a boardwalk to complete the link upstream of Greens Bridge. The walkway structure will be required alongside private property on the west bank of the River Nore.

**Figure 2-1:**  
 Proposed route linking Linear Park and Riverside Gardens Indicative Layouts)

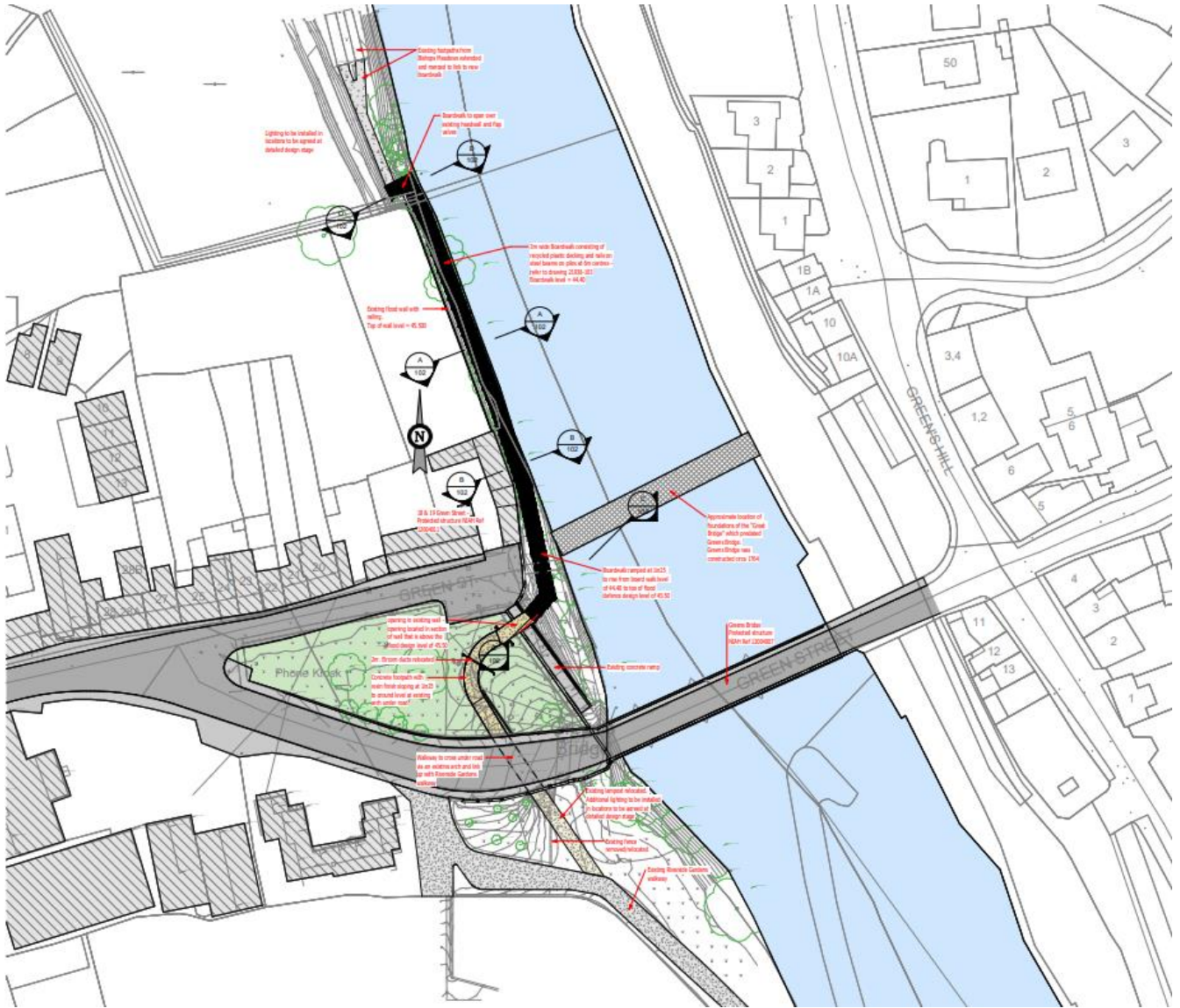
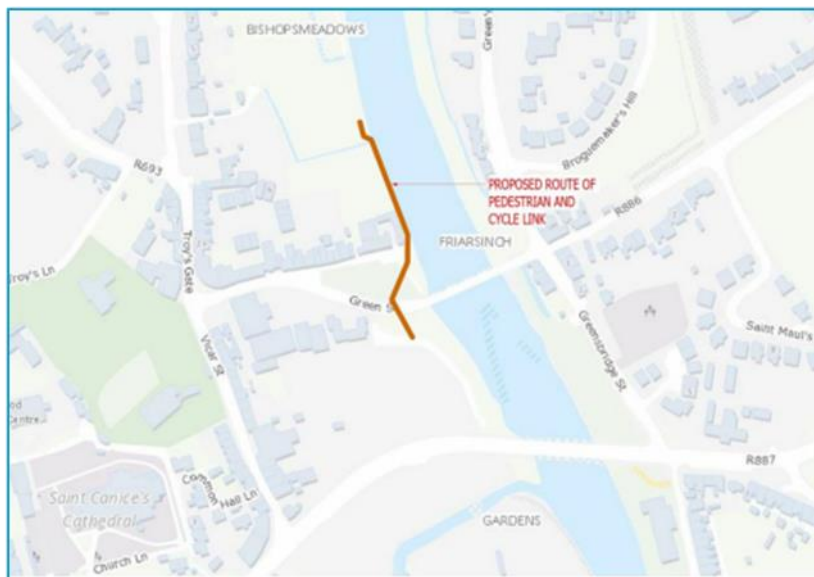


Figure 2-2



Figure 2-3





## 2.0 The EIA Screening Process

### 2.1 Introduction

This section of the report sets out the legislative basis for ‘EIA Screening’ to decide whether a proposed development would require the preparation of an Environmental Impact Assessment Report (EIAR).

