

# **KILKENNY CENTRAL ACCESS SCHEME (KCAS)**

## **INDEPENDENT REVIEW OF PROCESS**

**August 2014**

**For the Cathaoirleach**

**and**

**Members of Kilkenny County Council**

**Dr. Sean Brady**

**Chair of the Audit Committee of**

**Kilkenny County Council**

### **Disclaimer**

**This report is based on information sought and reviewed and the views expressed by relevant stakeholder parties. The accuracy of the information contained herein is dependent on the accuracy of the information supplied to me.**

## **Acronyms**

*CBA = Cost Benefit Analysis*

*CPO = Compulsory Purchase Order*

*EIA = Environmental Impact Assessment*

*EIS = Environmental Impact Statement*

*KBC = Kilkenny Borough Council*

*KCAS = Kilkenny Central Access Scheme*

*KCC = Kilkenny County Council*

*IRR = Inner Relief Road*

*ORR = Outer Relief Road*

*LAP = Local Area Plan*

*SID = Strategic Infrastructure Development*

*The Board = An Bord Pleanála*

## ***Executive Summary***

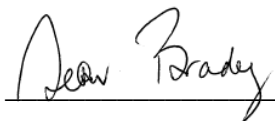
- The legislative and regulatory provisions relating to the planning, design and implementation of the KCAS are set out in *The Planning and Development Act 2000*, *The Planning and Development (Amendment) Act 2010*, *The Planning and Development (Strategic Infrastructure) Act 2006* and their associated regulations and statutory instruments. This independent assessment has found that due regard was given to the aforementioned during the KCAS development process;
- The review revealed that the KCAS/IRR has been an objective of successive elected Councils in Kilkenny, with reference to the scheme contained in each statutory Development Plan since 1980, in addition to being included within a number of non-statutory documents;
- The review confirmed that the KCAS is excellent value for money with significant potential for investment returns, and will act as a strategic enabler of the growth of this portion of Kilkenny City, providing sustainable jobs for the people of Kilkenny;
- It was found that, the views of members of the public who made representations on the proposed 'Route Selection' during the EIA process were taken into account and carefully analysed, when deciding upon a preferred option;
- Additional stakeholder consultation undertaken by me with principal objectors and supporters of the KCAS scheme revealed that the key issues were as follows: Perceived negative impact of the KCAS Bridge upon local heritage, culture, environment, character, public safety and tourism; concerns over sub-standard public consultation and communication; positive impacts of the redevelopment of Diageo site in terms of local regeneration and employment creation; need to prioritise the completion of the ORR as a viable alternative;
- The review revealed that public consultation (both statutory and non-statutory) played a significant role in the KCAS process and greatly influenced the evolution and development of the scheme. It was also found that fair process was observed by the Council (and the Board) in relation to the statutory requirements and timeframes for

all public consultation and the consideration and response to public submissions, with several additional non-statutory consultation activities also successfully operationalised;

- It was found that fair process was also observed in relation to environmental, archaeological and historical investigation of the impact of the KCAS on the receiving environment. I am also confident that appropriate archaeological mitigation measures have been put in place as part of Phase 1 of KCAS, with scope for additional measures as required;
- The review confirmed that Phase 1 of KCAS meets National and European Union Standards by enabling internal redistribution of traffic flows and creating additional connections between both sides of the City across the river Nore;
- It was found that both the tender process and contract award process appear to have been executed properly, with reference to that set out in the relevant public procurement guidance; and,
- KCC in my opinion has the capacity to finance the projected cost of completing the project from the Castlecomer Road to Dean Street (Phase 1 of KCAS). However, it is acknowledged that sourcing funding for further stages of the ORR will be very challenging in today's economic environment;
- The Review confirms that the processes followed by Kilkenny County Council were, and are, correct;
- An Bord Pleanála, the national planning appeals board and planning arbitrator, approved Phase 1 of the KCAS.

# Recommendations

1. **Proceed to finish KCAS Phase 1 as soon as possible to harvest the benefits of the project for the City and County and Kilkenny and minimise time of disruption to the local community;**
2. **Improve pedestrian facilities on Dean Street to facilitate residents and visitors to the area to visit St. Canice's Cathedral;**
3. **Complete the Outer Ring Road, particularly from the Castlecomer Road to Freshford Road, as soon as financial resources permit;**
4. **Restore Green's Bridge.**



**Dr. Sean Brady**

**29<sup>th</sup> August 2014**

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### Precursor

The review of the Kilkenny Central Access Scheme comprises a review by the Membership of Kilkenny County Council following agreement between the Members that such is to be carried out. The Review has no legal outcome or implications. The Review will be undertaken at a Special Meeting of Kilkenny County Council on 1<sup>st</sup> September, 2014.

The process leading to the review, as agreed at the Special Council Meeting of 26<sup>th</sup> July, 2014, is to be chaired and overseen by an external member of the Kilkenny County Council Internal Audit Committee, Dr. Sean Brady, with assistance provided by staff of Kilkenny County Council. It is a matter for the Chair to consult with the executive of the Local Authority as to the availability, on a limited basis, of external expertise or specialist services, if he considers it necessary.

## Introduction

In recent months there has been a questioning of the legitimacy of the processes around the execution of the Kilkenny Central Access Scheme (KCAS) and the desirability of the viability of the scheme continuing in its current format.

Arising from a special meeting of Kilkenny County Council (KCC) held on 26<sup>th</sup> July 2014, it was decided that a review of the scheme would be undertaken, incorporating several specified modules as set out within this independent review of the process. Together, these modules cover the wide spectrum of issues that relate to the KCAS process (including consultation on, and design of, the KCAS scheme). Central to the review is the question of whether the Executive of KCC acted properly in the statutory processes followed for the scheme, which has consequences for the physical, environmental, historical, cultural and social fabric of the City, and also the associated public finances.

In order to review these matters thoroughly, it was decided to firstly review the origins of the scheme, followed by its statutory and non-statutory iterations as it developed and progressed over time, and finally the procedural and contract matters that have preceded the Council entering into the current contract to build the Phase 1 infrastructural element of the KCAS, which comprises a bridge crossing over the river Nore, between St. Canice's Place and Wolfe Tone Street.

As is the case for any physical development, legislative provisions, regulations, standards and requirements apply prior to approval and implementation.

The procedures and standards that need to be followed by Local Authorities in the planning, design and implementation of major road schemes are specified in the *Roads Act, 1993* as amended by *The Planning and Development Act 2000* (as Amended), *The Planning and Development (Strategic Infrastructure) Act 2006* and also in the *National Roads Project Management Guidelines* which were issued in 2000 and seek to ensure the efficient delivery of such infrastructure in a manner that minimises adverse environmental effects and respects all applicable legislation. These Acts provide statutory guidance on required procedural standards for planning and development applications, in addition to direction on an application to An Bord Pleanála (the Board), the national planning appeals body, for a Strategic Infrastructure Development (SID). It is with due regard to the aforementioned statutory provisions that were followed during the KCAS development process, that I make my independent assessment.

**Please note the following:**

- The KCAS Phase 1 is to be delivered in 3 Phases: Phase 1 ‘The River Crossing or Bridge linking Wolfe Tone Street and St. Canice’s Place’; Phase 2 ‘Dean Street to Western Environs’; and Phase 3 ‘Waterbarrack to Freshford Road’;
- The scheme was referred to as the ‘Inner Relief Road’ (IRR) pre-2008 and became known as ‘KCAS’ from 2008;
- The Kilkenny Corporation became Kilkenny Borough Council (KBC) in 2001 post the implementation of the *Local Government Act, 2001*;
- The KBC was amalgamated into Kilkenny County Council under the *Local Government Reform Act 2014*; and
- The former Diageo/ Smithwicks brewery site has been designated as a brownfield regeneration site, with a specific Masterplan, the ‘*Abbey Creative Quarter Kilkenny*’, designed for its redevelopment in October 2013;

## **Module 1: Policy Development**

### **a. Development Plans - Planning Framework for the Kilkenny Central Access Scheme.**

In order to put the scheme in context, it is important to investigate and understand how the KCAS came into being and how it has evolved over time. In order to achieve this, it is important to consider the entire policy background in terms of both non-statutory and statutory processes, plans and other documents that charted the scheme’s inception and influenced its current format.

From a review of the relevant documentation, it appears that the provision of the KCAS/IRR has been an objective of successive elected Councils in Kilkenny. Reference to the scheme was found to be contained in each statutory Development Plan since 1980, in addition to being included within a number of non-statutory documents.

#### **The 1970s period**

The earliest precursor to the current KCAS can be found in the non-statutory *1978 Kilkenny Traffic and Land Use Review Study*, which was commissioned in 1976 by (the then) Kilkenny Corporation. This document was prepared and delivered by external Consultants, Brady Shipman Martin, in 1978 and identified the need to connect the Dublin Road via Wolfe Tone Street to Dean Street/St. Canice’s Place by means of a 10m carriageway bridge crossing over the river Nore. The Study specifically included a recommendation for:



*“a new Bridge across the River Nore, so located as to provide a direct connection between Wolfe Tone Street and St. Canice’s Place, plus a new link road extending Dominic Street to Lord Edward Street/Granges Road” (Source: 1978 Kilkenny Traffic and Land Use Review Study, Section, 8.3)*

### **The 1980s period**

The *1980 Kilkenny City Development Plan* was adopted by the Elected Members of Kilkenny Corporation on the 19<sup>th</sup> May 1980. This Plan was committed to the implementation of the findings and recommendations of preceding traffic study, the *1978 Kilkenny Traffic and Land Use Review Study*. The Plan recommended that the development of a new City centre bridge be made a priority and recognised that an eastern bypass represented the best solution to the long-term traffic problems of Kilkenny City (with the first stage of this process being to extend the Callan Road northwards across the River Nore to the Dublin Road, which runs parallel to the North bank). A specific traffic objective was included in the Plan. This objective is provided below:

### **Traffic Objective**

*“provide a new city centre bridge, between Wolfe Tone Street and St. Canice’s Place and a new Bridge and approach roads connecting Dominic Street to Butt’s Green” (Source: 1980 Kilkenny City Development Plan , p 14)*

It was the objective to construct the bridge within the five years following the 1980 Plan, which would have accorded with the 1989 timeframe set in the *1978 Kilkenny Traffic and Land Use Review*.

