

KILDARE COUNTY COUNCIL



PLANNING DEPARTMENT

Report prepared in accordance with Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations 2001 as amended

Development proposed by, on behalf of, or in partnership with Local Authority

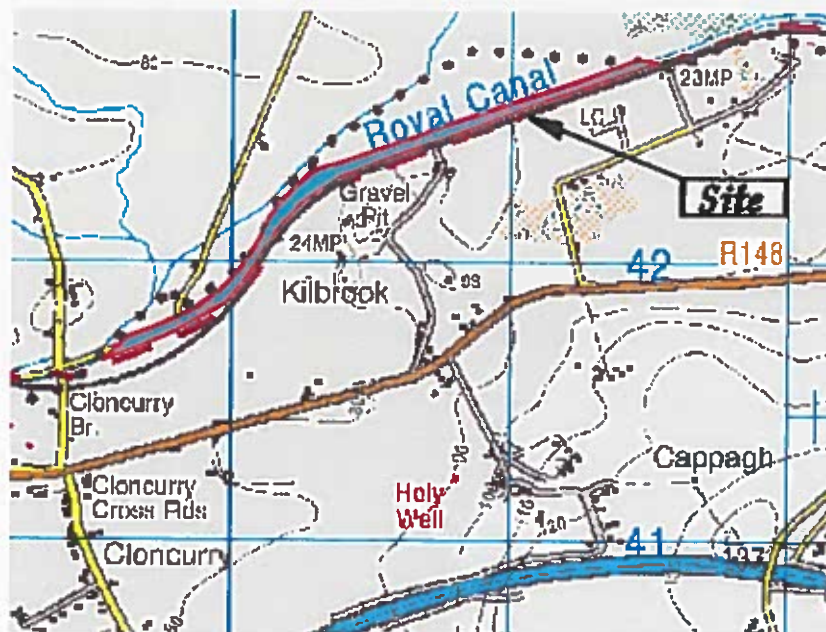
Report for submission to the members, prepared in accordance with Part XI, Section 179, Sub-section (3)(a) and (3)(b) of the Planning and Development Act 2000 as amended.

Type of Development:	Royal Canal Greenway 2.3km of cycleway and footway – detailed below
Site address:	Cloncurry to Ferrans Lock - detailed below
Development proposed by:	Roads Transportation and Public Safety Department
Display/Submissions Period:	Advertised in the Leinster Leader 7 th November 2017 Site notices were fixed at the site on 6 th November 2017 Display period from 7 th November to 5 th December Submissions/observations due by 19 th December 2017
Submissions/observations	A number of submissions were received as detailed below.

Site location & context

The subject site is the northern bank of the Royal Canal between Cloncurry and Ferrans Lock. The total length of the proposed cycleway and footway is 5.8km of which 2.3km is located in Co Kildare and the remaining 3.5km

located in Co Meath and which is the subject of a separate Part 8 application with Meath County Council. Please refer to the map below which identifies the section of the site that is located within Co Kildare.



Description of the proposed development

As per the description of the proposed development in the public notices the proposed development will comprise of the following:

Kildare County Council proposes to carry out development works along the sections of the northern bank of the Royal Canal between Ferrans Lock & Cloncurry that reside within the Kildare County Boundary.

The development will consist/consists of:

- a) Improvements to the existing towpath along the Royal Canal by providing a 3m wide cycleway and shared footway with a suitable surface i.e. quarry dust, surface dressing or bituminous bound surfacing depending on local conditions for pedestrian and cyclist use
- b) Provision of access controls (pedestrian/cycle friendly gates) at Rathrone
- c) 2 no. 150mm duct along the full length of the greenway facility
- d) Provision of new boundary treatment adjacent to domestic properties

It should be noted that the majority of the proposed Greenway within Co Kildare is on an existing roadway with just approximately 410m of the Greenway extending over agricultural land to the eastern section between the existing road and the County border with Meath.

Supporting Documents

The proposal is accompanied by the required plans and particulars. In addition, a number of documents have been included, namely:

- Planning Report
- Habitats Directive Screening Report
- Environmental Impact Assessment Screening Report
- Report on the Submissions Received

Previous Part 8

The Royal Canal Greenway was the subject of a previous Part 8 in 2013, however for a number of reasons the greenway between Ferrans Lock and Cloncurry was then proposed for the southern bank of the Royal Canal. In the Planning Report prepared for the current Part 8 the reasons for the proposed change from the southern bank to the northern bank are listed at section 1.1 as follows:

1. The northern bank of the Royal Canal was the preferred choice but due to a landowner dispute at the time of the original Part 8 application the south bank was the only option. Negotiations with the particular landowner have since been concluded and this impediment has been removed.
2. There is an existing access road on the northern bank which serves three homes within County Kildare. This road is approximately 2 km long and would only require moderate widening and resurfacing in order to bring it to a standard suitable for the cycleway and footway.
3. The use of the northern bank will simplify the road crossings for users of the route at Cloncurry Bridge and at Ferrans Lock. The approved route to the west of Cloncurry Bridge and to the east of Ferrans Lock in the existing Part 8 is located on the northern bank of the canal. Maintaining the cycleway and footway on the northern bank will allow users to cross the public roads at these locations directly, without the need to cross over the canal.
4. The near proximity of the Dublin to Sligo railway line to the tow path on the southern bank of the canal would present construction safety challenges, as the site to construct the cycleway and footway would be long and narrow, without opportunity for turning bays or intermediate access points.

In addition there have been separate Part 8's relating to the Royal Canal Greenway including a Part 8 in November 2015 for the section between Kilmore Bridge and Moyvalley Bridge, which was approved by the Members. In September 2016 another Part 8 was approved by the Members for the 8.4km section of the Royal Canal from Maynooth Harbour to the Dublin County Boundary at Confey.

Referrals & Submissions

The proposal was referred by the Roads, Transportation and Public Safety Department as outlined hereunder:

Kildare County Council – Internal Referrals – The subject Part 8 was referred to the relevant departments within Kildare County Council, including Roads, Transportation and Public Safety Department, Water, Environment, Heritage, Conservation, Fire, Health & Safety, Community & Cultural Services, Planning. The report from Roads, Transportation and Public Safety Department has recommended a number of conditions. No issues have been raised by any of the other departments. Please note that in the preparation of the Part 8 the Roads, Transportation and Public Safety Department liaised with the various internal departments to ascertain their requirements and incorporated same into the Part 8 proposal.

Submissions were received from the following referred parties

- Department of Culture, Heritage, and the Gaeltacht
- Irish Water
- Transport Infrastructure Ireland
- Office of Public Works
- Inland Fisheries Ireland
- Waterways Ireland
- National Transport Authority

No submissions were received from the following referred parties

- Garda Siochana
- An Chomhairle Ealaion, (The Arts Council)
- An Taisce
- Department of Housing, Planning, Community & Local Government
- Department of Transport, Tourism & Sport
- Environmental Protection Agency
- Minister for Art, Heritage, Regional, Rural & Gaeltacht Affairs
- Minister for Housing, Planning, Community & Local Government
- Minister for Transport, Tourism & Sport
- National Tourism Development Authority
- The Heritage Council
- Bord Failte Eireann

3rd Party Submissions

3rd Party submissions were received from the following:

- Cathal Fitzsimons, Kilbrook, Enfield
- John Murray, Maynooth Cycling Campaign
- Jeff King, Kilbrook Mews, Enfield
- Mr Martin Flynn, (*submission submitted on his behalf by Philip Cantwell, Former Meath Councillor, Trim Area*)
- Sean & Rita Holton, Rathrone, Enfield

A Report on all the submissions received in relation to this Part 8 has been prepared by Roughan & O'Donovan, Consulting Engineers on behalf of

Kildare County Council. The Report identifies all the issues raised in the reports/submissions and provides a response to these issues. The Report is attached at Appendix B. In addition all submissions are on file, please refer to same should further details be required.