### 2.2 Legislative Requirements

EIA requirements derive from Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC) and as codified and replaced by Directive 2011/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment (and as amended in turn by Directive 2014/52/EU). Directive 2014/52/EU is transposed into Irish law under the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

Projects can be placed into one of the following categories:

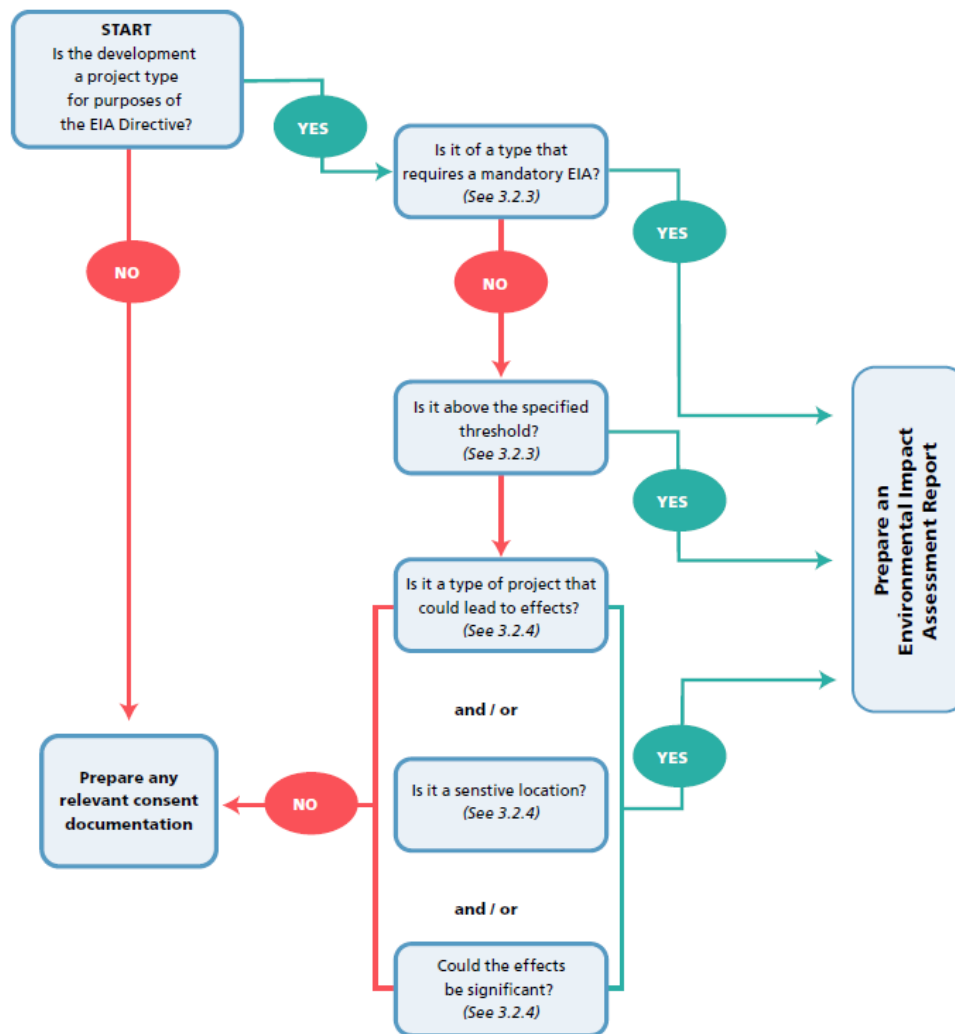
- those that exceed the thresholds laid down and therefore have a mandatory requirement to prepare an EIAR;
- those projects that are sub-threshold and must be assessed on a case-by-case basis to determine whether or not they are likely to have significant effects on the environment; and
- projects that fall under Annex II (13) (a) of the Directive for any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed.
- Projects that fall under Article 120 of the Planning and Development Regulations 2001 (as amended) with respect to Sub-threshold EIAR.

### 2.3 Methodology

Screening is the process of deciding whether a development requires an EIAR. The particulars of the assessment procedure are adopted through European Directives and correlate to the provisions set out in the Planning and Development Act 2001 (as amended). An EIA is required to be carried out as part of an application whereby the proposed development exceeds the limitations of Schedule 5 of the Planning and Development Regulations 2001 (as amended). The methodology for screening generally considers the following documents:

- Guidelines on the information to be contained in Environmental Impact Assessment Reports (Environmental Protection Agency, May 2022);
- Environmental Impact Assessment Screening, Practice Note PN02 (OPR, June 2021).
- Guidelines on EIA Screening (The European Commission, June 2017).
- Interpretation of definitions of project categories of annex I and II of the EIA Directive (European Commission 2015);
- Environmental Impact Assessment (EIA), Guidance for Consent Authorities regarding Sub-threshold Development (Environmental Protection Agency, 2003);

The ‘*Guidelines on the Information to be Contained in Environmental Impact Assessment Reports*’ (Environmental Protection Agency, May 2022) provide a flow diagram of the screening process which is provided in the figure below.



**Figure 3:**

Flow Diagram of the Screening Process (Source: *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports*, Environmental Protection Agency, May 2022)

## 2.4 EIA Development

Environmental Impact Assessment is mandatory for specified project types which are likely to have significant effects on the receiving environment. These projects are listed in detail in the EIA Directive, Annex I, (85/337/EU – amended 97/11/EC, 2003/35/EC, 2009/31/EC, EC, 2014/52/EU), as well as in the Planning and Development Regulations, Schedule 5, Part 1 – Development for the purposes of Part 10.

The relevant class of projects referred to in article 4(1), have been provided in the table below. The proposed development has been screened against the types of development, various processes and activities listed in Schedule 5 Part 1 of the Planning and Development Regulations, 2001 (as amended). The proposed development does not fall within these project types.

**Table 1-1: Projects Referred to in Article 4(1)**

Projects referred to in article 4(1)
Crude-oil refineries and installations for the gasification and liquefaction of materials
Thermal power and nuclear power stations
Installations for the processing of irradiated nuclear fuel
Integrated works for the initial smelting of cast iron and steel, and installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials
Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos
Integrated chemical installations
Construction of railway lines, airports, motorways, express roads, construction of new road with four or more lanes
Inland waterways and ports, trading ports, and piers
Waste disposal installations for the incineration and chemical treatment
Groundwater abstraction or artificial groundwater recharge schemes
Works for the transfer of water resources between river basins
Waste water treatment plants
Extraction of petroleum and natural gas for commercial purposes
Dams and other installations designed for the holding back or permanent storage of water
Pipelines with a diameter of more than 800 mm of more than 40 km
Installations for the intensive rearing of poultry or pigs
Industrial plants
Quarries and open-cast mining
Construction of overhead electrical power lines
Installations for storage of petroleum, petrochemical, or chemical products
Storage sites
Installations for the capture of CO <sup>2</sup> streams for the purposes of geological storage

In addition, projects should be further considered under the relevant list of activities which warrant discretionary consideration for the requirement of an EIA. Subject to Article 2(4), for the projects listed in Annex II of the Directive<sup>1</sup>.