The 1980 Plan also provided detail on the geographic location proposed for the new bridge, this was set out on the Plan’s Map 1 which is illustrated in Figure 1 below:

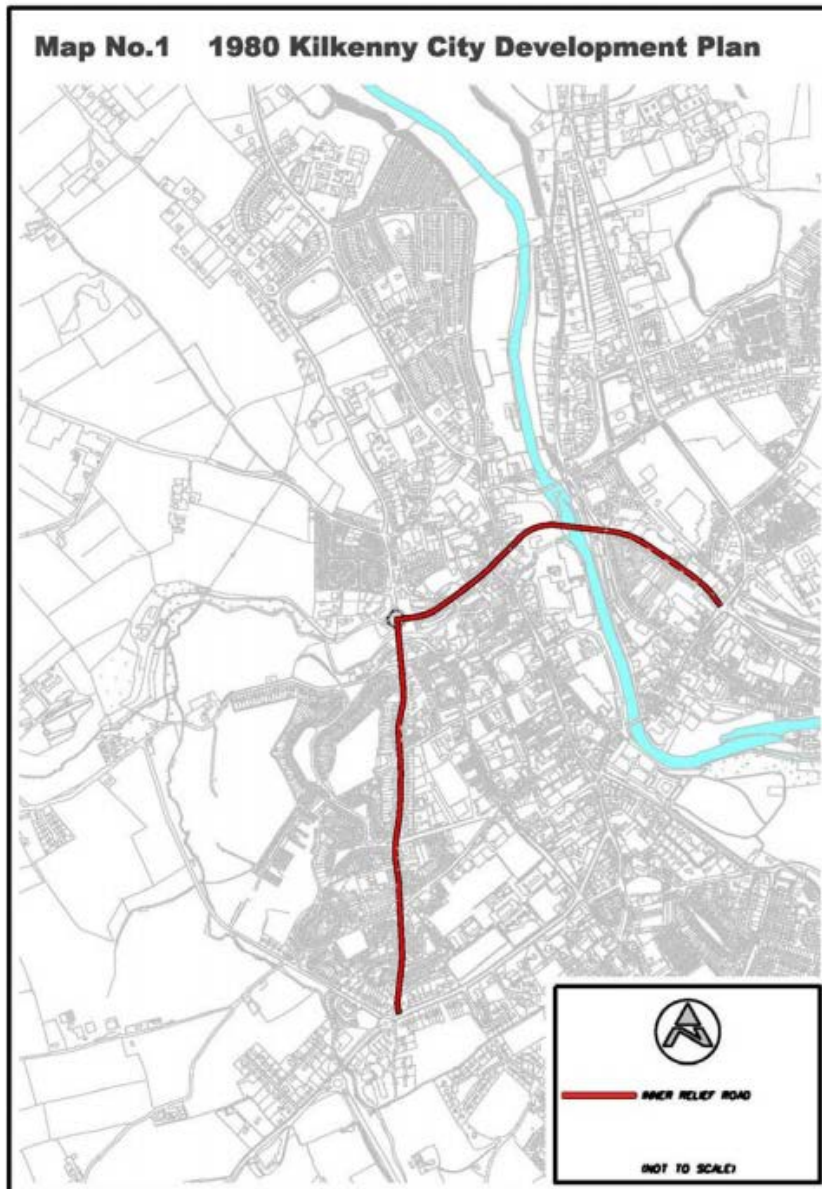
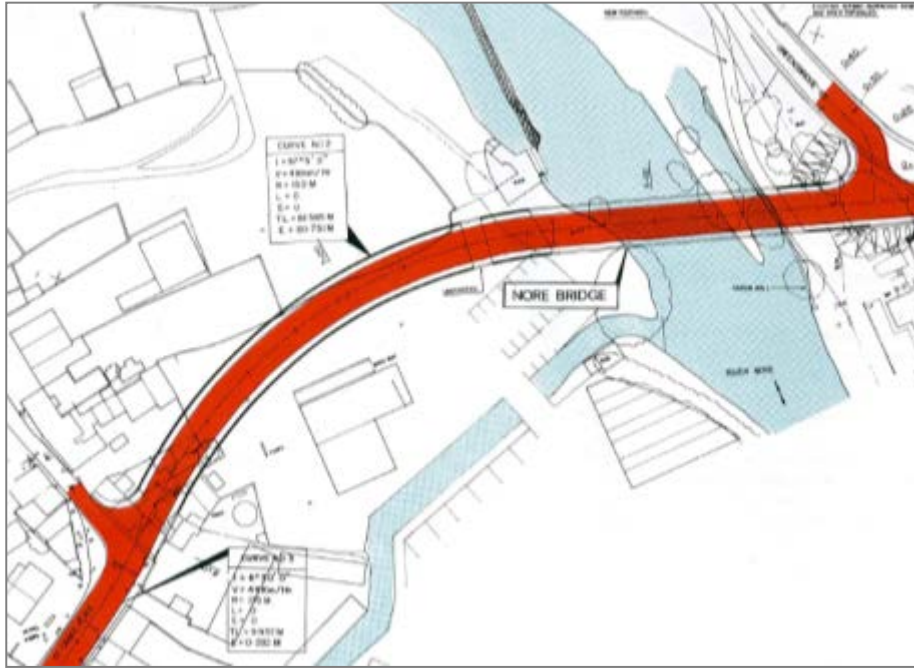


Figure 1: 'Alignment of Inner Relief Road (and new Bridge)' (Source: 1980 Kilkenny City Development Plan, Map No. 1)

Following the implementation of the *1980 Kilkenny City Development Plan*, external Consultants, McCarthy and Partners, were commissioned to design the new bridge crossing linking Wolfe Tone Street and St. Canice's Place. The design proposed was delivered in 1985 in a non-statutory document entitled *Kilkenny Inner Relief Road Bridge*, with the projected cost of the bridge at the time estimated to be £1.88 million. The location and alignment proposed for the new bridge in this document is provided in Figure 2 below:



**Figure 2: 'Horizontal Alignment of Proposed Bridge'** (Source: *Kilkenny Inner Relief Road Bridge –Preliminary Report*, McCarthy and Partners, April 1985)

The Elected Members of Kilkenny Corporation adopted the *1986 Kilkenny City Development Plan* on 9<sup>th</sup> of September 1986. The Plan, which committed to implementing the recommendations of the *1978 Kilkenny Traffic and Land Use Review Study*, contained an objective under the Roads and Traffic Section, which stated the following:

**Objective T4**

*“construct a new 10m carriageway, bridge across the River Nore together with associated approach roads to provide a direct link between Wolfe Tone Street and St. Canice’s Place.”* (Source: *1986 Kilkenny City Development Plan*, page 88)

The position of the proposed bridge crossing was also indicated on the Plan’s accompanying Map No. 2, which indicated the location of all the development objectives for the Plan. This Map is provided as Figure 3 below.

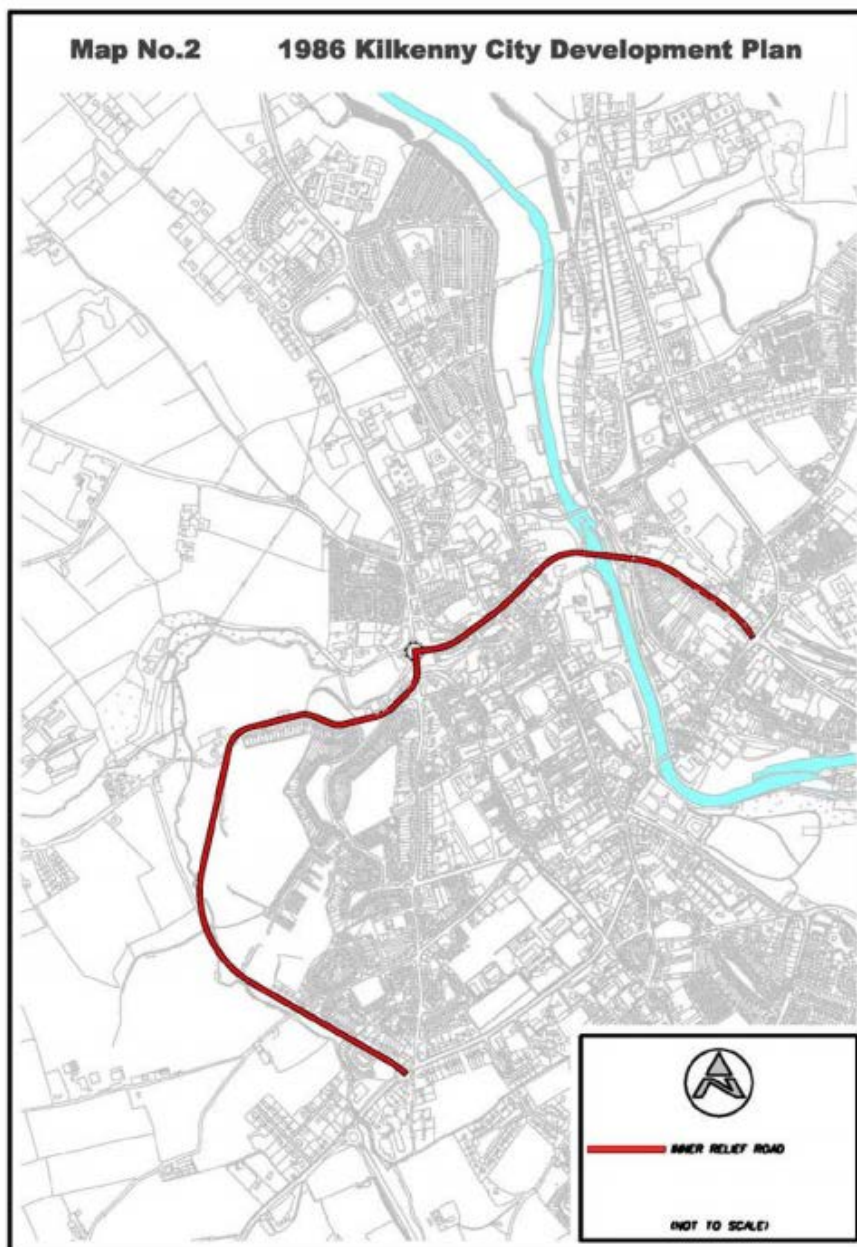


Figure 3: 'Alignment of Inner Relief Road (and Bridge crossing)' (Source: 1986 Kilkenny City Development Plan, Map No. 2)