County Development Plan 2017 – 2023

There are considerable provisions within the County Development Plan 2017-2023 which are relevant to the proposed Part 8 including the following:

6.3 Movement and Transportation which states The Council is committed to supporting sustainable forms of transport such as public transport, walking and cycling.

6.3 MT11 – Focus on improvements to the local and street network that better utilise existing road space and encourage a transition towards more sustainable modes of transport, while ensuring sufficient road capacity exists for trips which will continue to be taken by private vehicles.

6.5 Walking and Cycling

The Council recognises the importance of both walking and cycling to the overall well being and quality of life of residents. Walking and cycling trends vary across the county. This highlights the difference in the convenience of walking or cycling as an option, due to the level of connectivity, road safety and quality of facilities provided. Levels of walking and cycling are higher in residential areas that are close to employment centres and education facilities. Through the implementation of the Design Manual of Urban Roads and Streets, DTTS and DECLG (2013) and the Permeability Best Practice Guidelines, NTA (2013), there are opportunities to make walking and cycling more attractive and to increase the proportion of daily journeys taken by foot. The Council will encourage and support the delivery of a high quality, permeable and attractive pedestrian and cycling network that allows for multiple direct connections between key destinations. The planning authority will seek to implement pedestrian and cycling improvements with the assistance of the NTA through the Green Schools and the Sustainable Transport Grants Scheme programmes. The planning authority will also ensure that road safety and traffic management systems outside existing and planned schools are to the highest standard across the county.

Policies: Walking and Cycling, the following policies are applicable in this instance:

WC 1: Prioritise sustainable modes of travel by the development of high quality walking and cycling facilities within a safe street environment.

WC 2: Promote the development of safe and convenient walking and cycling routes.

WC 3: Ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within the existing areas in order to maximise

access to town centres, local shops, schools, public transport services and other amenities.

WC 5: Identify new walking and cycling routes and linkages on all sites where new development is proposed and to ensure that all streets and street networks are designed to prioritise the movement of pedestrians and cyclists.

WC 7: Provide for safer routes to schools within the county and to promote walking and cycling as suitable modes of transport as part of the Green Schools Initiative Programme and other local traffic management improvements.

WC9: Minimise wait-times for pedestrians and cyclists at junctions.

WC10: Support the implementation of the Greater Dublin Area Cycle Network Plan, NTA (2015), in a balanced way in County Kildare.

Objectives: Walking and Cycling, It is an objective of the Council to:

WCO 4: Secure the development of the following specific cycle schemes (subject to funding from the NTA) as part of GDA Cycle Networks Projects: Greater Dublin Area Cycle Network Plan

Urban and Inter Urban Schemes;

-- Dublin Road Corridor Scheme Naas;

-- Maynooth Town North South Corridor;

-- Naas to Sallins;

-- **North Kildare Cycleway (Dublin – Galway Route);**

-- Barrow Blueway (Waterways Ireland);

-- Kilcullen Road; and

-- Kill to Naas.

WC 4 Ensure that all new roads and cycle routes implement the National Cycle Manual, with a focus on a high level of service for cyclists and encouraging a modal shift from car to cycling.

WCO 5: Support green and blueway projects that promote walking and cycling in conjunction with the relevant organisations and bodies including:

-- The delivery of the Barrow Blueway by Waterways Ireland and associated works to enhance the amenity use of the river and canal area.

-- The delivery of Greenway projects as specified in the Greater Dublin Cycle Network.

-- The development of further Sli na Sláinte routes in the county.

WCO 8: Actively support the implementation of the National Cycle Policy Framework, with a focus on encouraging a modal shift from vehicular to cycling modes.

Chapter 12 of the County Development Plan 2017-2023 relates to Architectural & Archaeological Heritage

Heritage (Archaeological & Architectural)

There are no protected structures along the subject route of the proposed Part 8, the closest protected structures are located approximately 400m to the southwest reference B04-07 Cloncurry Moat and B04-06 Cloncurry Church Ruins and Mausoleum. The subject Part 8 development will not impact on any protected structure.

There are no known archaeological monuments along the subject Part 8 route, the closest known archaeological monuments are approximately 400m to the southwest reference KD004-021003 Castle-Motte (Anglo Norman) and KD004-021010 Graveyard. There is also a possible Ecclesiastical Enclosure approximately 1.1km to the southeast of the subject route. The subject Part 8 development will not impact on any known archaeological monument within Co Kildare.

Chapter 13 of the County Development Plan 2017-2023 relates to Natural Heritage & Green Infrastructure, of particular reference in this instance is the following:

Table 13.2 lists the Natural Heritage Areas in Co Kildare, the Royal Canal is listed 002103 refers.

13.5.2 Natural Heritage Areas

The Wildlife Acts (1976-2012) provide for the statutory protection of species and habitats of national importance and sites of geological interest and the control of activities which may impact adversely on the conservation of wildlife. Under the Wildlife (Amendment) Act 2000, Natural Heritage Areas (NHAs) are designated to conserve species and habitats of national importance and sites of geological interest. The designation of these sites is the responsibility of the National Parks and Wildlife Division of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs and is an ongoing process as boundaries are revised and adjusted and new sites added. There are 23 designated or proposed Natural Heritage Areas (NHAs), within the county (Table 13.2 and Map 13.2 Refer).

Policies: Natural Heritage Areas

It is the policy of the Council to:

NH 7 Contribute towards the protection of the ecological, visual, recreational, environmental and amenity value of the county's Natural Heritage Areas and associated habitats.

NH 8 Ensure that any proposal for development within or adjacent to a Natural Heritage Area (NHA), Ramsar Sites and Nature Reserves is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the site, particularly plant and animal species listed under the Wildlife Acts and the Habitats and Birds Directive including their habitats.

NH 9 Ensure the impact of development within or adjacent to national designated sites Natural Heritage Areas, Ramsar Sites and Nature Reserves that is likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment (EclA) prepared by a suitably qualified professional, which should accompany planning applications and council developments, as not all developments are likely to result in adverse effects.

NH 10 Restrict development within a proposed Natural Heritage Area to development that is directly related to the area's amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes.

Protected Habitats and Species

The County Development Plan 2017-2023 also details the Council's Policies and Objectives relating to protected habitats and species, and invasive species.

13.10 Green Infrastructure

This section of the Plan relates to the County's green infrastructure, of particular importance in this instance is GI7:

GI 7 Promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes respect and where possible enhances the ecological potential of each site.

Chapter 14 of the Plan relates to Landscape and Amenity, Section 14.5.4 relates to The Grand and Royal Canal Corridors.

14.8.5 Water Corridors (Rivers and Canals) (Areas of High Amenity)

It is the policy of the Council to:

WC 1: Seek to locate new development in the water corridor landscape character areas towards existing structures and mature vegetation.

WC 2 Facilitate appropriate development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.

WC 3 Control development that will adversely affect the visual integrity of distinctive linear sections of water corridors and river valleys and open floodplains.

WC 4 Co-operate with the DHPCLG/DAHRRGA in the protection and conservation of both the Royal and Grand Canals and the River Barrow, designated as a pNHA and cSAC respectively and in the sections of the River Liffey designated as a pNHA.

WC 5 Promote the amenity, ecological and educational value of the canals and rivers within the county while at the same time ensuring the conservation of their fauna and flora, and protection of the quantity and quality of the water supply.

WC 6 Support and promote an extension of the proposed Special Amenity Area Order for the Liffey Valley from Lucan to Leixlip (which is envisaged by the Dublin Local Authorities) to other parts of the Valley within County Kildare.