<sup>1</sup> 85/337/EU – amended 97/11/EC, 2003/35/EC, 2009/31/EC, 2014/52/EU,

Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended) set out and define Development for the purposes of Part 10. Sub threshold development means development of a type set out in Part 2 of Schedule 5 which does not equal or exceed or, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

**Table 1-2: Schedule 5, Part 2 - Class of Development**

Schedule 5, Part 2 - Class of Development
1) Agriculture, silviculture, and aquaculture
2) Extractive industry
3) Energy industry
4) Production and processing of metals
5) Mineral industry
6) Chemical industry
7) Food industry
8) Textile, leather, wood, and paper industries
9) Rubber industry
<b>10) Infrastructure projects</b>
11) Other projects
12) Tourism and leisure
13) Changes, extensions, development, and testing
14) Works of demolition
<b>15) Any other project</b>

For clarity, the relevant section of the Regulations in respect of Classes 10 and 15 \*as highlighted above), which have been given further consideration are set out below:

*10. Infrastructure projects*

*(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

In response, the subject site comprises a development area of 190m length x 3m width which constitutes an area of 570m<sup>2</sup> amounting to 0.057ha. and does not surpass the 2-hectare threshold. It is located in what can be considered part of a built-up area. The area of the subject site is zoned 'Z8 Georgian Conservation Areas' within the current Kilkenny City and County Development Plan 2021 – 2027.

The proposed project falls within a class of development specified in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The project does not meet or exceed the thresholds as defined under this class of development referred to in Schedule 5, Part 2 and as such is considered sub-threshold for the purposes of an EIA.

EIA Screening is therefore required having regard to Class 15. *Any other project, which states:*

*Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.*

This is considered in more detail in this report.

## 3.0 Sub - Threshold Development

EIA Screening for Sub-threshold development is provided for under Article 120 and Schedule 7A of the Planning and Development Regulations, 2001 (as amended).

Article 120 (Sub-threshold EIAR) of the Regulations states that:

(1)

(a) Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the local authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

(1A)

(a) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(b) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(1B)

(a) Where the information specified in Schedule 7A and sub-article (1A) is prepared in respect of a proposed subthreshold development, the local authority shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(b) The local authority shall make a screening determination and —

(i) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(ii) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) determine that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

A full assessment is completed and set out in this report.

In accordance with Annex I & II of The Directive, Infrastructure projects, where they are sub-threshold, require the following assessment:

1. A description of the proposed development, including in particular:
  - a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works;
  - b) a description of the location of the proposed development, with regard to the environmental sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the proposed development.
3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from:
  - a) the expected residues and emissions and the production of waste, where relevant;
  - b) the use of natural resources, in particular soil, land, water and biodiversity.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.'

The criteria contained within Annex III, (i.e. the criteria that must be considered when making screening decisions on a case by case basis), as transposed in Irish legislation, for assessing sub-threshold development are grouped under three headings viz. (i) Characteristics of Proposed Development, (ii) Location of Proposed Development and (iii) Characteristics of Potential Impacts.

Competent/consent authorities must have regard to these criteria in forming an opinion as to whether or not a sub-threshold development is likely to have significant effects on the environment by virtue inter alia of its nature, size or location and should be subject to EIA. The key issue is: “are the likely effects ‘significant’ in the context of these criteria”.

Schedule 7 of the Regulations set out the criteria as follows:

**Table 2 - 1: Criteria for the purposes of sub-threshold development**

**1. Characteristics of proposed development**

The characteristics of proposed development, in particular to:

- the size and design of the whole of the proposed development,
- cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,
- the nature of any associated demolition works,
- the use of natural resources, in particular land, soil, water and biodiversity,
- the production of waste,
- pollution and nuisances,
- the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and
- the risks to human health (for example, due to water contamination or air pollution).

**2. Location of proposed development**

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- (a) the existing and approved land use,
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
  - (i) wetlands, riparian areas, river mouths;
  - (ii) coastal zones and the marine environment,
  - (iii) mountain and forest areas,
  - (iv) nature reserves and parks,
  - (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;
  - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure,
  - (vii) densely populated areas,
  - (viii) landscapes of historical, cultural or archaeological significance.

**3. Characteristics of potential impacts**

The potential significant effects of projects in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected).
- (b) the nature of the impact.
- (c) the transboundary nature of the impact.
- (d) the intensity and complexity of the impact.
- (e) the probability of the impact.
- (f) the expected onset, duration, frequency and reversibility of the impact.
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) the possibility of effectively reducing the impact.

**Table 2 - 2: Schedule 7A Information to be provided by the Applicant or Developer for the purposes of screening and sub-threshold development for Environmental Impact Assessment.**

<p><b>1. A description of the proposed development, including in particular—</b> (a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.</p>
<p><b>2. A description of the aspects of the environment likely to be significantly affected by the proposed development.</b></p>
<p><b>3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—</b> (a) the expected residues and emissions and the production of waste, where relevant, and (b) the use of natural resources, in particular soil, land, water and biodiversity.</p>
<p><b>4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.</b></p>



## 4.0 Characteristics of the Proposed Development

Having regard to the sub-threshold criteria set out in Section 3 and Table 1, this section of the report addresses the assessment of sub-threshold development under the heading (i) Characteristics of Proposed Development.

### 4.1 The size of the proposed development

As stated in section 1.3, the site of the proposed pedestrian link is located on the west bank of the River Nore, as per Figure 2. The link is required to join up the existing River Nore Linear Park trail, approx. 160m upstream of Greens Bridge to the new Riverside Gardens walk, approx. 30m downstream of Greens Bridge. The overall length of the pedestrian link is approximately 190m or 0.057 hectares.

### 4.2 Description of Proposed Scheme

This link will make use of the existing westernmost spare arch beneath Greens Bridge (see Figure 2-2) and will necessitate the construction of a walkway structure to complete the link upstream of Greens Bridge. The walkway structure will be required alongside private property on the west bank of the River Nore. Landscaping, Street Furniture and Finishes will be consistent with the Riverside Garden Project.

Consideration will be given to how the new link could, in future, tie into the existing pedestrian walkway across Greens Bridge or a future variation of same. This connection will not form part of the current project, but consideration shall be given to same in the preparation of the detailed design.