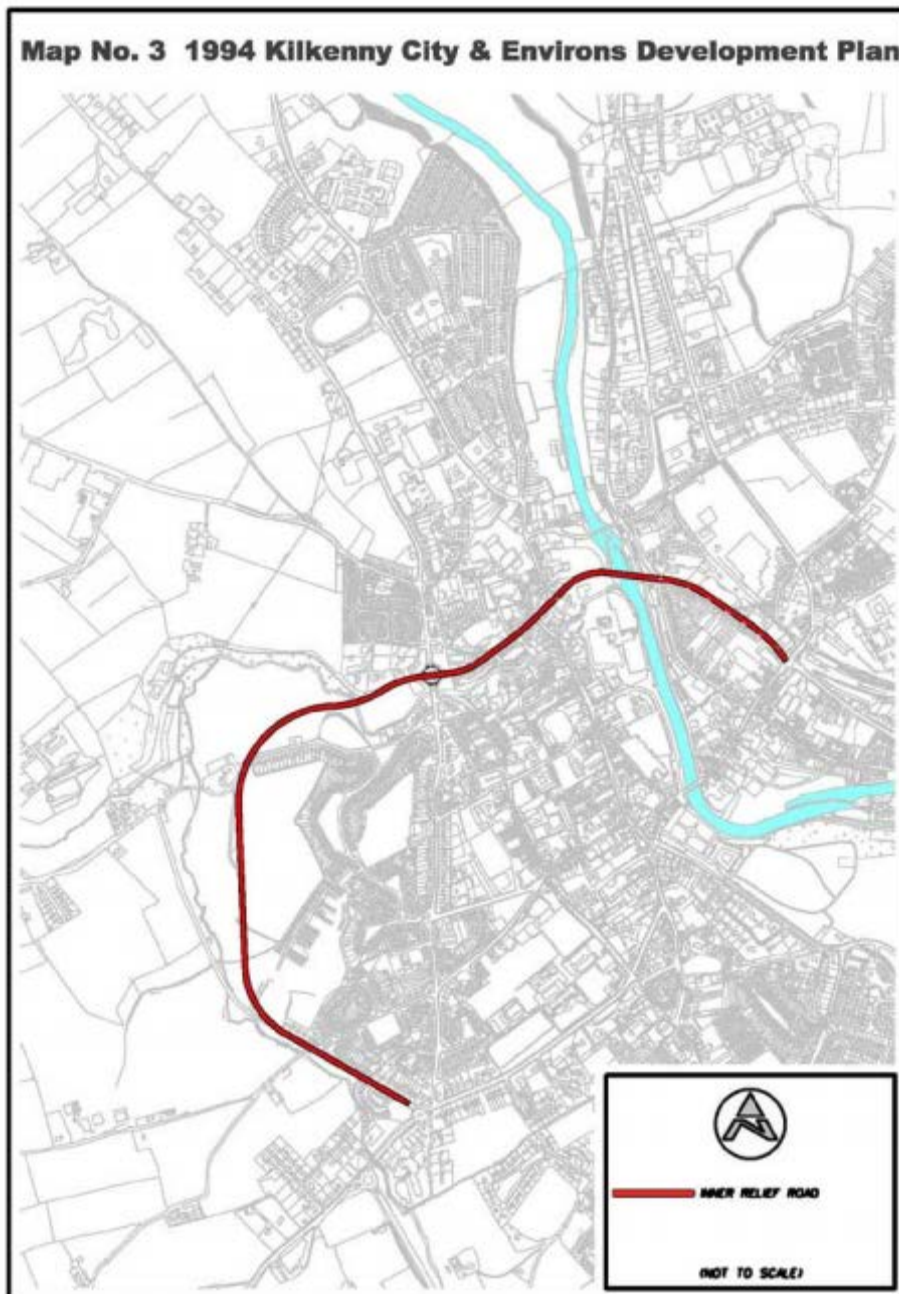
### The 1990s period

The 1994 Kilkenny City and Environs Development Plan, which was adopted on 27<sup>th</sup> September 1994 by the Elected Members, was the first joint Plan incorporating both Kilkenny City and its Environs. This Plan contained a specific objective to complete Phase 2 of the IRR linking the Callan Road with Wolfe Tone Street via Dean Street and St. Canice's Place. The objective relating to this action is detailed below:

### **Objective 7.5 ‘Proposed Road Development’**

*“Phase II of the Inner Relief Road which will link the Callan road with Wolfe Tone Street via Dean Street and St. Canice’s Place and a new Nore bridge to the south of Greens Bridge” (Source: 1994 Kilkenny City and Environs Development Plan, pg 44)*

The position of the proposed bridge crossing was also indicated on the Plan’s accompanying Map illustrated by Figure 4 below:



**Figure 4: ‘Alignment of Inner Relief Road (and Bridge crossing)’** (Source: 1994 Kilkenny City and Environs Development Plan, Map No. 3)

The non-statutory *Kilkenny Traffic Study Final Report* document was received in January 1996 and was the result of a study that was commissioned by Kilkenny Corporation in December 1993. The Study, which evaluated proposals to cater for traffic in Kilkenny City, reiterated the need for the IRR and a new bridge crossing linking Wolfe Tone Street and St. Canice's Place. The proposed IRR bridge crossing is fundamental to the evaluation and assumptions in the Study and is cited in several instances. The Maps accompanying the Study also indicate the proposed alignment of the bridge. The relevant Maps accompanying this Study are outlined below in Figures 5 and 6 below:

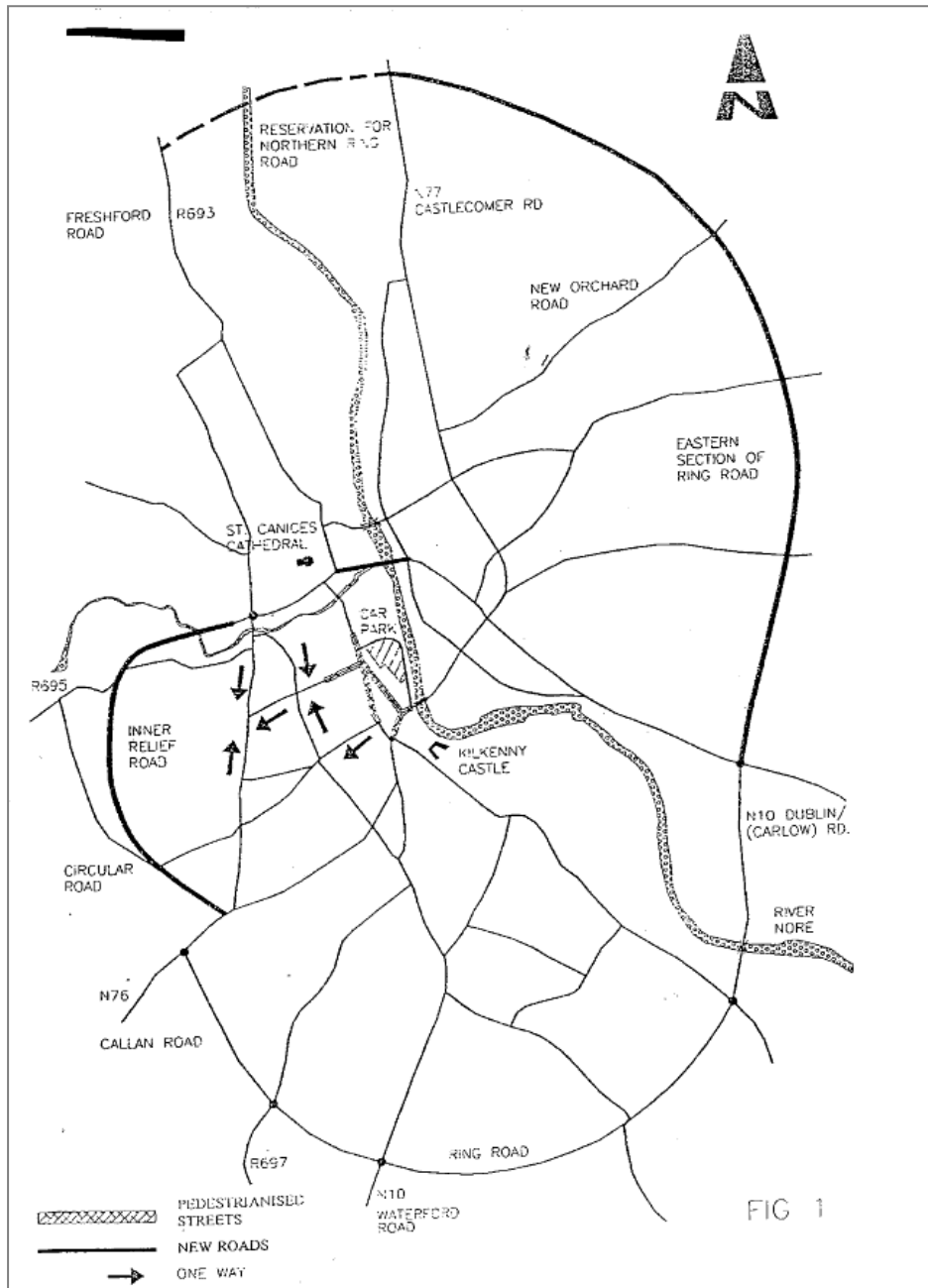


Figure 5: 'Improvement Scheme' (Source: *Kilkenny Traffic Study Final Report 1996*)