WC 7 Explore the establishment of the Barrow Valley and the Royal and Grand Canals as Areas of Special Amenity, as per section 202 of the Planning and Development Act 2000 (as amended).

WC 8 Contribute towards the protection of water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, from inappropriate development. This will include buffers free of development in riverine and wetland areas, as appropriate.

WC 9 Have regard to the relevant aspects of the Inland Fisheries Ireland's publication 'Planning for Watercourses in an Urban Environment'.

Appropriate Assessment (The Natura 2000 Network i.e. Special Areas of Conservation) Special Protection Areas

An Appropriate Assessment Screening Report has been completed for the proposed development (See Appendix 1 attached). The Screening Report concluded that there is no potential for significant negative impacts on the Natura 2000 Network as a result of the proposed development.

Evaluation of Proposal

The Planning Report prepared by Roughan & O'Donovan, Consulting Engineers on behalf of the Council outline the following:

- Details the background to the project
- Details the planning context, relevant policies, etc
- Outlines previous studies
- Describes the project
- Details the environment assessment and proposed mitigation measures
- Details the local domestic and agricultural properties
- Public consultation
- Project delivery

The Roughan & O'Donovan, Consulting Engineers Report is also accompanied by relevant drawings and an Ecological Impact Assessment.

The proposed Royal Canal Greenway has the benefit of a considerable professional input and is essential for the delivery of the Royal Canal Greenway and the provision of such facilities is deserving of support at this location and throughout the County.

Conclusion

Having regard to:

- The provisions of the Kildare County Development Plan 2017 - 2023
- The AA Screening report
- The nature, extent and location of the proposed development
- The submissions received from referred parties and 3rd parties
- The modifications set out below

It is considered that the proposed development would be in accordance with the provisions of the Kildare County Development Plan 2017 – 2023, and would therefore be in accordance with the proper planning and sustainable development of the area.

Recommendation

It is recommended to the Mayor and Members of the Clane-Maynooth Municipal District that the proposed development be proceeded with subject to the modifications set out below.

Modifications

1. The proposed development shall be carried out in accordance with the plans and particulars placed on public display on 7th November 2017, including the mitigation measures as detailed in the EIA Screening Report and Habitats Directive Assessment Screening Report submitted with the subject application, except where altered or amended by the following modifications.
2. All undertakings as given in the Part 8 Submissions Report dated February 2018 which was prepared by Roughan & O'Donovan, Consulting Engineers on behalf of Kildare County Council shall be implemented.
3. An accredited Ecologists shall be appointed by the applicant to monitor and advise on any removal of trees, hedgerows or undisturbed habitat along that section of the proposed development located within Co Kildare and the development shall proceed in accordance with the requirements of the appointed Project Ecologist.

Mart. Dowling
Martin Dowling 12/02/2018
Executive Planner
12th February 2018

J. Keell
AISEP 12-02-18

W. Kee
12/02/18

Part 8 - Chief Executive Report

P. Carey
12/2/18
CE

Beh
12th February 2018 10

Attachments

APPENDIX 1 - Appropriate Assessment Screening Report

APPENDIX 2 - Part 8 Submissions Report dated February 2018 which was prepared by Roughan & O'Donovan, Consulting Engineers on behalf of Kildare County Council

APPENDIX 3 – Photographs of the existing roadway along the northern bank of the Royal Canal

APPENDIX 1

Appropriate Assessment Screening Report



APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT

Project Details	
Planning File Ref	P82017.016
Development Location	2.3km of the Northern Bank of the Royal Canal between Cloncurry and Ferrans Lock
Application accompanied by an EIS (Yes/NO)	No
Distance from nearest Natura 2000 site in km	The site is approximately 11km north of Ballynafagh Lake and approximately 11km to the northwest of the Rye Water at Carton
<p>Description of the project/proposed development Kildare County Council proposes to carry out development works along the sections of the northern bank of the Royal Canal between Ferrans Lock & Cloncurry that reside within the Kildare County Boundary. The development will consist/consists of:</p> <p>a) Improvements to the existing towpath along the Royal Canal by providing a 3m wide cycleway and shared footway with a suitable surface i.e. quarry dust, surface dressing or bituminous bound surfacing depending on local conditions for pedestrian and cyclist use</p> <p>b) Provision of access controls (pedestrian/cycle friendly gates) at Rathrone</p> <p>c) 2 no. 150mm duct along the full length of the greenway facility</p> <p>d) Provision of new boundary treatment adjacent to domestic properties</p>	

Identification of Natura 2000 sites which may be impacted by the proposed development		
		Yes/No
		If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	<p>Impacts on sites designated for freshwater habitats or species.</p> <p>Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake</p>	<p><i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i></p> <p style="text-align: center;">No</p>

2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	No
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is No, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

SCREENING CONCLUSION STATEMENT <i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the Screening Report prepared for the project by Roughan O'Donovan Aecom, and to the distance between the subject site and the nearest SAC/SPA, it is considered that proposed development would not have a significant impact on any Natura 2000 sites.		
Name:	Martin Dowling	
Position	Executive Planner	
Date:	12 th February 2018	

Martin Dowling
12/02/2018

APPENDIX 2

**Part 8 Submissions Report dated February 2018 which was prepared by
Roughan & O'Donovan, Consulting Engineers on behalf of Kildare
County Council**



Ferrans Lock to Cloncurry Shared Cycleway & Footway

Kildare Part 8 Application

Response to Part 8 Submissions



February 2018



Consulting Engineer
Roughan & O'Donovan – AECOM
Alliance
Arena House
Arena Road
Sandyford
Dublin 18

Client
Kildare County Council
Áras Chill Dara,
Devoy Park
Naas
County Kildare

INTRODUCTION

As part of the Part 8 process submissions are made from members of the public, private organisations and state bodies in order to provide observations and comments on the proposal in question.

The proposed shared cycleway and footway was put on public display as part of the Part 8 planning process in November 2017 and following the statutory 4 weeks of public display a number of submissions were received.

A number of submissions and general correspondence were made:

- 1.0 Fathalla Ibrahim, Waterservices Section, Kildare County Council
- 2.0 Siobhan Stack, Department of Culture, Heritage and the Gaeltacht
- 3.0 Natasha Crudden, Transport Infrastructure Ireland
- 4.0 Celine Barrett, Chief Fire Officer, Kildare County Fire Service
- 5.0 Michael MacAree, Head of Integrated Planning, National Transport Authority
- 6.0 Dominic Muldoon, Drainage Engineer, Office of Public Works
- 7.0 Roisin O'Callaghan, Fisheries Environmental Officer, Inland Fisheries Ireland
- 8.0 Matthew Collins, Irish Water
- 9.0 Cathal Fitzsimons, Kilbrook, Enfield, Co. Kildare
- 10.0 John Murray, Maynooth Cycling Campaign
- 11.0 Yvonne Nolan, Department of Culture, Heritage and the Gaeltacht
- 12.0 George Willoughby, Roads, Transportation & Public Safety Department, Kildare County Council
- 13.0 Jeff King, Kilbrook Mews, Enfield, Co. Kildare
- 14.0 Philip Cantwell (on behalf of Martin Flynn)
- 15.0 Sean & Rita Holton

Summaries from each submission are provided in *italics* but for the entire context of the submission this document should be read alongside the full submission itself.

1.0 SUBMISSION FROM KILDARE COUNTY COUNCIL WATER SERVICES

The submission from Mr Ibrahim states that there are no watermains affected by this scheme.

2.0 SUBMISSION FROM DEPARTMENT OF CULTURE, HERITAGE AND THE GAELTACHT

The submission from Ms Stack states that the matter has been referred to Suzanne Nally in the Departments office in Wexford for attention.

3.0 SUBMISSION FROM TRANSPORT INFRASTRUCTURE IRELAND (TII)

The submission from Ms Crudden states that TII has no specific observations to make.