Based on CFRAM mapping the 1 in 10-year flood level in the vicinity of Greens Bridge is 44.38m. The proposed boardwalk level is 44.40m, and therefore above the 1 in 10-year floor. It is not practical to set the deck level above the 1 in 100-year flood level (45.07m) as the deck will be elevated to such a level that tie ins to existing infrastructure at both ends will prove difficult. As with other riverside boardwalks in the city, Kilkenny County Council may choose to put a plan in place to prevent access to the boardwalk when in high flood. The proposed open deck and substructure nature of the boardwalk allows flood waters to flow through and beneath, thus ensuring that the impact of the proposal on flood levels is negligible.

The proposed width is generally 3m, with local short portions reduced to 2.2m at pinch points between existing trees and walls and the river's edge. Parapets are required to provide fall protection at the sides of the boardwalk. A parapet height of 1.5m is considered suitable in this case to cater for both cyclists and pedestrians. Painted mild steel vertical uprights are proposed to support recycled plastic horizontal rails.

The extension of the footpath link from Bishops Meadows will be lit with additional lamp standards, as will the footpath link to The Riverside Gardens. The locations for these will be agreed at detailed design stage. The boardwalk section will be lit with LED lighting incorporated into the parapet top rail.

The boardwalk structure will consist of 200mm diameter bottom driven tubular steel mini piles infilled in concrete pairs at 2m centres laterally and 6m centres longitudinally. Steel beams will span between the pile heads to support the boardwalk decking. The drawings included in Appendix B of this report show the preliminary design. 2nr. test piles were successfully installed to verify the viability of the proposed preliminary design.

The deck surface is proposed to be manufactured from recycled plastic. This is an environmentally friendly material with nonslip characteristics and is rot proof thus significantly reducing maintenance. Hardwood could be considered as an alternative however, would require additional maintenance.

At the southern end of the route, the link from the Riverside Gardens will cross under the road via an existing arch and ramp up through the existing green area at a fall of approx. 1 in 25. From the top of the existing concrete ramp the boardwalk will ramp down at a fall of 1 in 25. At the northern end, Bishops Meadows, the existing footpath will link to the boardwalk at existing levels. The boardwalk will span over the top of the existing headwall, ensuring that there is no impact on the existing flap valves.

It is proposed that the boardwalk deck would be constructed in slatted recycled plastic boards. Joints will be open, allowing rainwater to pass directly through the deck without the requirement for collection and disposal. At the northern end the extended concrete footpaths will drain to the grass verge. At the southern end, the ramped path will drain to the grass verge. On the southern side of the arch, some minor regrading works will be required to allow the footpath to drain freely to the grass verge.

A Ground Investigation was carried out at feasibility stage to establish if the ground was suitable for mini piles. The ground consisted of topsoil over gravelly silty clay fill over natural deposits of gravelly silt and sandy gravels with medium to high cobble content. The full geotechnical report is in the attached. Following completion of the initial ground investigation two test piles were driven at two separate locations along the river bank to establish if it were possible to drive the tubular steel mini piles through the ground. Both piles were driven successfully to a refusal depth of approximately 8 metres below bank level.



**Figure 4:**  
Photo of test pile

## 5.0 The Location of the Proposed Development

The general location of the proposed pedestrian and cycle link is along the western bank of the River Nore, Kilkenny, to the north of greens bridge – see Figure 2, Section 1.3. At the southernmost end of the new route, the walkway will deviate away from the riverbank, across an existing green area, and under Green Street via an existing arch. On the southern side of Greens Bridge the new walkway will link to the recently completed Riverside Gardens.

Greens Bridge (RPS Reference, D4) was designed by George Smith. The bridge represents one of several bridges in County Kilkenny rebuilt by George Smith following the “Great Flood” of 1763. Castlecomer Bridge, Graiguenamanagh Bridge and Inistioge Bridge are other examples. No works or alterations to the existing bridge are considered as part of this report.

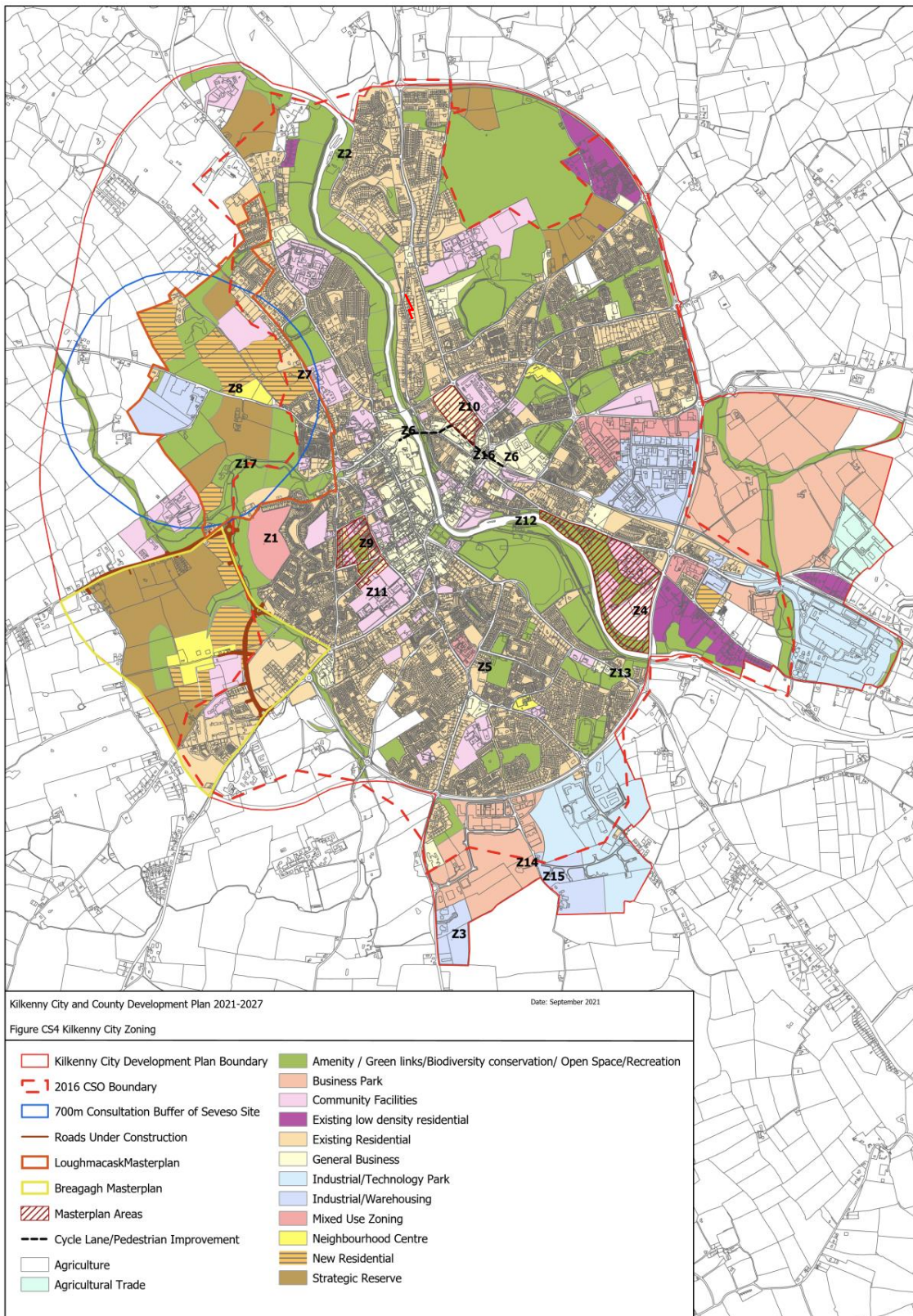
The second criteria for the evaluation of sub-threshold developments (referred to in section 4) relates to the environmental sensitivity of geographical areas likely to be affected by the proposed development.