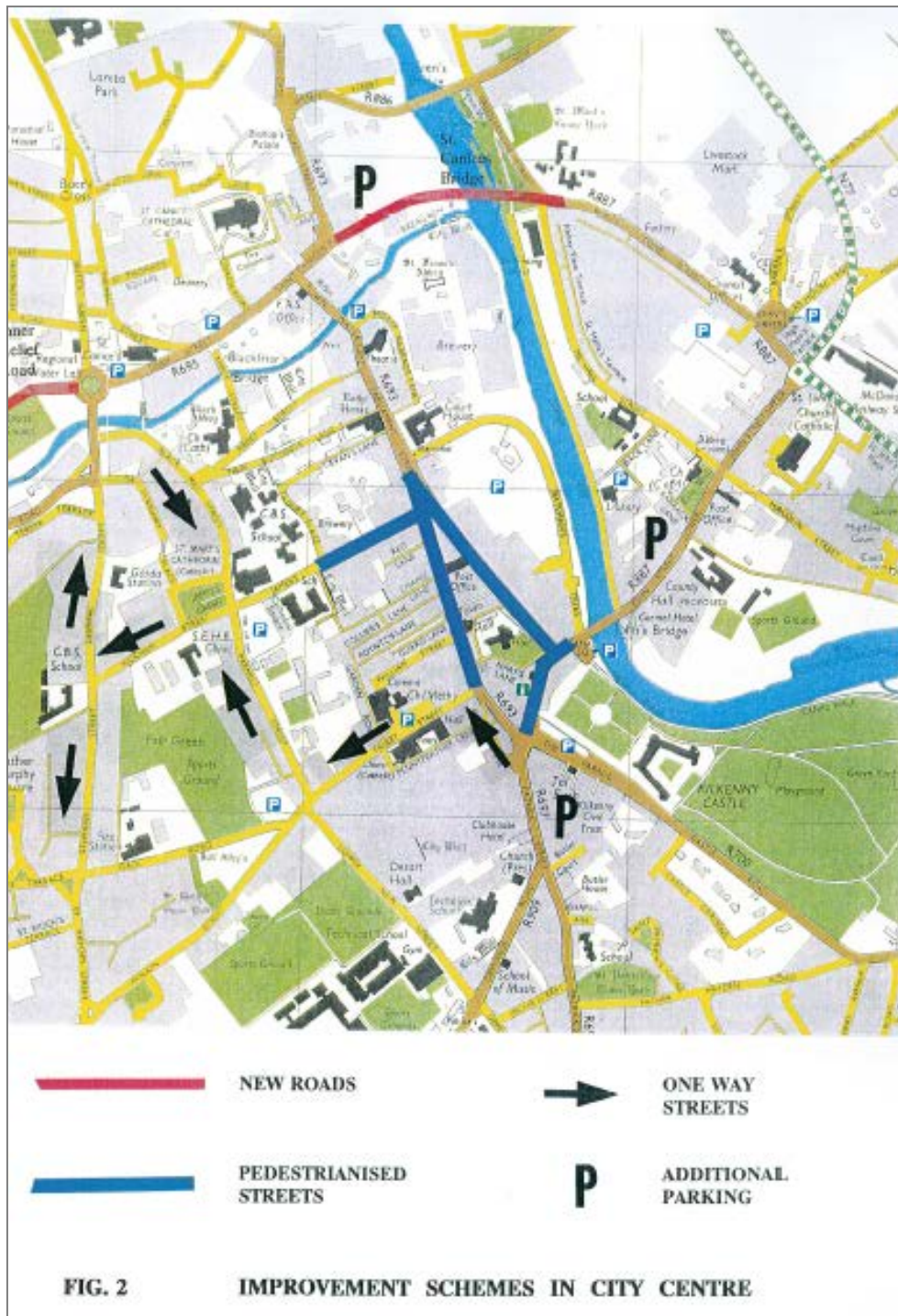


Figure 6: 'Improvement Scheme' (Source: *Kilkenny Traffic Study Final Report 1996*)

### The 2000-2014 period

The *Kilkenny City and Environs Development Plan 2002-2008* was adopted by the Elected Members on the 31<sup>st</sup> July 2002 and did not contain any objective to complete Phase 2 of the IRR as per the previous *1994 Kilkenny City and Environs Development Plan*. However, an objective relating to the IRR was later added to the Plan in a 'Variation' adopted by the Elected Members of both Kilkenny County Council and KBC in September 2003. *Kilkenny City and Environs Development Plan 2002-2008: Proposed*

Variation No. 2 (July 2004) proposed to alter the adopted alignment of the IRR reads as follows:

### **Variation No.2**

*“After careful consideration of the traffic management issues for the Kilkenny City and Environs Area it is now proposed to alter that proposed line as follows:…to the East along the river Breaghagh, to the existing roundabout at St. Canice’s Church, along Dean Street and Crossing the river Nore with a new Bridge linking into Wolfe Tone Street, with a new roundabout and spur linking into the Castlecomer Road through the existing Kilkenny livestock Mart site”. (Source: Kilkenny City and Environs Development Plan 2002-2008: Proposed Variation No. 2, p1)*

The Map accompanying the variation showed a representation of the alignment in orange. This Map is illustrated as Figure 7 below:

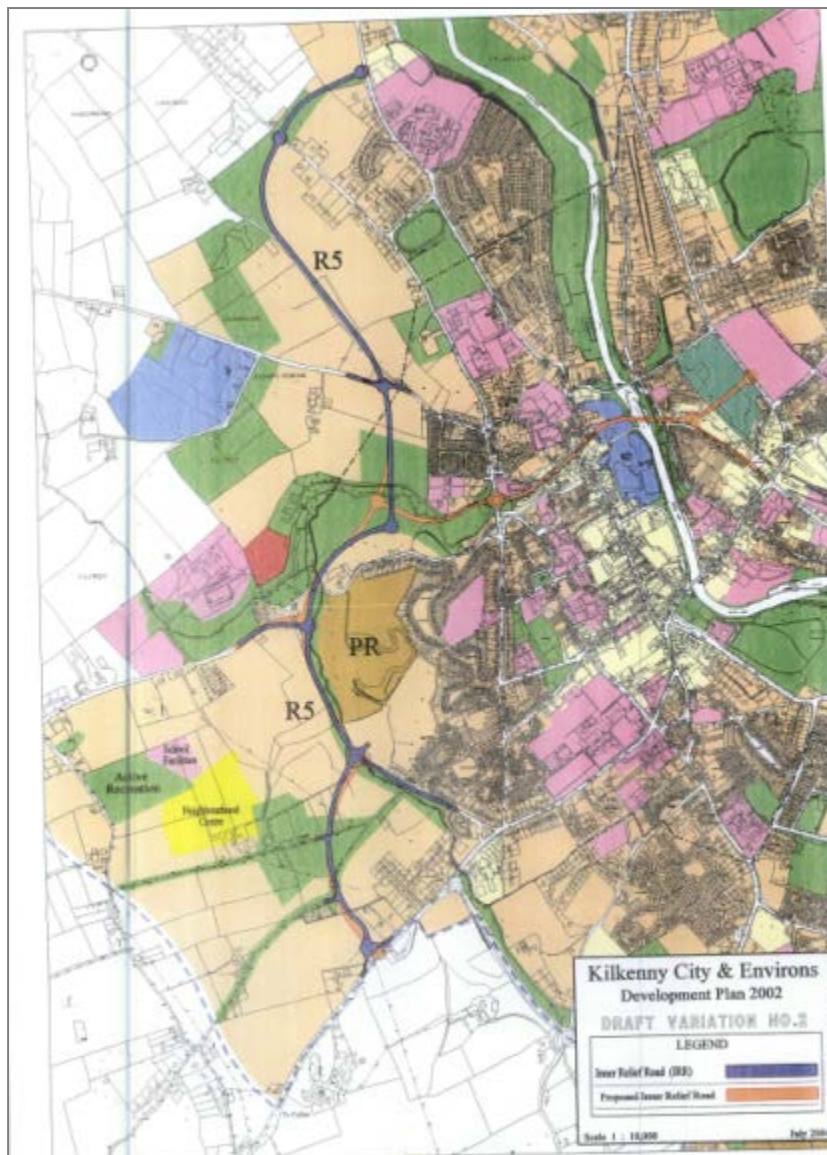


Figure 7: ‘Draft Variation to the IRR under Kilkenny City and Environs Development Plan 2002-2008’ (Source: Kilkenny City and Environs Development Plan 2002-2008: Proposed Variation No. 2 (July 2004), Draft Variation No. 2 Map)



Figure 8 below provides details of the nature of the Variation to the *Kilkenny City and Environs Development Plan 2002-2008*, which concerned proposed modifications to the IRR and the inclusion of the proposed bridge river crossing. This Map is illustrated below:

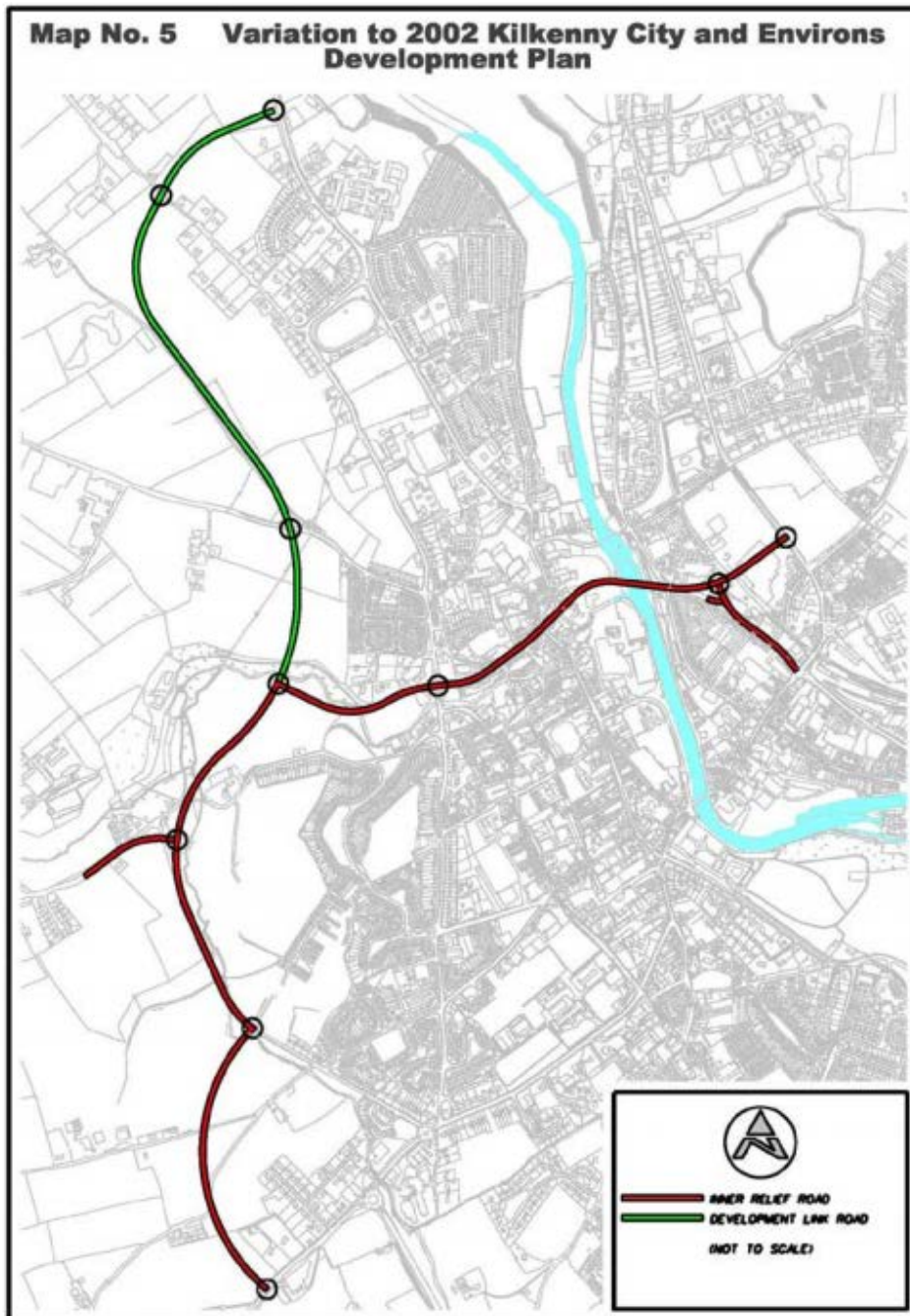


Figure 8: 'Variation to the IRR under Kilkenny City and Environs Development Plan 2002-2008'  
(Source: *Kilkenny City and Environs Development Plan 2002-2008: Proposed Variation No. 2* (July 2004), Map No. 5)

The 2004 *Western Environs Local Area Plan* supported the development of the IRR and stated that the Plan is intrinsically linked to completion of the new City centre bridge crossing.

It was intended that the *Kilkenny City Centre Local Area Plan (LAP) 2005*, in conjunction with the 2004 Variation to the *Kilkenny City and Environs Development Plan 2002-2008*, would be the main instrument to guide and control development in the City Centre. The LAP was adopted by the Elected Members on the 29<sup>th</sup> of July 2005 and was required to be consistent with the objectives of the Development Plan. The LAP provided an in depth assessment of the City centre and included more detailed objectives and policies together with an urban design framework and also outlined land uses for specific sites.

This LAP showed the IRR bridge as a medium term objective on both Map 2.1 ‘Road and Street Hierarchy, City and Environs’ and Map 2.2. ‘Road and Street Hierarchy, City Centre’. These Maps are set out below as Figures 9 and 10.

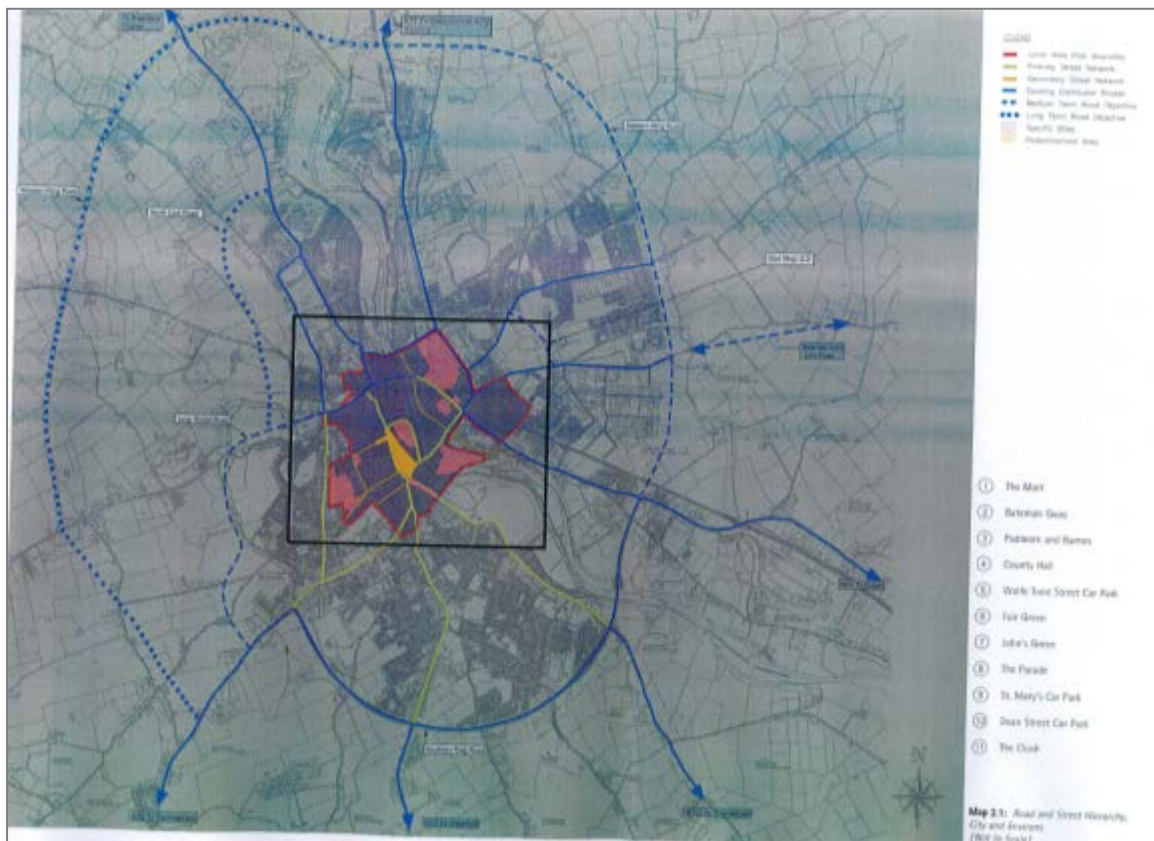


Figure 9: Road and Street Hierarchy, City and Environs’ (Source: 2005 *Kilkenny City Centre Local Area Plan*, Map 2.1)

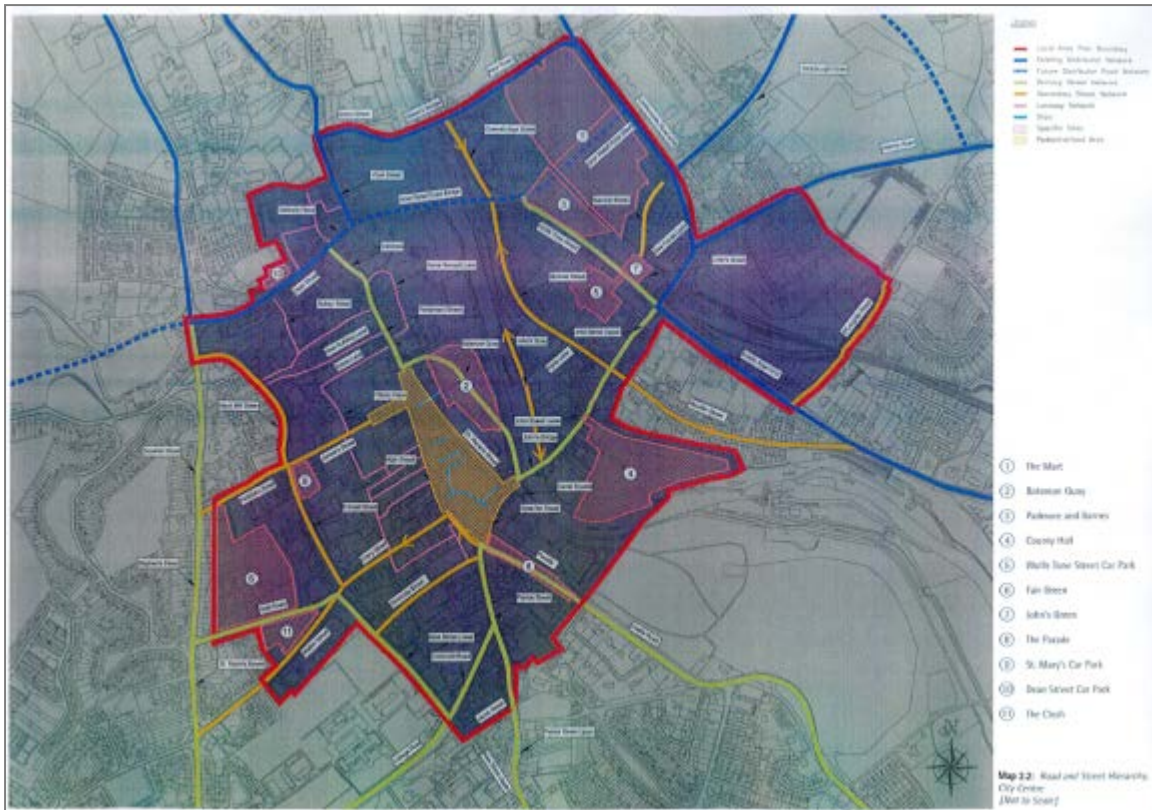


Figure 10: 'Road and Street Hierarchy, City Centre' (Source: 2005 Kilkenny City Centre Local Area Plan, Map 2.2)