4.0 SUBMISSION FROM KILDARE COUNTY COUNCIL FIRE SERVICE

The submission from Ms Barrett states that Kildare County Fire Service has no comments to make on this Part VII application.

5.0 SUBMISSION FROM NATIONAL TRANSPORT AUTHORITY (NTA)

5.1 Comment

The NTA supports the delivery of the scheme which will form part of the Dublin to Galway Corridor of the National Cycle Network which links with the Greater Dublin Area Cycle Network at Maynooth. The scheme should be developed in accordance with the requirements set out in 'National Cycle Manual'.

The NTA requests your consideration of the above comments.

5.1.1 ROD-AECOM Response

The scheme has been developed in accordance with the 'National Cycle Manual'.

6.0 SUBMISSION FROM OFFICE OF PUBLIC WORKS (OPW)

The submission from Mr Muldoon includes 10 no. maps indicating the watercourse channels which are maintained by the OPW and the local authorities along with the an indication of the lands which benefit from arterial drainage scheme.

6.1 Observation - Maintenance Strip

The OPW require access to the drainage channels with a 10m maintenance strip along the edge of the channel measured out from the top of the bank edge of the channel.

6.1.1 ROD-AECOM Response

This comment is noted by the project team. The drainage channels in the OPW maps are all remote from the proposed cycleway.

6.2 Observation -Section 50 requirements

New culverts/bridges on any watercourse or changes to existing structures or drainage channels will require Section 50 consent from the Office of Public Works.

6.2.1 ROD-AECOM Response

There are no new culverts/bridges or changes to existing structures or drainage channels as part of this scheme.

7.0 SUBMISSION FROM INLAND FISHERIES IRELAND

7.1 Observation - Ecological resource

The Royal Canal in this area represents an important ecological resource and should not be impacted negatively as a result of proposed development. The canal supports significant populations of coarse fish not to mention a range of other freshwater aquatic species, plus all associated floral and faunal components in adjacent habitats. Inland waterways Ireland should be consulted with on any work carried out on the canal.

7.1.1 ROD-AECOM Response

The proposed Greenway between Cloncurry and Ferran's Lock will not require any works within the Canal. Section 7.2 of the EclA deals specifically with the protection of watercourses and cites both IFI and TII best practice guidance documents which will prevent damage to sensitive habitats within and adjacent to the canal.

7.2 Observation – Construction Management Plan

All works should be completed in line with a Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the construction period and contains mitigation measures to deal with potential adverse impacts identified in advance of the scheme. The CMP should provide a mechanism for ensuring compliance with environmental legislation and statutory consents.

7.2.1 ROD-AECOM Response

A Construction Management Plan will be produced by the contractor and approved by Kildare County Council.

7.3 Observation - Silt

Any construction or enabling works required has the potential to discharge silt-laden waters to the canal. Silt can clog fish spawning beds, and juvenile fish are particularly sensitive to siltation of gill structures. Similarly, plant and macro-invertebrate communities can literally be blanketed over, and this can lead to loss or degradation of valuable habitat. It is important to incorporate best practices to minimise discharges of silt/suspended solids to waters.

7.3.1 ROD-AECOM Response

As stated above, Section 7.2 of the EclA deals specifically with the protection of watercourses and cites both IFI and TII best practice guidance documents which will prevent damage to sensitive habitats within and adjacent to the canal.

7.4 Observation - Stockpiling

Any stockpiling of topsoil must be considered and planned such that risk of pollution from these activities is minimised. Drainage from the topsoil storage area should not enter the canal.

7.4.1 ROD-AECOM Response

In Section 7.2 of the EclA under the title Earthworks, the mitigation for the prevention of excavated soil entering the canal system is dealt with. This includes:

"Excavations will be carried out using a suitably sized excavator. No washing of plant, vehicles or equipment will be completed within 50 m of a watercourse. Site foreman will ensure that all deliveries are required to complete wash out at their own company base, not on site.

In all circumstances, excavation depths and volumes will be minimised and excavated material will be re-used where possible.

A 1m buffer between the canal bank and the works will be maintained. No disturbance of soil or vegetation will occur inside this buffer. The buffer will be demarcated using post and line prior to works, and inspected by the ECoW regularly."

7.5 Observation - Refuelling

Any refueling area should be sited away from the watercourse and mitigations in place to prevent hydrocarbons entering the canal.

7.5.1 ROD-AECOM Response

In Section 7.2 of the EclA under the title Hydrocarbon Usage, the mitigation for the prevention of hydrocarbons entering the canal system is dealt with. This includes:

- "It is likely that all machinery will be refuelled from mobile tankers on the local/access roads. No refuelling is to take place within 50 m of any watercourse.
- When not in use, all valves and fuel trigger guns from fuel storage containers will be locked.
- Strict procedures for plant inspection, maintenance and repairs shall be detailed in the contractor's method statements and machinery shall be checked for leaks before arrival on-site.
- All site plant will be inspected at the beginning of each day prior to use. Defective plant shall not be used until the defect is satisfactorily fixed.
- All major repair and maintenance operations will take place off-site.
- Care will be taken at all times to avoid contamination of the environment with contaminants other than hydrocarbons, such as uncured concrete or other chemicals.
- Specific measures to off-set potential impacts relating to surface water run-off, during the operation of the road, have been incorporated into the design of the scheme. These include the use of hydrocarbon interceptors and attenuation systems."

8.0 SUBMISSION FROM IRISH WATER

The submission from Mr Collins states that Irish Water has no objection to the proposed development.

9.0 SUBMISSION FROM MR CATHAL FITZSIMONS

9.1 *Comments from Mr Fitzsimons*

A submission was received from Mr Fitzsimons outlining a request for further elements to be included as follows:

1. *6' high fence on the boundaries with my land (to prevent access to the planted forest area, which would be at high risk of fires with the introduction of passing footfall);*
2. *6' gates in said fence;*
3. *More pull in areas;*
4. *Road sides widened for pull in to accommodate passing farm machinery;*
5. *Road signs to clarify right of way for locals and farm machinery;*
6. *No barrier from points x to x on enclosed drawing;*
7. *If barriers are in place at other points, I will need keys to barriers to gain access to my lands.*

9.1.1 ROD-AECOM Response

1. Fencing - A standard 1300mm (approximately 4' 6") high fence is proposed at this location. A 6' high fence would be obtrusive to uses of the cycleway and footway;
2. Gates - Existing gates will be maintained at this location;
3. Pull in Areas - It is proposed to provide 13 passing bays between CH-22000 & CH-24000. These passing bays are located approximately 150m apart. The proposed spacing is considered adequate, especially considering the straight nature of the alignment which facilitates inter visibility between the different users;
4. The passing bays are designed to allow cyclists to give way to motorists along this section of the scheme. They are not intended as pull in areas for passing road vehicles;
5. Road signs to encourage courtesy give way by cyclists will be considered as part of the detailed design;
6. No barriers are proposed from points x to x;
7. It is proposed to provide a Waterways Ireland gate at CH-24070 to prevent unauthorised vehicular access east of this point. Keys for this gate can be provided to Mr Fitzsimons.

10.0 SUBMISSION FROM JOHN MURRAY

10.1 *Observation – Traffic Impact Assessment*

The current proposals fail to quantify the expected bicycle traffic and resulting benefits of the scheme, in particular the potential for e-bikes, etc.

10.1.1 ROD-AECOM Response

The issue addressed is beyond the scope of the proposal.

10.2 Observation – Surfacing

Kildare County Council proposes a low quality high cost surface. Furthermore, a dust surface results in dust on the clothes of cyclists and bikes and leads to puddles and potholes in wet weather. It does not enable mass cycling anywhere and will not do so in Kildare. It is noted that there is no objection to bituminous surfacing for nearby residents but is not provided for people who cycle for spurious reasons.