### 5.1 The existing and approved land use

In terms of sensitivities to land use, site access, cramage and the temporary works requirements are the primary constraints in terms of the constructability of the boardwalk. The two options for works access are either via Bishops Meadows to the north of the boardwalk or via the small car park to the south of the boardwalk. The area for the proposed development is primarily located in two zonings.

- **Zone Z6 General Business:**  
Whereby the Objective is to provide for general development. The Permitted uses 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, and other uses as permitted and open for consideration in residential zoning. Uses are outlined in the Abbey Quarter masterplan and Urban Design Code within the Abbey Quarter area. It is Open for consideration with regards to open space, workshop or light industry.
- **Z12 Amenity/ Green links/ Biodiversity conservation, Open space/ Recreation:**  
Whereby the Objective is to allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space. The permitted uses are Open space, sports clubs, recreational buildings, stands, pavilions, agricultural uses, halting site, and public service installations. With regards to Flood Risk, it is noted that all proposed developments within this zone which falls within flood zone A or B shall be subject to a site-specific flood risk assessment. No highly vulnerable uses (as set out in the Flood Risk Management Guidelines) other than extensions to existing structures and uses, will be permitted within Flood Zone A or B. Less vulnerable uses will also not be allowed within Flood Zone A other than extensions to existing structures and uses as set out in the Flood Risk Management guidelines.

Special Areas of Conservation (SAC) and Special Protection Areas (SPA) overlap with the site. The proposed link passes by a listed building at proximity, KK019-026208 House – 17<sup>th</sup>/18<sup>th</sup> century.



**Figure 5:**

Kilkenny City Zoning Map and Site marked in Red (Source Kilkenny City and County Development Plan 2021 – 2027)

## 5.2 The relative abundance, availability, quality and regenerative capacity of natural resources in the area and its underground

The pedestrian & cycle link will not have significant impact on the river ecology, as is set out in AA Screening and NIS. Ongoing liaison will be carried out with Inland Fisheries during design stage to arrive at a solution that is acceptable in terms of protection of fish life.

## 5.3 The absorption capacity of the natural environment

This subsection of the second criterion relates to the absorption capacity of the existing environment having particular regard to:

- I. wetlands, riparian areas, river mouths;
- II. coastal zones and the marine environment;
- III. mountain and forest areas;
- IV. nature reserves and parks;
- V. areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive;
- VI. areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;
- VII. densely populated areas;
- VIII. landscapes of historical, cultural, or archaeological significance.

With respect to wetlands, riparian areas and rivers mouths, the proposed boardwalk design has been issued to OPW as part of the feasibility stage process, and feedback was received, primarily relating to flood impact and maintenance requirements. At the detailed design stage, the impact of the proposal on the flood levels has been considered. The proposed open deck and substructure nature of the boardwalk allows flood waters to flow through and beneath, thus ensuring that the impact of the proposal on flood levels is negligible. Based on CFRAM mapping the 1 in 10-year flood level in the vicinity of Greens Bridge is 44.38m. The proposed boardwalk level is 44.40m, and therefore above the 1 in 10-year floor.

The proposed open deck and substructure nature of the boardwalk allows flood waters to flow through and beneath, thus ensuring that the impact of the proposal on flood levels is negligible. Ongoing liaison with the OPW will be required to address the issue of maintenance and possible build up of debris under the boardwalk.

The Nore River forms part of the River Barrow and River Nore Special Area of Conservation (SAC Site Code 002162). The proposed boardwalk design has been issued to National Parks and Wildlife Service (NPWS) as part of the feasibility stage process. Prior to detailed design stage careful liaison, design and planning in conjunction with the NPWS was undertaken to protect the ecology of the area and in order to ensure that delays do not occur during the construction stage of the proposed boardwalk. This is discussed in more detail in section 7.5.

With regards to the environmental quality of the River Nore, the Water Framework Directive and the Strategic Environmental Assessment from the Kilkenny City & County Development plan 2021-2027 refers to the river as having 'good' status. Measures to protect existing water quality have also been incorporated into the project design. This includes:

- **Flood Risk Assessment:**

The proposed development is located on the banks of the River Nore and is inside the Kilkenny City Flood Relief Scheme, constructed by the Office of Public Works (OPW). This scheme provides protection against a 1 in 100-year flood event. Therefore, a Site Specific Flood Risk Assessment (FRA) will be required, appropriate to the nature and scale of the development being proposed. This is in line with the OPW

guidance documents "The Planning System and Flood Risk Management – Guidelines for Planning Authorities".

- **Kilkenny City Flood Relief Scheme:**

Special consideration should be given to low impact construction design to minimize the impact on the existing channel width of the River Nore. The design of any path or walkway should not impact maintenance operations and access to the existing flood defence scheme, including flap valves. Maintenance of the boardwalk should consider potential debris or trees that could build up beneath and around the vertical piles. Designs should ensure they do not impact the structural stability or integrity of the existing flood defence.

- **Hydraulic Assessment:**

Where an encroachment into the channel can't be avoided, its impact should be minimized. A hydraulic assessment will need to be carried out by the designer to demonstrate that the scheme does not adversely affect the performance of the flood defence scheme or compromise the available freeboard in the 1% AEP event. A hydraulic assessment report should be prepared and submitted to the OPW for review.

- **Environmental Considerations:**

The site is located immediately adjacent to the River Nore in Kilkenny City. The River Nore is designated as part of the River Barrow and River Nore SAC (Site Code: 002162) and River Nore SPA (Site Code: 004233). These designations place significant environmental requirements on the development of the site.