The LAP also included a Roads Objective relating to the connection of St. Canice's Place with both Wolfe Tone Street and Castlecomer Road. This LAP also contained detailed objectives, some specifically relating to the IRR bridge, as set out below:

**Objective OWE2**

*“Inner Relief Road Bridge: Develop as a Distributor Road as part of the Inner Relief Road” (Source: 2005 Kilkenny City Centre Local Area Plan, Part 1, Table 2.4, p33)*

Map No. 6 of this LAP provided detail on its Transport Objectives and is set out as Figure 11 below:

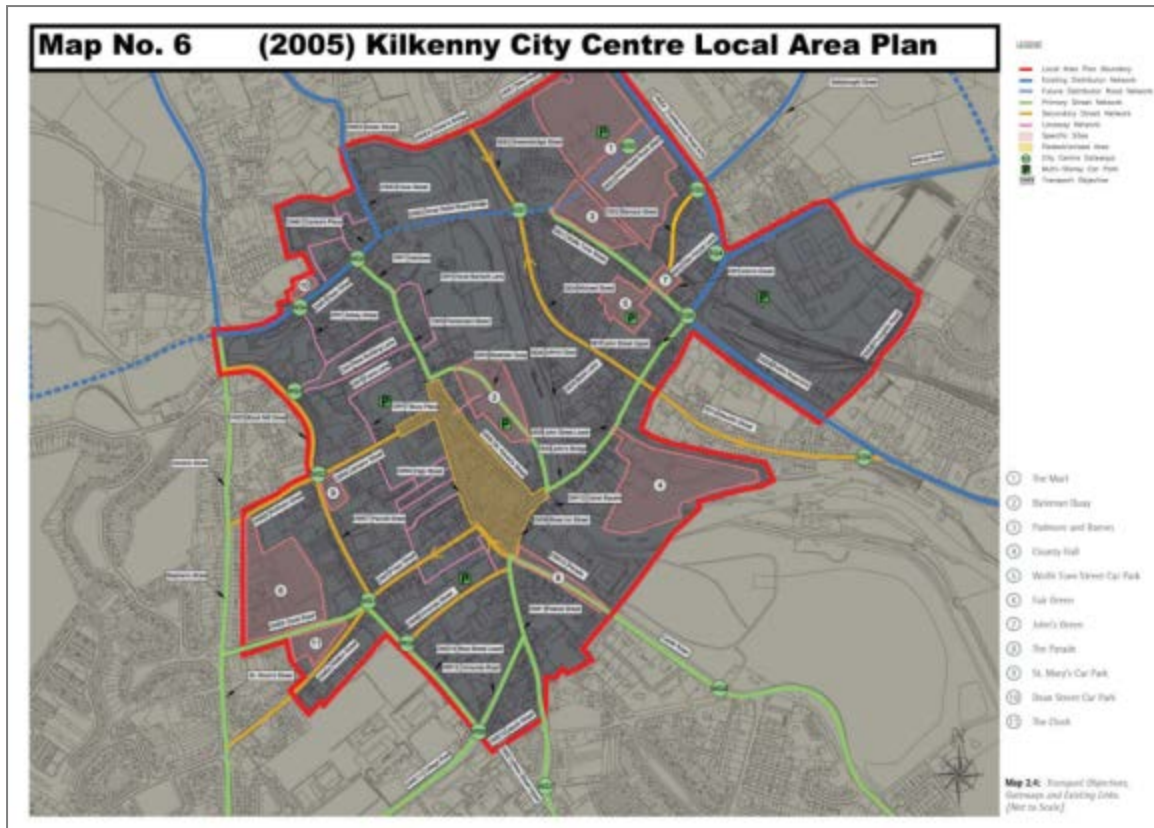


Figure 11: 'Transport Objectives' (Source: 2005 Kilkeny City Centre Local Area Plan, Map No. 6)

On the 16<sup>th</sup> of June 2008, KBC and KCC adopted the *Kilkenny City and Environs Development Plan 2008-2014*. This Plan contained a Roads Objective which stated the following:

**Objective 8.2.1 'Road Objectives':**

*“It is the objective of the Kilkenny Borough Council and the Kilkenny County Council to:...1. Reserve free from development the line of the proposed Central Access Scheme and (to) complete the Central Access scheme within the plan period (R1 on zoning and objectives Map” (Source: Kilkenny City and Environs Development Plan 2008-2014, p.111)*

Accordingly a strategic reservation was indicated on the Plan's Zoning and Objectives Map which detailed the proposed alignment in purple. This is illustrated as Figure 12 below:

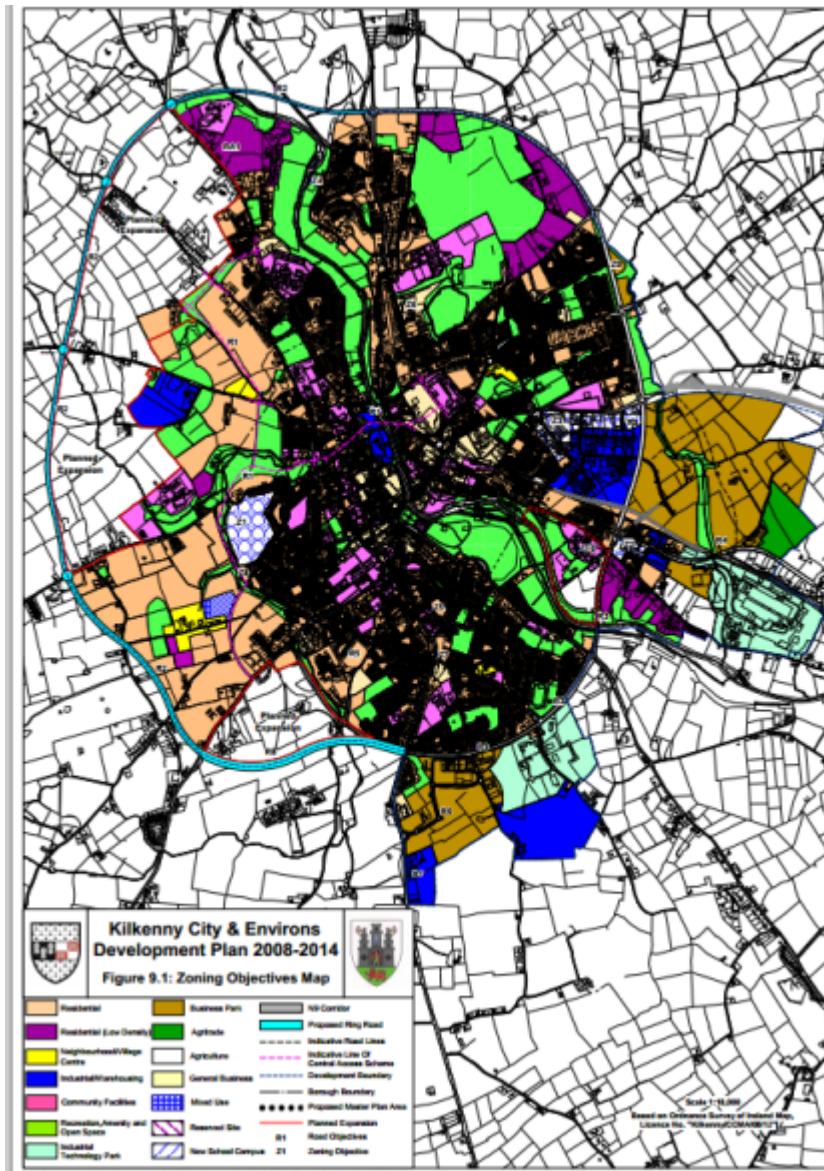


Figure 12: 'Zoning Objectives Map', (Source: *Kilkenny City and Environs Development Plan 2008-2014, Figure 9.1*)