10.2.1 ROD-AECOM Response

The adoption of quarry dust material as a surface course was chosen by Waterways Ireland at this location due to environmental concerns. Bituminous surfacing is proposed in locations open to vehicular traffic. It is considered that the introduction of an asphalt material could have a negative impact on the rural setting of the route. The quarry dust surface is considered to have a lesser visual impact and to sit more naturally into the environment.

10.3 Observation – Road Safety

Kildare County Council claims that the proposed greenway is for recreational cyclists but the dust surfacing is designed to deter recreational road cyclists who make up a substantial proportion of recreational cyclists. The main east – west route for vehicles is the M4 motorway or the R148 regional road. Cyclists are prohibited from using motorways and the R148 is a heavily trafficked route by motorised vehicles diverting from the motorway in order to avoid tolls. As a result, the risk to cyclists is greater than on a 'normal' regional road. The objective of a Kildare county Council should be to attract the maximum number of road cyclists rather than a minimum number which the proposed surfacing (and width) will achieve.

10.3.1 ROD-AECOM Response

The use of the proposed surfacing is of a similar grade to that used in the Great Western Greenway, which facilitates the use of the route by amenity cyclists but is not preferable for high speed cyclists or the use of road / racing bikes.

10.4 Observation – Availability of 5m Corridor

The typical cross sections show construction within a 5m corridor. However the extent of a 5m corridor is not stated and there is no comment on what happens where 5m is not available.

10.4.1 ROD-AECOM Response

The proposed shared cycleway and footway has a width of 3m. An overall cross section of 5m is required in order to provide a 1m buffer each side of the proposed shared cycleway and footway. This 1m buffer is especially important on the canal side of the shared cycleway and footway in order to provide safe distance from the user and the canal. Where the 5m is not available the verge width on the land side of the cycleway may reduce to 0.5m as shown on the typical cross sections.

10.5 Observation – Width

It is noted that the proposed width is 3m. However the construction is extended a further 150mm each side in order to support the sides. An effective width of 3.3m which would result in a higher level of service for cyclists and walkers and reduce potential conflict between the two, could be achieved by the use of kerbs instead.

10.5.1 ROD-AECOM Response

The width of 3m has been selected for the entire route based on the standard "Rural Cycleway Design" (DN-GEO-03047-02) published by Transport Infrastructure Ireland

and the "National Cycle Manual" published by The National Transport Authority. The use of kerbs would still require additional construction behind the kerb.

10.6 Observation – Gate Access

The gate width is not in accordance with the best practice – it does not allow passage by all bicycle types such as family groups, laden touring bicycles. A cycle design vehicles (2.8m long and 1.2m wide as specified in IAN 195/16) will not pass through the proposed gate.

10.6.1 ROD-AECOM Response

The gate width provided exceeds the requirements specified by Transport Infrastructure Ireland in DN-GEO-03047-02. DN-GEO-03047-02 sets a minimum width of 1.2m between centre of post to edge of carriageway.

The proposed gateway configuration is designed to facilitate for varying opening widths. For the majority of the time it is intended to provide a width of 1.25m in order to allow wide bicycles to pass through. It is however, envisaged that during peak times (summer months, bank holidays, etc.) some of the gates will be opened to their full width of approximately 3m. This may be extended to the full year round following a review of the security along the canal.

11.0 SUBMISSION FROM DEPARTMENT OF CULTURE, HERITAGE AND THE GAELTACHT

A detailed submission was received from Ms Nolan outlining the observations and concerns from the Department of Culture, Heritage and the Gaeltacht.

11.1 Observation – Archaeology

The EIA screening report states that adverse impact from the development on these features will be avoided by application of appropriate archaeological and architectural mitigation measures.

As no details of the mitigation measures has been submitted, the department recommends that details of the mitigation strategy should be requested as further information

11.1.1 ROD-AECOM Response

The area of the project is rich in cultural heritage. The design of the Greenway ensures that works maintain a sufficient distance from monuments and protected structures. No monuments or protected structures will be impacted by the proposed Greenway.

11.2 Observation – Nature Conservation

It is noted that the current part 8 application relates to the cycleway being constructed along the northern bank of the canal. This is a change from the original part 8 proposal which was to make improvements to the existing canal towpath on the southern bank. The proposed northern route along the towpath is presently undisturbed and the greenway will impact on a number of ecological habitats. The department have identified that the proposed route will cut through an area of mature wet woodland within raised bog.

11.2.1 ROD-AECOM Response

As presented in the table and photographs below, Meath County Council does not consider that the north side of the canal is "undisturbed", with sections of road and maintained agricultural grassland accounting for 78% of the route. The habitats that are crossed by the proposed greenway include:

Chainage Start	Chainage End	Length	Habitat	Fossil Habitat Classification
22060	24070	2,010m	Artificial Surface (Access Road)	BL3
24070	24360	290m	Maintained agricultural grassland	GA1
24360	24710	350m	Wet Grassland	GS4
24710	25150	440m	Mixed Broadleaf/ Conifer Woodland	WD2
25150	25610	460m	Wet Grassland	GS4
25610	27850	2,240m	Scrub / Improved Agricultural Grassland	WS1/ GA1
Total		5,790m		



Access road at Ch 22900



Maintained agricultural grassland at Ch 24000



Wet grassland at Ch 24700



Woodland at Ch 14800 (Approx)



Wet grassland at Ch 25600



Scrub / Improved Agricultural Grassland at Ch 27400

The woodland, identified as ESA2 on the habitats maps, is not within the boundary of the Royal Canal pNHA, which includes the canal, its banks and the fields immediately west of the woodland (See Plate 1 pNHA boundary). The woodland is a mixed broadleaf/ conifer woodland (Fossit habitat code: WD2). The woodland does not correspond to any Annex I woodland for the following reasons:

1. The woodland does not correspond to Annex I Alluvial Woodland because the substrate does not consist of mobile sediment (i.e. is not an alluvial site) and the dominant species is birch;
2. This habitat does not correspond to Annex I Bog Woodland, because the substrate is not intact raised bog and there is insufficient cover of sphagnum mosses.