- **Existing Services:**

The design team should note the presence of existing water mains and sewer pipelines in the vicinity of Greens Bridge. The location and level of these services should be taken into consideration in the design of the walkway.

As a result of these measures, any new development at proximity to the river would not pose any further damage to environmental quality standards.

With respect to the riverine environment, preliminary drawings were submitted to Inland Fisheries Ireland as part of the feasibility stage process. Ongoing liaison with the South Eastern Section of Inland Fisheries was carried out during the design stage and it was agreed with IFI that the construction work would be carried out in the summer months to minimise impact on the fish species migrating the river.

The Proposed Development is not located within mountain and forest areas. With regards to nature reserves and parks, the Proposed Development is located at the River Nore Linear Park trail, linking to the new Riverside Gardens walk, thus enhancing connectivity and amenity for a park.

With respect to landscapes of historical, cultural, or archaeological significance, the site is located within the St. Canices Architectural Conservation Area (ACA) and a Zone of Archaeological potential for the City Centre as outlined in the Kilkenny City & County Development Plan 2021 – 2027. The Proposed Development is also located within the Zone of Notification of Recorded Monuments for Kilkenny City and contains a number of significant heritage structures including:

- Greens Bridge (Protected Structure)
- No. 18 & 19 Green Street (Protected Structure)

An archaeological report has been prepared alongside this planning application which considers the archaeological impacts in further detail.

The site is within an area of low-density housing at proximity to Vicar Street, Tory's Gate and Green street, amenity/green links/ biodiversity conservation/ Open Space recreation within the Kilkenny City & County Development Plan 2021-2027. The intention of the development is to service the local population and enhance greenspace amenity of the area.

## 6.0 Characteristics of Potential Impact

The third criteria of for the evaluation of sub-threshold development (referred to in Section 4) relates to characteristics of potential impact.

### 6.1 The magnitude and spatial extent of the impact

The two options for construction works access are either via Bishops Meadows to the north of the boardwalk or via the small car park to the south of the boardwalk. Some preliminary civil works will be required to facilitate access for construction plant and operatives through Bishops Meadows.

The mini digger and mini piling rig for the ground investigation successfully used the access at the southern end. It is envisaged that the project would be carried out during the summer months when water levels are low and the ground is at its driest to minimise impact on the river bank. All of the required works can be undertaken from the river bank. No in river works are required or proposed. The proposed plastic and steel beam members can be transported along the river bank using small quad type vehicles within the 190m length (0.057 hectares) of the boardwalk.

### 6.2 The nature of the impact

The nature of the impact will be related to construction activity and short term and temporary in nature, the majority of which will be contained within the boundary of the subject site. During construction a slight negative effect to residential amenity is expected due to potential noise, dust and potential traffic diversions. However, the necessary construction activity is considered to be both short term and temporary and no lasting negative impacts are expected. Further information is found in the construction methodology technical note, 21038-TN01, which is included as an appendix to the Engineering Services Report.

### 6.3 The transboundary nature of the impact

The proposed development is located within the functional area of Kilkenny City Council. It is considered that the effects of the development are localised in nature and the Proposed Development will not have any transboundary impacts.

### 6.4 The intensity and complexity of the impact

The main potential impacts from the development arise from the construction stage and removal of waste material. During construction, temporary negative impacts are predicted due to noise, dust and visual impacts. It will also be required to remove excavated materials to licenced facilities where necessary. These impacts are not considered significant. During operation, the project is not projected to have a negative impact on adjoining land uses or road access due to the development of the link going under a bridge, thus mitigating any safety issues.

### 6.5 Designated Sites

To assess the results of the potential impacts, sites that have been designated for nature conservation within 2 km of the site are discussed in this section (see Table 1). A 2km radius is an appropriate radius given the localised nature and scale of the proposed works.



**Table 3-1: Designated sites within 2km of the Proposed Development Site**

Natura 2000 Site	Site Code	Location at Closest Point to Project Site
River Nore SPA	004233	Overlaps with the Site
River Barrow and Nore SAC	002162	Overlaps with the Site
Newpark Marsh pNHA	000845	710m north-east
Lough Macask pNHA	001914	1.3km north-west

### Natura 2000 Sites

The Site is located within two Natura 2000 sites; River Nore SPA and River Barrow and Nore SAC. There is potential for impact on these sites through habitat loss and fragmentation. No habitats of significant concern were identified during the site visit. The proposed route is to be 190m in length and 3m in width. Therefore, the proposed development will result in the loss of approximately 570m<sup>2</sup> of non designated SAC habitat and thus having no qualifying interest). Where possible, trees and hedgerows should be retained to minimise this loss. Any opportunity for habitat enhancement or compensation should also be considered.

To avoid disturbance to nesting birds, no works should be undertaken during the bird nesting season, 1<sup>st</sup> March to 31<sup>st</sup> August.

The River Barrow & Nore SAC is designated for numerous aquatic species which rely on good water quality (e.g. lamprey species, freshwater pearl mussel, Nore pearl mussel, white-clawed crayfish, twaite shad and salmon). No in river works are required as part of this project. There will be no emissions to the river as a result of this project. Best practise should be used at all times considering proximity to the river to ensure that water quality is not impacted as a result of the proposed works.

The proposed development is located within the River Nore SPA and the River Barrow and Nore SAC. The qualifying features for both sites are set out in Table 2 below.

**Table 3-2: Natura 2000 Sites within 2km of the Site and their Qualifying Interests**

Natura 2000 Site	Qualifying Features
River Nore SPA 004233	<ul style="list-style-type: none"> <li>Kingfisher (<i>Alcedo atthis</i>) [A229]</li> </ul>
River Barrow and Nore SAC 002162	<ul style="list-style-type: none"> <li>Estuaries [1130]</li> <li>Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>Reefs [1170]</li> <li>Salicornia and other annuals colonising mud and sand [1310]</li> <li>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and Callitriche-Batrachion vegetation [3260]</li> <li>European dry heaths [4030]</li> <li>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> </ul>

Natura 2000 Site	Qualifying Features
	<ul style="list-style-type: none"> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> <li>• <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</li> <li>• <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>• <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</li> <li>• <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>• <i>Lampetra planeri</i> (Brook Lamprey) [1096]</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> <li>• <i>Alosa fallax fallax</i> (Twaite Shad) [1103]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> <li>• <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> <li>• <i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]</li> </ul>

### Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs)

There are no designated Natural Heritage Areas (NHA) within 2km of the development site. There are two proposed Natural Heritage Areas (pNHAs) within 2km of the development site. These are the Newpark Marsh pNHA and Lough Macask pNHA. pNHAs are sites that have been formally proposed but not yet designated on a statutory basis.