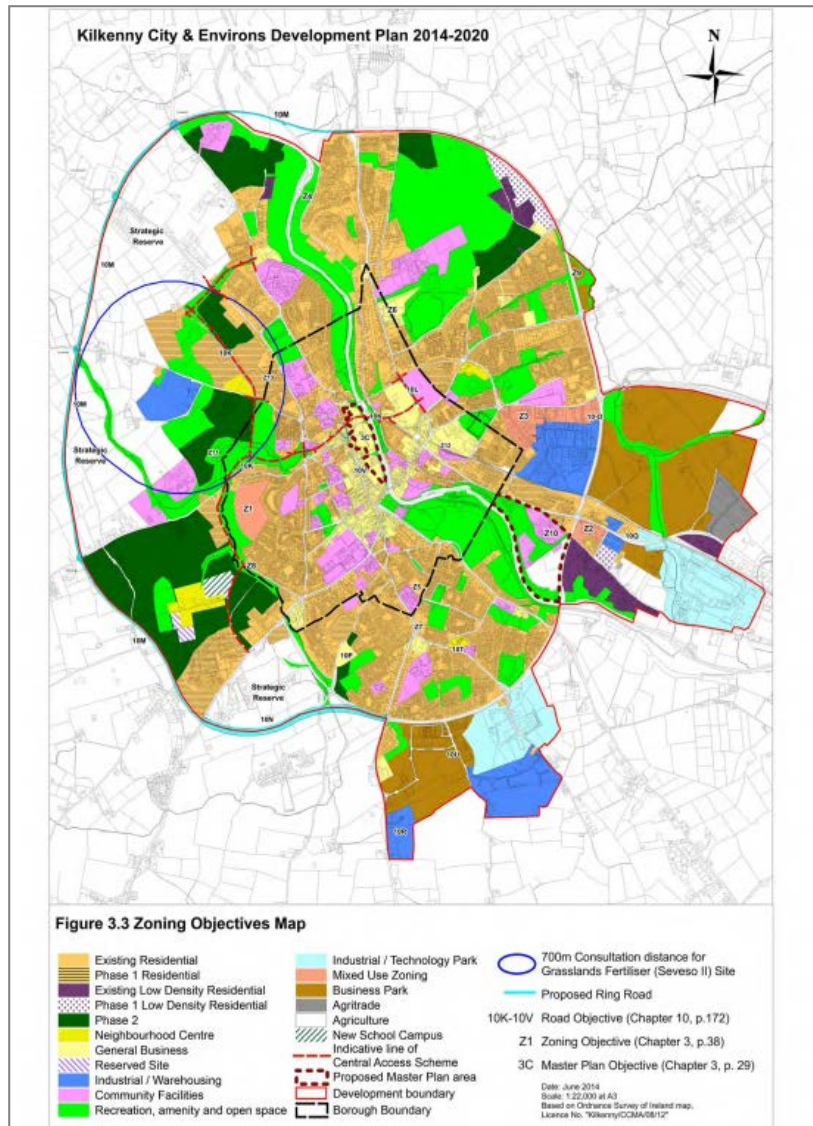
The current *Kilkenny City and Environs Development Plan 2014-2020*, was adopted by the Elected Members of both KBC and KCC on the 16<sup>th</sup> of May 2014. The Plan identifies the KCAS as of strategic importance to the City of Kilkenny and fully supports its provision. In addition, whilst the Plan supports the full KCAS Scheme as originally proposed, the objectives are particularly relevant to Phase 1 of the KCAS.

This Plan reiterates the following objective in relation to the development of the KCAS (formerly the IRR):

## **Objective 10k**

*“to reserve the line of phase 2 and phase 3 of proposed Central Access Scheme free from Development and to complete phase 1 of the Central access scheme within the plan period.”* (Source: *Kilkenny City and Environs Development Plan 2014-2020*, Section 10.4.6 Road Objectives, p. 172)

This objective was also contained in the accompanying Figures 3.3 - Zoning Objectives Map and 10.2 Street Hierarchy, illustrated in Figures 13 and 14 below:



**Figure 13: 'Zoning Objectives Map'** (Source: *Kilkenny City and Environs Development Plan 2014-2020*, Figure 3.3)

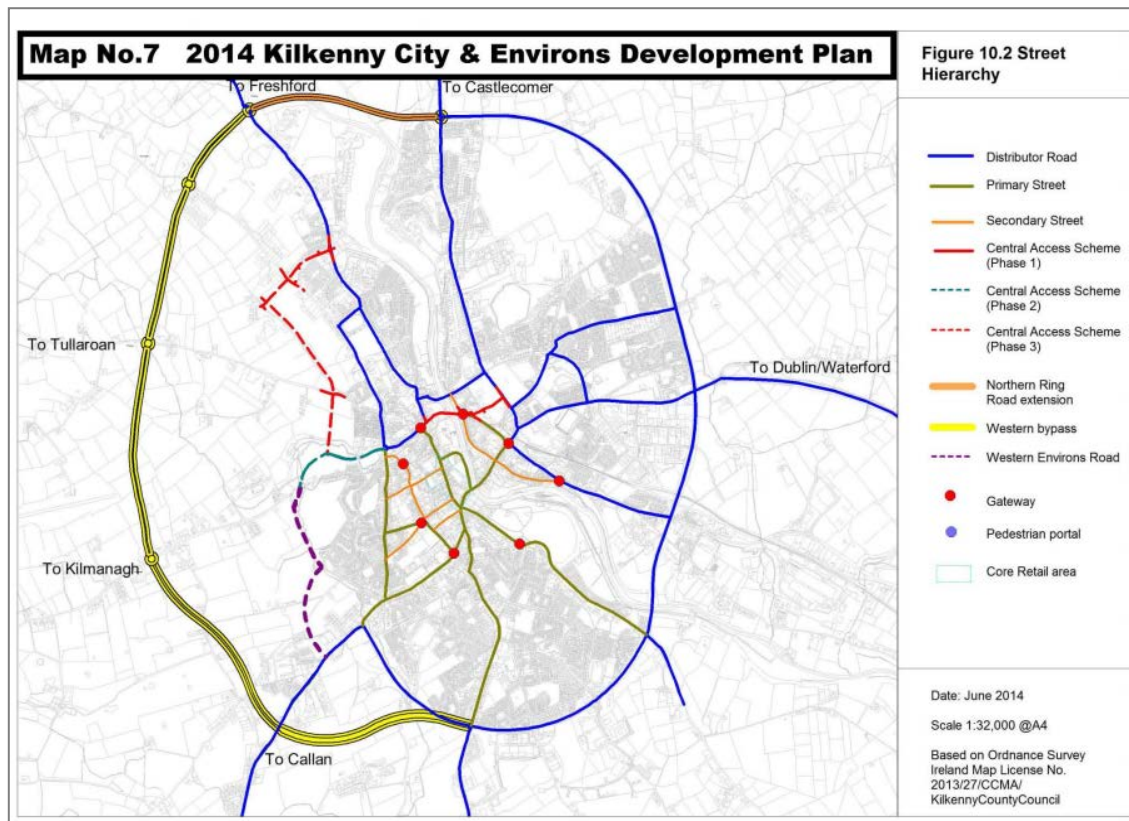


Figure 14: 'Street Hierarchy' (Source: Kilkenny City and Environs Development Plan 2014-2020, Map No.7)

The proposed KCAS is comprehensively detailed under Section 10.4.2.1(p.169) of this Plan, where a brief history of the scheme is included as an introduction to the Section.

It can be interpreted from contemporary development policy that, at this current stage of the KCAS process (i.e. August 2014), Phases 2 and 3 of the KCAS are not immediate priorities, with the policy envisaging that only Phase 1 of the KCAS (i.e. the proposed bridge crossing linking Wolfe Tone Street and St. Canice's Place) will be implemented during the operational period of the current *Kilkenny City and Environs Development Plan 2014-2020*.

## **b. Other Statutory and Non-Statutory Resolutions of the Council (Capital Budgets etc.)**

Please note that the adoption of the budget is dealt with within Module 9. CPOs are dealt with under Module 3e in the context of public consultation. Contracting matters are dealt with under Module 4.

On June 1<sup>st</sup> 2014, KBC was abolished and all its activities were transferred to KCC on that date.

### **c. Policy Development for the Diageo Site:**

The former Diageo (Smithwicks) site in the centre of Kilkenny City, which is now referred to as the 'Abbey Creative Quarter Kilkenny', is a brownfield opportunity site designated for urban regeneration. The 5.5ha site, which is in the ownership of KCC, is recognised as being of strategic importance to the economic and social well-being of Kilkenny. It is envisaged that the KCAS, as proposed, will open this site up for redevelopment and improve its integration with the City centre and the wider City environs. Eight different companies have expressed an interest in locating in the Abbey Creative Quarter Kilkenny.

The development framework for the Diageo site is currently in draft form, but was presented in Masterplan format to the members of KBC on the 5<sup>th</sup> November/ December 2013. This meeting was public and was held in City Hall. The non-statutory urban framework plan was displayed and submissions were received.

Following this initial public consultation, further assessments are currently being undertaken by KCC, particularly on the potential impact of the proposed development. Following on from these assessments, a revised Plan will be put on display. The final Plan will, if materially different from the current *Kilkenny City and Environs Development Plan 2014-2020*, be included in the Plan by means of a statutory 'Variation' to the Plan to give legal effect to same.

Given the current status of the Masterplan, it is premature, and outside the scope of this independent review, to comment on the specific potential interaction or relationship that the Diageo site may have with the KCAS. However, it is acknowledged that such an interaction or detailed relationship could potentially be significant, as the character of the redeveloped site will most likely have a significant impact on the Nore River environs between the proposed bridge crossing and the existing John's Bridge, and therefore the bridge crossing should not be viewed in isolation.

The Mart site offers a very interesting growth and development opportunity for Kilkenny. Planning permission for a Tesco store on the site was refused by KBC. On appeal to the Board, it was also refused due to inadequate capacity in the local street network to cater for the additional traffic that would be generated as a result of the development.

### **d. Other Statutory Consents:**

Two Compulsory Purchase Orders (CPOs) have been advertised in which the Council gave notice of its intention to expropriate property associated with the KCAS in the public interest. The first was advertised in 2008 and the second in 2011. The 2011 CPO followed on from revised proposals submitted to the Board, which included the omission of Phases 2 and 3 of the KCAS. The 2011 CPO was confirmed by the Board on the 12<sup>th</sup>



December 2011 (Please see Module 3 on Public Consultation for more detail on dates in this regard.)

A related consent is that of the extension and completion of the Kilkenny ORR up to the Freshford Road, which comprises a 1.5km road and bridge over the River Nore from the existing Castlecomer Road roundabout to the Freshford Road North of Aut Evan. The requirement to extend the ORR between the Castlecomer Road at Dunmore and the Freshford Road at Aut Evan/ Talbots Inch was originally set out in the *1994 Kilkenny City and Environs Development Plan*. This body of work was progressed in recent years, culminating in an application for this extension of the ORR (ABP Ref. 10HA0043) being made to the Board on the 16<sup>th</sup> December 2013.