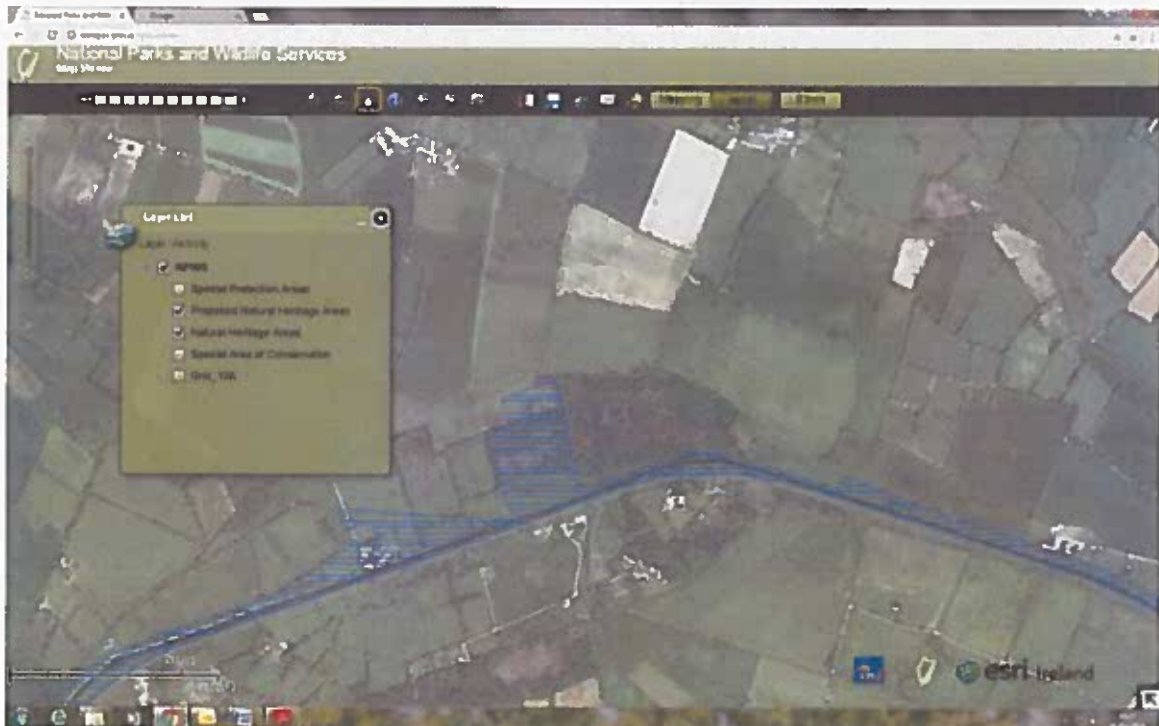


Plate 1: Royal Canal pNHA

With regard to consultation with non-statutory bodies in relation to this section of proposed Greenway, a consultation response received from Butterfly Conservation Ireland October 2017 stated "The move to the north side of the canal is welcome, as the south bank is certainly more attractive to butterflies, and adjoins better habitat".

The wet woodland has developed on what was formerly raised bog. As stated in the submission this woodland is not in the Kildare section of the route.

11.3 Observation – EIA Screening 2017

When screening and using the revised screening checklist, the following questions are all particularly relevant.

11. Is the project located within or close to any areas which are protected under international, EU, or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project

12. Are there any other areas on or around the location that are important or sensitive for reasons of their ecology e.g. woodlands, watercourses or other water bodies, the coastal zone, mountains, forests or woodlands, that could be affected by the project?

13. Are there any areas on or around the location that are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the Project?

The EIA screening concludes that the presence of habitats and species identified along the canal does not warrant the need for an EIS to be completed. The Department notes that the statement has not been clarified but that an EclA has been provided, which is essentially the flora and fauna chapter of an EIAR (previously EIS).

11.3.1 ROD-AECOM Response

The EIA Screening carried out in 2017 dealt with the three questions, 11, 12 and 13 described in the submission.

Please see the EIA Screening (2017) attached to this document.

Section 6.6 of the EIA Screening states: "The presence of habitats and species identified along the canal does not warrant the need for an EIS to be completed".

The EIA Screening concludes that: "It is considered that the environmental effects arising from the project will generally be localised, minor in nature and occur principally during the construction phase".

11.4 Observation – EclA

While the Department has not surveyed the area, an initial site visit and a reading of the documents submitted has raised the concerns detailed below, which relate to the project in both Meath and Kildare.

As stated above, the route will cut through an area of mature wet woodland within raised bog habitat. This area is within the boundary of the pNHA Royal Canal (Site Code 002103) and it has been identified as an Ecological Sensitive Area (ESA2) within the habitat maps submitted by Meath County Council. The Department has concerns in relation to impacts to biodiversity.

11.4.1 ROD-AECOM Response

The woodland that will be impacted by the route is not within the boundary of the Royal Canal pNHA, which includes the canal, its banks and the fields immediately west of the woodland (See Plate 1 above). The woodland does not correspond to any Annex I habitats.

This does not detract from the ecological value of the woodland and it has been included as a Key Ecological Receptor in the EclA. The EclA concluded that following mitigation, the residual impact on the woodland is permanent negligible negative impact. The proposed Greenway will be a 3m wide track within the woodland, constituting 1.24% of the wooded area concerned (1320m² of 106,465m²). Mature and selected tree species (Oak and Scot's pine) will be avoided as much as practicable. The mitigation proposed in the EclA to reduce impacts on the woodland is detailed in section 7.2 of the EclA:

"This mitigation is provided to reduce the potential for the Greenway to impact on the habitat quality within the woodland:

- Within the woodland, the footprint of the Greenway will be 3m wide.
- The exact route through the woodland will be agreed with the Ecological Clerk of Works and trees to be felled will be clearly marked
- The route will seek to avoid the felling of mature trees, especially Scot's Pine and Oak.
- No trees will be felled within 3m of the canal bank.
- Felled trees will be directed away from the canal.
- Felled trees will be left on site as invertebrate habitat, where possible.
- Works will avoid damage to tree roots."

11.5 Observation – Baseline Data and Survey Limitations

It is unclear why the current EclA is for Westmeath County Council. It appears that the previous EclA from 2013 should be read in conjunction with this one. However, this has not been submitted to the Department with this current application.

While the current EclA admits to being deficient with regard to the length of time of the survey work (1 day), and the date (28th March), the Department would have expected a later survey to have taken place during the summer months to rectify this situation particularly in relation to ESA2, mature wet woodland habitat. While acknowledging this ESA is in Co. Meath, the project cannot be split into two for assessment purposes.

11.5.1 ROD-AECOM Response

Westmeath County Council is the overall client for the Maynooth to Westmeath border section of the greenway, of which Cloncurry to Ferrans Lock is a part. The applicant is in agreement that the project should not be split, which is why an overarching EclA was produced for the full Cloncurry- Ferran's Lock section of Greenway.

The woodland is described as a mixed broadleaf/ conifer woodland. This habitat is dominated by birch trees with occasional oak, holly and Scot's pine. The ground is peaty and undulating and the field layer is made up of bramble, honeysuckle, ivy, remote sedge and mosses. The woodland does not correspond to any Annex I habitats. A detailed vegetation survey of the woodland will be carried out during the optimum time of year prior to works to confirm the status of the woodland and prepare a detailed species list.

11.6 Observation – Project Splitting and Cumulative Impacts

It is noted that this project will also involve a Part 8 in Co. Meath although it is not clear whether both parts will be constructed together. As stated above this Department is of the opinion that this is one project and cannot be split.

In addition, this project is part of a larger project for a cycletrack and footpath along the whole length of the Royal Canal from Dublin to Mullingar and then on to Galway. This Department would have expected reference to the overall EclA for the whole length of the Royal Canal. The current EclA had not adequately assessed cumulative impacts.

The Department would have expected a clear reference as to how much of each habitat type will be lost, and what % this represents of that habitat type in the pNHA, along with an estimate of the loss of these habitats from the whole Royal Canal greenway scheme, and the proposed mitigation.

11.6.1 ROD-AECOM Response

The Cloncurry to Ferrans Lock greenway includes sections in Meath and Kildare, therefore the project was subject to a separate Part 8 for each County Council area. For the purposes of construction it will be constructed as a single project. In order to assess the impacts of the proposed greenway between Maynooth and the Westmeath Border, a single EIA Screening and AA Screening report were produced.

The *Biodiversity Impact Assessment for the Royal Canal Cycleway Royal Canal pNHA from Dublin City to Cloondara, Co. Longford* was a desk based report that cited several ecology reports which covered the route. The report relevant to the Cloncurry to Ferran's Lock section is the *Ecological Survey of the Royal Canal between the Boyne Valley Aqueduct and Maynooth*, (McCarthy Keville O'Sullivan, 2013), which was referenced in the EclA.

The EclA produced for the Boyne Valley Aqueduct to Maynooth section included a detailed species list between Cloncurry and Ferrans Lock. This is presented in Section 4.10 and 4.11 of the EclA (MKOS, 2013).

The coverage of each habitat type within the footprint of the proposed Greenway is described under the 'Nature Conservation' heading at the beginning of this document. In the woodland, the proposed Greenway will result in a direct habitat loss of 1.24% of the woodland area.