#### Newpark Marsh pNHA (000845)

The Newpark Marsh pNHA is located c. 710m north-east of the Site. The pNHA site synopsis (NPWS, 2009) give the following account of the Newpark Marsh:

*“Newpark Marsh is a small marsh on the outskirts of Kilkenny town, and although the water level seems to be falling at the moment, it still supports semi-natural fen vegetation dominated by Tufted-sedge (Carex elata) and including the notable Water Dock (Rumex hydrolapathum) amongst a suite of more typical species.*

*The area is used as a feeding site by three protected bat species, namely Leisler’s Bat (Nyctalus leisleri) Brown Long-eared Bat (Plecotus auratus) and Common Pipistrelle (Pipistrellus pipistrellus). Despite the location of this site, being so close to an urban population, it is very natural. This is unusual and increases the importance of this site.”*

The River Nore is the closest freshwater source to the Newpark Marsh pNHA. Given the presence of three protected bat species at the Newpark Marsh, the short distance between the Site on the River Nore and Newpark Marsh and the potential for commuting corridors along urban treelines and hedgerows, it is possible that these species forage/ rehydrate at/ near the Site. Therefore, Newpark Marsh pNHA will be considered further in this report.

The main threats to the Newpark Marsh pNHA from the proposed development would be the potential for disturbance to bats commuting from the marsh to this section of the River Nore. The potential for this disturbance is a result of the proposed additional LED lighting along the route. This threat is also true for bat species/ populations not associated with the marsh but for which this section of the river provides commuting

and foraging habitat. Additional lighting along the route should be designed to be as bat friendly as possible. Good practice for minimising light impacts on bats include, but are not limited to, the following<sup>2</sup>;

- Avoid lighting along rivers, lakes & canals
- Avoid lighting along important commuting routes
- Avoid the use of mercury or metal halide lamps
- Minimise light spills using shields, masking & louvres
- Keep light columns as low as possible
- Restrict lights to ensure that there are dark hours.

### Lough Macask pNHA (001914)

Lough Macask pNHA is located c. 1.3km north-west of the Site. The pNHA site synopsis (NPWS, 2009) give the following account of the Lough Macask:

*“Lough Macask is a small pond north-west of Kilkenny that fluctuates in size over the year.*

*The vegetation shows that the site is similar in some ways to a turlough. It therefore differs from most other wetlands around Kilkenny and has a certain interest for this reason.”*

Due to the distance and lack of connectivity between the project Site and Lough Macask and the localised nature of the proposed works (ground water levels will not be affected and there will be no air emissions as a result of the proposed works), it is not considered that there will be any impact on Lough Macask as a Rare, Protected and Invasive Species.

The National biodiversity data centre (NBDC) database was searched for records within the 100m grid squares within which the Site is located (squares S504565, S505565, S505564 & S504566). The records returned are of varying ages so for the purposes of preparing this report only the relevant records dated within the last 10 years have been considered (Table 7-3).

However, the absence of recent (within 10 years) records of species from the NBDC database does not necessarily imply that a species does not occur within the search area, rather it has not formally been recorded as present.

**Table 3-3: Rare, Protected and Invasive Species Recorded Within 100m Grid Squares S504565, S505565, S505564 & S504566**

Rare and/or Protected Species	Grid Square	Date of Last Record	No. of Records	Designation	Dataset
European Otter <i>Lutra lutra</i>	S504566	2013	1	EU Habitats Directive: Annexes II and IV Protected Species: Wildlife Act	Atlas of Mammals in Ireland 2010-2015

<sup>2</sup> Bats & Lighting. Guidance Notes for: Planners, engineers, architects and developers. Bat Conservation Ireland, 2010.

Rare and/or Protected Species	Grid Square	Date of Last Record	No. of Records	Designation	Dataset
Non-native/ Invasive Species					
Giant Hogweed	S505565	2020	1	Invasive Species: High Risk of Impact. Regulation S.I. 477	Vascular plants: Online Atlas of Vascular Plants 2012 Onwards
Butterfly Bush Buddleja davidii	S505565	2022	2	Invasive Species: Medium Risk of Impact	Vascular plants: Online Atlas of Vascular Plants 2012 Onwards
Winter Heliotrope <i>Petasites fragrans</i>	S504566, S505565	2021	4	Invasive Species; Low Risk of Impact	Vascular plants: Online Atlas of Vascular Plants 2012 Onwards

No plant or animal invasive species listed under the Third Schedule of the Habitats Directive and subject to restrictions under Regulations 49 and 50 have been observed within the Proposed Development Site.

## 6.6 Otter

There was no evidence of otter observed during as carried out in the NIS and AA Screening, but high water levels could have washed away any spraints or recent footprints which may have been in the area. The NDBC data search returned results supporting evidence of the presence of otter close to the Site within the last 10 years. Otter is also listed as a qualifying interest of the River Barrow & Nore SAC. However, there is no suitable habitat to support otter holts along the proposed walkway. The riverbank along the proposed route is shallow, prone to flooding and consists of an existing retaining wall in lieu of an earth embankment. While it is probable that otter is using this section of the River Nore for foraging, the Proposed Development is not considered likely to create significant disturbance to otter given the small extent of the Proposed Development (190m length) relative to the length of foraging habitat provided by the River Nore.

## 6.7 Bats

Three species of bats are known to be present at the Newpark Marsh pNHA, c. 710m north-east of the Site. Urban treelines and hedgerows provide potential commuting corridor between Newpark Marsh pNHA and the Site. Freshwater rivers and streams provide important sources of water and foraging potential for bats. The River Nore is the closest freshwater source to the Newpark Marsh pNHA.

### Legislative Context

Bats are protected by law in the Republic of Ireland under the Wildlife Acts. This legislation states that it is an offence to intentionally disturb, injure or kill a bat or disturb its resting place and any work on a roost must be carried out with the advice of the NPWS. In addition to domestic legislation, bats are also protected under the EU Habitats Directive.

## 6.8 Birds

No rare/ protected bird species were observed on the Proposed Development Site. No records of rare/ protected bird species were returned during the NBDC data search. Kingfisher is listed as a qualifying interest for the River Nore SPA. It is not considered that the Proposed Development Site provides suitable nesting habitat for kingfisher. Where the route runs along the riverbank, it is bounded by a line of *Salix* trees to the east and an existing retaining wall to the west. The bank itself is shallow and prone to flooding. It is therefore not considered that the proposed works will create significant disturbance to kingfisher. The other habitats within the Site (treelines, hedgerows, stone walls) provide suitable breeding habitat for passerines.

The Irish bird nesting season is defined in Section 40 of the Wildlife Act 1976 and Section 46 of the Wildlife Act 2000 (as amended) as the period between 1st March and 31st August. This legislation states that:

- It shall be an offence for a person to cut, grub, burn or otherwise destroy, during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation growing on any land not then cultivated, and;
- It shall be an offence for a person to cut, grub, burn or otherwise destroy any vegetation growing in any hedge or ditch during the period mentioned in paragraph (a) of this subsection"

## 6.9 Trees, Hedgerows and Vegetation

There is potential tree removal or pruning in the context of the boardwalk development, especially in areas where the boardwalk might clash with existing vegetation. The removal or pruning of trees will be assessed on a case-by-case basis, and it's specified that this might apply to a section of treeline approximately 100m long along the riverbank.

During the construction phase, the project aims to retain as many trees and hedgerows as possible. Where removal is deemed necessary, efforts will be made to ensure that it is minimal and localized. The use of specialized equipment and construction methodologies has been proposed to reduce the footprint of the construction activities, thereby preserving the integrity of the surrounding vegetation. The use of small quad-type vehicles for transporting materials along the river bank ensures minimal disturbance to the existing vegetation.

## 6.10 Invasive Species

The following invasive plant species, listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended and subject to restrictions under Regulations 49 and 50, have been recorded in the NBDC 100m grid squares S505565. This grid square covers a large portion of the southern extent of the Site;

- Giant hogweed

The NBDC dataset search also returned results showing evidence of the presence of two other invasive species which are not listed on the Third Schedule but still pose a risk to native species; butterfly bush and winter heliotrope.

No invasive species were identified. However, the site visit was conducted outside of the optimal season for invasive species surveys.

## 6.11 Water Quality

With respect to water quality impacts, all water policy and management is guided by the Water Framework Directive. Under the WFD, Ireland has been set a target of achieving at least ‘good status’ for all waters in the country, along with no deterioration.

The project method statement should refer to “Guidelines on Protection of Fisheries During Construction Works in And Adjacent to Waters (2016)”. These guidelines outline the best practices when carrying out works adjacent to waterways to prevent adverse impacts on water quality. These guidelines should be followed during the construction of the proposed pathway, with particular attention to the measures outlined in “Chapter 7: Construction Impacts”.

As stated in section 6.3, the WFD and the Strategic Environmental Assessment from the Kilkenny City & County Development plan 2021-2027 states the river as having ‘good’ status.

## 6.12 Invasive Species

Although no Third Schedule listed species were identified during the site visit, the visit was conducted outside of the optimal season for an invasive species survey and the high water levels prevented the identification of in stream vegetation or vegetation along the submerged pathway. The NBDC data search showed the possible presence of a Third Schedule listed invasive species. Given the proximity of the Site to the River Barrow & Nore SAC, and the sensitivity of watercourses to invasive species, a strict biosecurity protocol should be followed. This protocol should include measures that prevent the spread of invasive species both to and from the Site. The below list of biosecurity measures is advisable;

- All plant, equipment and boots to be disinfected before entering the Site and leaving the Site
- All plant to be inspected for cleanliness before arrival & before leaving site
- Once project is completed, all excess material to be removed from Site and appropriately disposed of.

## 6.13 Summary of all potential impacts

The boardwalk construction has two potential access points: Bishops Meadows and a smaller car park. Preliminary civil works are required for access through Bishops Meadows, and construction is planned for the summer to reduce river bank impact. The construction will be limited to the river bank, covering a length of 190m, and no in-river operations are planned. During the construction phase, temporary disturbances such as noise, dust, and potential traffic diversions are expected, but these are anticipated to be short-lived.

The effects of the development are localized, eliminating concerns about transboundary impacts. The primary challenges stem from the construction phase, notably waste removal. Temporary impacts, including noise, dust, and visual disturbances, are predicted. Once operational, the project is not expected to introduce negative impacts. The proximity of the site to two Natura 2000 sites indicates a potential for habitat loss and fragmentation. Construction activities are advised against during the bird nesting season, and the presence of otters and bats in nearby areas requires consideration.

Bird species, including the Kingfisher, might be affected, primarily due to the proposed additional LED lighting. The design aims to minimize disturbances to these species. Invasive plant species such as Giant hogweed, butterfly bush, and winter heliotrope have been recorded nearby. Although no invasive species were identified during a site visit, the survey was conducted outside the optimal season.

Tree removal will be limited as much as possible. It will be restricted to any branches/ trees hanging within the boardwalk boundary. Trimming will occur where possible instead of removal and it will mainly relate to the line of willows along the river.

Water quality management is guided by the Water Framework Directive. The project's method statement is recommended to adhere to the “Guidelines on Protection of Fisheries During Construction Works in And Adjacent to Waters (2016)”. This ensures adherence to best practices during construction, especially when working near waterways, to maintain water quality.

## 7.0 Conclusion

This report is the Environmental Impact Assessment (EIA) screening for a proposed Pedestrian & Cycle link between the River Nore Linear Park and the Riverside Gardens in Kilkenny City, Co Kilkenny. The EIA screening is related to a Part 10 planning application process. The proposed link aims to provide a safe pedestrian route along the river's edge, connecting the River Nore Linear Park to the Riverside Gardens. Currently, the connection is facilitated through various access routes that divert the public away from the river's edge.

The River Nore Linear Park, constructed in 2006, spans 2.6km in Bishops Meadows and is linked to the Peace Park Walk and Canal Walk. The Riverside Gardens project, completed in 2020, is part of the Abbey Quarter Masterplan, offering a pedestrian and cycle link between Greens Bridge and Bateman Quay. The proposed boardwalk will bridge these two walkways along the riverbanks.

The EIA Screening Process is rooted in the EIA Directive, categorizing projects based on their potential environmental impact. Projects can either have a mandatory EIA requirement, be sub-threshold requiring assessment, or pertain to changes or extensions of existing projects. The proposed development is deemed sub-threshold, necessitating EIA Screening.

The proposed development falls within a class of development specified in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 but does not meet or exceed the defined thresholds and is considered sub-threshold for EIA purposes. On completion of the screening assessment required for sub threshold developments, it is concluded that the project due to its nature, scale and location is not likely to have significant effects on the environment and therefore does not require EIA.



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