11.7 Observation – Other Issues

- 1. It has been noted within the EclA report (table 6.1, page 21) that the Woodland, which is a Key Ecological Receptor, will "constitute a Permanent Negligible Negative Impact as it will alter the woodland permanently. It is considered that impacts are reversible through appropriate design and mitigation". However the details of this design and mitigation have not been provided within the report*
- 2. It is noted that in table 7.1 (page 30), that the impacts and significance after mitigation have not been completed in relation to the pNHA and Woodland. These need to be completed.*
- 3. It is noted that the route will have a 5m footprint with a 3m wide path and a 1m verge on either side where possible. It is not clear how close this 5m footprint will be to the canal and what impacts this will have on the emergent and riparian vegetation along the canal length. It is also unclear what the verges will consist of and how they will be managed. It would also be anticipated that during construction the impacts would be greater than the 5m wide footprint and these impacts have not been quantified or assessed in the EclA.*
- 4. The same EclA appears to have been submitted by Meath County Council for the Meath portion of the greenway. This Department does not agree with the statement in section 3.7.2 of that EclA submitted by Meath County Council that "These habitats are unlikely to contain rare species and therefore the survey results are considered robust". It is noted however that this text is missing from the EclA submitted by Kildare County Council. It is unclear why the two documents should have any differences.*
- 5. This Department does not agree that the permanent loss of wet grassland is not of ecological significance as stated in section 6.2.*

6. *References to the presence of plenty of widespread suitable habitat in the surrounding area for mammals (section 6.6), and habitat availability in the surrounding area for birds (section 7.2 page 29), needs to be clarified, because, unless such areas are protected they may not be available in future. While the Royal Canal pNHA has protection under objective and policies in County Development Plans, the surrounding countryside may not have any such protection, and therefore the long term presence of such habitats cannot be guaranteed.*
7. *It is unclear if hedges will be replaced by fences in front of houses or if the fences will be in addition to the hedges.*
8. *Construction of the Greenway on the northern bank will involve excavation of soil on what is at present an undisturbed undulating landscape. It is stated within the EclA that excavated material will be re-used where possible. This Department would have concerns that this re- use may impact on habitats outside the 5 m wide footprint.*
9. *It is stated in section 4.2 of the EclA that 'the proposed Greenway travels adjacent to the Royal Canal pNHA' however it actually cuts through the pNHA. This should be amended.*

11.7.1 ROD-AECOM Response

1. The design is described in the Part 8 documents as a whole. The mitigation proposed in the EclA to reduce impacts on the woodland is detailed in section 7.2 of the EclA:
"This mitigation is provided to reduce the potential for the Greenway to impact on the habitat quality within the woodland:
 - Within the woodland, the footprint of the Greenway will be 3m wide.
 - The exact route through the woodland will be agreed with the Ecological Clerk of Works and trees to be felled will be clearly marked.
 - The route will seek to avoid the felling of mature trees, especially Scot's Pine and Oak.
 - No trees will be felled within 3m of the canal bank.
 - Trees will be felled away from the canal.
 - Felled trees will be left on site as invertebrate habitat
 - Works will avoid damage to tree roots."

2. The text in Table 7.1 was omitted in error. Please see the completed table:

Table 7.1 Assessment of the Construction Phase Residual Impacts scale and significance, based on EPA (2015) and TII (2009a).

Key Ecological Receptor	Description	Potential Impacts	Ecological Significance if Mitigated
Royal Canal pNHA	The Royal Canal is a man-made waterway linking the River Liffey at Dublin to the River Shannon near Tamonbarry. A number of different habitats are found within the canal boundaries - hedgerow, tall herbs, calcareous grassland, reed fringes, open water, scrub and woodland. The ecological value of the canal lies more in the diversity of species it supports along its linear habitats than in the presence of rare species.	It is considered that the Greenway has the potential to result in significant impacts at the Local Level. The Greenway does not have the potential to result in significant impacts at the County or National Level.	No significant residual impact on this KER.
Woodland	The broad-leaved woodland that lies between Ch. 25+200 and 24+700 provides sheltering opportunities for a range of fauna and invertebrates. The woodland is dominated by birch with examples of Scot's Pine, Oak and Holly also present.	It is considered that the Greenway has the potential to result in impacts on this KER at the local level; however these impacts are not considered to be significant.	No significant residual impact on this KER.
Badger	Badger signs were located at a number of locations along the route along with active setts.	It is considered that the Greenway does not have the potential to result in significant impacts on this KER either at the National or County level. The Greenway does have the potential to result in significant impacts at the Local level.	No significant residual impact on this KER.

Key Ecological Receptor	Description	Prop. Mitigation Impacts	Ecological Significance of Mitigated
Otter	Signs of this species were recorded along the majority of the larger watercourses that were identified along the route in the form of prints, spraints and couch areas. No holts were recorded during the dedicated Otter surveys undertaken. It is assumed (despite lack of evidence) that Otter are present to some extent on all watercourses within the study area.	It is considered that the Greenway does not have the potential to result in significant impacts on this KER either at the National or County level. The Greenway does have the potential to result in significant impacts at the Local level.	No significant residual impact on this KER.

3. Section 7.2 states that "A 1m buffer between the canal bank and the works will be maintained". This will protect emergent vegetation along the canal bank. Section 7.1 states "The land-take associated with the proposed Greenway will be temporarily fenced off at the outset of the construction phase of the project and will avoid the potential for unnecessary loss of habitat outside of the construction footprint". The verges of the greenway will be allowed to re-vegetate naturally.
4. The difference between the two reports is an oversight. The statement is intended to convey that the impacts of the construction and operation of the Greenway will not result in significant loss or decline of rare species. This statement is based on the data gathered during the desk study, from previous reports and surveys undertaken in March 2017.
5. Wet grassland is widespread locally. The areas of wet grassland affected by the route are currently grazed by cattle or maintained and the loss of a 5m strip, 2m of which will be replaced by naturally vegetated verges, is not considered to be of ecological significance.
6. Kildare County Council accepts that the wider area is not legally protected land, however it is rural in character and no significant developments are anticipated which would alter this. With reference to the 3m footprint of the proposed greenway, in the context of the surrounding landscape and habitats present, the direct habitat loss of the proposed greenway is not considered to be ecologically significant. No fencing which would limit mammals crossing the greenway is proposed and no artificial lighting is part of the design.
7. Existing hedges which form the boundary of properties along the proposed greenway will remain intact.
8. Section 7.1 states "The land-take associated with the proposed Greenway will be temporarily fenced off at the outset of the construction phase of the project and will avoid the potential for unnecessary loss of habitat outside of the construction footprint". Re-use of excavated material on site will be limited to the 5m (3m in the woodland) and will be used to create a flat surface in what is undulating ground. Excess material will be taken off site and disposed of at a licensed landfill.
9. The proposed greenway travels adjacent to the Royal Canal. The Royal Canal pNHA includes the canal itself and its banks (NPWS Site Synopsis). The NPWS mapping indicates a wider section of bank on the north side that includes wet grassland and woodland as well as the fields immediately west of the woodland. The woodland, other than that immediately adjacent to the canal (<10m), is not included in the Royal Canal pNHA. Please see mapping showing the extent of the Royal Canal pNHA in Plate 1 above.

11.8 Comment

In addition, when making a decision Kildare County Council will have to satisfy itself that it has adequate ecological data when reaching a decision on this application to ensure no loss of biodiversity in order to comply with the obligations of EU Biodiversity Strategy to 2020 and the National Biodiversity Plan 2017- 2021.

Kildare County Council will also have to consider the cumulative impacts of the whole project from Dublin to Galway, along with other similar projects along waterway ecological corridors, such as greenways along the Boyne and elsewhere in the country. Such projects in combination could result in loss and disturbance of species and habitats. In particular Member States are obliged to report on the status of the

National resource of annexed species and habitats every 6 years under the Habitats Directive.

11.8.1 ROD-AECOM Response

The EclA assessed potential impacts on ecological receptors including the woodland and badgers. The EclA concluded that there will be no significant impacts on the ecological receptors. There will be habitat loss within the footprint of the proposed Greenway, however this is insufficient to result in what could be considered biodiversity loss. A habitat survey will be conducted during the appropriate season which will include a species list.

The public consultation for the Strategic Environmental Assessment (SEA) of the Dublin to Galway Greenway was conducted in 2016 and the report was published in 2017.

12.0 SUBMISSION FROM KILDARE COUNTY COUNCIL ROADS SECTION

The submission from Mr Willoughby states that Kildare County Council Roads Section has no objections to make on this Part VII application, subject to the following conditions.

- 1. 3m wide minimum shared surface being provided*
- 2. Prior to commencement of development /scheme Developer to submit a detailed Road Safety Audit, Stage 2 carried out by an independent approved and certified auditor for proposed development / scheme and surrounding area, RSA recommendations to be incorporated into the detailed design.*
- 3. Prior to the opening of the development / scheme the Developer to submit a detailed Road Safety Audit, Stage 3 carried out by an independent approved and certified auditor on the completed works for the proposed development / scheme and surrounding area, RSA recommendations to be incorporated into the final completed works.*

12.1 ROD-AECOM Response

Comments noted. A 3m wide shared surface is to be provided throughout.

Stage 2 and Stage 3 Road Safety Audits for the scheme are to be carried out when required.

13.0 SUBMISSION FROM MR JEFF KING

A detailed submission was received from Mr King outlining his concerns, recommendations and observations regarding the proposed route of the shared cycleway and footway. Mr King acknowledges that the scheme will be a major benefit to those who live close to or use the Royal Canal for recreational purposes.

13.1 Observations

- 1. The existing gate at Kilbrook adjacent to Mr Kings home is shown in the wrong location. This is to be corrected and replaced with an approved Waterways Ireland access gate in the correct location;*

2. *The existing stone wall with a post and rail fence on top of same which runs parallel to the proposed scheme should be enhanced to a level to protect and preserve privacy, domestic animal livestock and those using the scheme;*
3. *The finished level of the scheme should be 200mm below ground floor levels of all structures adjacent to the scheme in order to ensure that water does not penetrate into any adjacent structures;*
4. *During construction care is to be taken not to undermine any structures adjacent to the scheme. The structures are of such an age that they do not incorporate reinforced concrete foundations;*
5. *It is believed that historic surface water drains traverse our property and terminate in the canal, these drains should be protected /upgraded to ensure no adverse repercussions occur due to the construction of the scheme.*
6. *Should anti social behaviour, littering etc become an issue, an agreed course of action and contacts should be made available.*

13.1.1 ROD-AECOM Response

1. Noted, the gate will be erected at the existing location;
2. KCC response;
3. The surface of the cycleway will fall towards the canal and away from the existing buildings. The proposed level will be no higher than the existing levels;
4. Noted. Construction techniques will avoid vibrations adjacent to the structures;
5. Existing drainage traversing the towpath will not be impacted by the proposed cycleway;
6. Noted.

14.0 SUBMISSION FROM MR PHILLIP CANTWELL (ON BEHALF OF MR MATIN FLYNN)

14.1 Observations

1. *The western section of the proposed greenway will be on a public road which is just 2.7m wide;*
2. *The Flynn lands continue along the northern side of this public road for quite a distance, etc.*
3. *The public road (where the Greenway is proposed) is another road which is actually the public road going northwards instead of straight on to 4 homes including Black and Fitzsimons, etc;*
4. *Mr Flynn stressed that it would be important to put "Main Road and Yield Right of Way" signs at the junction to inform the users of the Greenway that they are coming onto a public road;*
5. *The public road from the N4 to Rathmolyon has a speed limit of 80Km as there are no speed limit signs, vehicles turning onto the Greenway could (legally) travel at 80 km;*
6. *The public road turning Northwards has 12 families living on the public road including a number of farmers. This road can be busy with local access traffic including farm machinery, etc;*
7. *The proposed pull in bays will need to be wide enough so that heavy vehicles will require width of 3m so as not to impact on heavy vehicles. The length will*

- have to be long enough to take large vehicles such as Waste Collection Trucks;*
- 8. There is insufficient space between the existing public road from Cloncurry Bridge and the lands owned by Flynn's. The ground between the public road and Mr Flynn's land drops off steeply and is only 1 to 2 m wide. Please ask your engineers to visit the area and discuss with Mr Flynn;*
 - 9. Existing gateways from fields onto the public road to be maintained;*
 - 10. The landowners and road users have stressed the dangers of vehicles not seeing pedestrians crossing the road at Cloncurry bridge as the vehicles are "facing upwards" as they drive over the bridge from the N4 direction;*
 - 11. Why are the areas between the Royal Canal and the railway not used instead of the area on the Northern side of canal as existing Scoping surveys would still be applicable;*
 - 12. What are the blue dots on the land maps including Flynn lands;*
 - 13. Assurance is sought from Kildare County Council that the greenway development will not impact on future development of the Flynn lands;*
 - 14. Mr Flynn is very concerned about disturbing badger sets along the greenway and spreading TB to his lands affecting Bovine from badgers leaving existing sets;*
 - 15. Mr Flynn is concerned about anti-social behaviour of drinking and drugs getting access to the areas and need for policing the Greenway;*
 - 16. Mr Flynn has fears of dogs attacking his sheep and lambs and wants signs to be erected to warn dog owners of prosecution if sheep are attacked.*

14.1.1 ROD-AECOM Response

1. The existing public road is to be widened to 3m under the proposal;
2. Noted;
3. Noted;
4. Noted, road signs will be included in the design to inform users;
5. KCC will consider reducing the speed limit on this section of road to 50kph, which would be more consistent with the actual vehicle speeds;
6. Noted;
7. The passing bays are intended primarily for use by cyclists, or to facilitate passage of cyclists. It is not the intention for the passing bays to accommodate large vehicles such as Waste Collection Trucks;
8. Noted, KCC engineers can visit the site to agree locations with Mr Flynn;
9. Noted, existing gateways will be maintained;
10. Noted, this has been the subject of previous road safety audits;
11. A route on the north side of the canal has been proposed for the reasons set out in the Part 8 Proposal, which include reduced environmental impacts, avoidance of the need for users to cross the canal and ease of construction;
12. The blue dots denote monuments identified by the National Monuments Service;
13. No negative influence on the future development in Mr Flynn's lands will be caused by the proposed development;
14. No disturbance of badgers is anticipated in the vicinity of Mr Flynn's lands;

15. This will be monitored and controlled by KCC. It is anticipated that any anti-social behaviour will be deterred by users of the cycleway and footway;
16. The code of conduct for users of the cycleway and footway will require dogs to be kept on a lead.

15.0 SUBMISSION FROM MR SEAN HOLTON & MRS RITA HOLTON

1. *The road is only 3m wide and making it a cycleway would have to be closed to other travel users and the farming community is using this road for over 80 years. By making cycle lane it would be dangerous to pedestrians & cyclists and cars users;*
2. *Request for Kildare County Council to look at the alternative, which would be to put a steel bridge over the canal at the point marked on the maps and this would bring the cyclists on the other side of the canal away from the road.*

15.1 ROD-AECOM Response

1. Road Width - There is no intention to close the road to other travel users. The road will be in shared use by vehicles and cyclists. Passing bays are to be provided every 150m approximately to facilitate this shared use;
2. Transferring the route other side of the canal as suggested would result in a greater environmental impact, as the proposed route of the cycleway is along an existing paved road.

APPENDIX 3

Photographs of the existing roadway along the northern bank of the Royal Canal

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