On the 11<sup>th</sup> July, 2014, the Board approved the Environmental Impact Statement (EIS) and CPO in relation to the proposed extension, and while a stated objective in the current *Kilkenny City and Environs Development Plan 2014-2020*, this project remains unfunded. The bridge will be approximately 2.5km north of the proposed KCAS Bridge.

In August 2014, KCC was informed that a judicial review will be taken of the Board's decision of the 11<sup>th</sup> July 2014, and that notice of a motion has been received for relief to be sought in the High Court in November 2014.

## **e. Economic Benefits**

### **Cost Benefit Analysis (CBA) Based Economic Assessment**

*Please note that this content was requested to be added by a KCC member.*

Cost-Benefit Analysis (CBA) estimates and totals up the equivalent money value of the benefits and costs to the community of projects to establish whether they are worthwhile.

The KCAS project has the benefit to cost ratio of 7.16, which is considered excellent given the potential rate of return on the investment made.

The completion of the Northern Ring Road extension (Castlecomer Road to Freshford Road) will have a Benefit to Cost Ratio of 3.66, which is also considered good.

The KCAS is a strategic enabler for the growth of this portion of Kilkenny City and to provide sustainable jobs for the people of Kilkenny.

KCC, as outlined in the St. Francis Abbey Creative Quarter Masterplan, intend to regenerate the industrial site of the former Smithwick's Brewery. The 13.7 acre site has the capacity for 180,000 square feet of office space, with the potential for over 1,000 jobs. The project will see the phased redevelopment of this industrial quarter of the City and the opening up of a National Monument, St. Francis Abbey, to the public. Office development, a third-level research facility, civic spaces and a new linear garden will assist in the economic regeneration of this section of the City.

Investment of over €30 million could take place in the area over the coming years, giving Kilkenny a big economic boost.

The unemployment rate in the region currently stands at 15.7%, which compares unfavourably to a national figure of 13.0% nationally (Q1 2014).

## **Module 2 - Route Selection**

### **a. Route Selection Report**

This issue of 'Route Selection' for the KCAS was dealt with in detail during the EIA process, with various options or scenarios set out in detail in the EIS of 2008 (Volume 2; pages 31-32), where the following three options or scenarios for the route were considered:

- North of Green's Bridge
- South of John's Bridge
- Between Green's Bridge and John's Bridge

Having carefully analysed the options, and taking into account the views of those people who made representations on the proposal and considered all three options, the EIA process identified the third option, of extending St. Canice's Place eastwards through the Brewery Site and downstream of the ruined Mill, as the preferred option.

### **b. The KCAS (Phase 1)**

A Planning Application for all phases of the KCAS was lodged with the Board on the 6<sup>th</sup> of June 2008 under Section 51(2) of the Roads Act 1993, and Section 175 of the Planning and Development Act 2000 (as amended). Following an oral hearing in December 2008 and a subsequent consideration of the application, the Board gave notice to KCC on the 7<sup>th</sup> July 2009 of provisional approval for Phase 1 subject to a re-design, while also stating that it considered Phases 2 and 3 of the scheme to be premature pending the Ring Road extension to the Freshford Road.

The scheme was subsequently revised and only Phase 1 of KCAS was resubmitted to the Board for consideration in February 2011 with the approval of the Elected Members of both KBC and KCC. The revised application was approved by the Board in December 2011.

Phase 1 of KCAS (ABP ref 10.HA 0014) was approved by the Board on 13 December 2011 under the Roads Act and the Planning and Development Act, subject to four conditions.

### **c. The KCAS (Phase 2 and 3)**

While Phases 2 and 3 of the KCAS are not yet approved, they are reserved in the *Kilkenny and Environs Development Plan 2014-2020*.

A planning application for all phases of the KCAS was lodged with the Board on the 6<sup>th</sup> of June 2008. Following a public hearing in December 2008, and a subsequent consideration of the application, the Board gave notice to KCC on the 7<sup>th</sup> July 2009 of provisional approval for Phase 1 of the KCAS subject to a re-design, while also stating that it considered Phases 2 and 3 of the scheme to be premature pending the ORR extension to the Freshford Road.

With the approval of both the Elected Members of KBC and KCC, the scheme was subsequently revised and only Phase 1 of the KCAS was resubmitted to the Board for consideration on the 28<sup>th</sup> January 2012. The revised application was approved by the Board in December 2011, subject to four conditions.

While both the Elected Members of KBC and KCC approved the removal of the KCAS Phases 2 and 3 from the revised application, Section 10.4.6 of the Roads Objectives of the *Kilkenny City and Environs Development Plan 2014-2020* reserved the line of Phases 2 and 3 of the KCAS free from development by stating the following:

#### **Road Objective R1**

*“Reserve the line of Phase 2 and Phase 3 of proposed Central Access Scheme free from development and to complete Phase 1 of the Central Access Scheme within the plan period.”*(Source: *Kilkenny City and Environs Development Plan 2014-2020*, Section 9.4 Zoning Objectives, R1, p.145)

This Plan was unanimously approved by the Elected Members of both KCC on the 22<sup>nd</sup> of April 2014 and KBC on the 16<sup>th</sup> of May 2014.

### **d. Review of proposed alternatives (An Taisce Presentation Kilkenny Archaeological Society on 21/7/2014)**

I reviewed the presentations that were made to the Elected Members of KCC in July 2014. I organised to meet with the following people:

On the 21<sup>st</sup> August 2014 in Kilkenny City Hall, I met with Dr. Declan Murphy (An Taisce), Mr. Cólín O'Drisceoil and Dr. Marie Downey of Kilkenny Archaeological Society, and Sheila Tuohy of the advocacy group ‘Complete Kilkenny Ring Road as a Priority over Kilkenny Central Access Scheme’.

I also met Mr. John Hurley of Kilkenny Chamber of Commerce.

Each of the people that I met with separately explained to me the thinking and rationale behind their view and presentations, in addition to answering my queries. The following is my short summary of the key points that were made by each:

*Dr. Declan Murphy (D.M.) of An Taisce made the following points:*

- D.M. provided details of his ideas on building a bridge parallel to Green's Bridge and upstream;
- D.M. outlined the opposition to the KCAS by every relevant national and local heritage and environmental body;
- D.M. stated that it was his belief that there had, to date, been inadequate communication;
- D.M. alluded to Village Design Statement process in Tullaroan and Hugginstown in 2008;
- D.M. discussed the changing objectives of the KCAS, national policy and climate change;
- D.M. presented a 'St. Canice's Close' development concept;
- D.M. emphasised the role of tourism as the biggest employer in Kilkenny;
- D.M. explained his interest in 'green issues' throughout his life.
- D.M. also produced copies of his correspondence on the IRR/KCAS issue over the years, along with his submission to the Board (Re: new bridge at Green's Bridge)

*Mr. C oil n O'Drisceoil and Dr. Marie Downey (CoD/MD) of the Kilkenny Archaeological Society made the following points:*

- CoD/MD stated that Kilkenny is a medieval City – the only one left in Ireland;
- CoD/MD were very upset by the KCAS proposal as they care deeply about Kilkenny City;
- CoD/MD stated that there is a history in Kilkenny of medieval structures being destroyed (i.e. the Black Abbey Bridge over the River Breagagh in 1979);
- CoD/MD praised Kilkenny Local Authorities on their work on St. Mary's Church and the steps of St. Canice's;
- CoD/MD explained that the KCAS scale of intrusion is not appropriate;
- CoD/MD stated that the Vicar Street Houses were originally medieval structures;
- CoD/MD stated that Green's Bridge should be restored;
- CoD/MD emphasised that the development of the St. Francis Abbey Creative Quarter is very positive for the Kilkenny region.

*Ms. Shelia Tuohy (S.T.) of 'Complete Kilkenny Ring Road as a Priority over Central Access Scheme' made the following points:*

- S.T. stated that that money should be spent on completing the Northern Bridge Crossing of the River Nore by extending the Outer Ring Road (ORR);
- S.T. emphasised the marches against the KCAS held in Kilkenny;
- S.T. explained that the KCAS is not required for the development of Smithwicks or Mart site;

- S.T. explained that the KCAS contradicts local smarter travel initiatives;
- S.T. stated that the campaign's origins were residential safety concerns in the Kennyswell, Circular and Granges Roads, which will be exacerbated by the KCAS (particularly HGVs);
- S.T. provided details of how cars are taking precedence over people in Kilkenny;
- S.T. explained that Kilkenny needs sustainable living;
- S.T. emphasised that 7,815 support the 'Complete Kilkenny Ring Road as a Priority over Central Access Scheme' campaign;
- S.T. stated that it is not too late to change the proposed KCAS.

*Mr. John Hurley (J.H.) of Kilkenny Chamber of Commerce made the following points:*

- J.H stated that Kilkenny City is dependent on 2 bridges, one of which was built in 1776;
- J.H stated that Green's Bridge is unsafe for cyclists and pedestrians;
- J.H emphasised that Free flowing traffic benefits everyone;
- J.H. provided details of increased jobs potential due to easier access to the Smithwicks site (St. Francis Abbey Creative Quarter);
- J.H. explained that the KCAS will open up Dean Street, Irishtown and Parliament Street;
- J.H. explained that parts of the area around the Bridge has been derelict;
- J.H emphasised that the proposed scheme will attract new business – big and small;
- J.H emphasised that the proposed scheme will create new jobs for the people of Kilkenny.

I wish to take this opportunity to thank them for their time and input in this regard and I am very impressed by their convictions and passion for Kilkenny.

### **Module 3 - Public Consultation (statutory and non-statutory)**

Public consultation (both statutory and non-statutory) played a significant role in the KCAS process and greatly influenced the evolution and development of the scheme.

*The Planning and Development (Strategic Infrastructure) Act 2006* made significant changes to the way strategic infrastructure developments are determined within the planning system, with significant guidance on public consultation including requirements to publish notice of the proposed application in at least one newspaper circulating in the area and the erection of site notices indicating the nature and location of the proposed development, in addition to other principal details. The Act makes provision for wide ranging public participation in relation to strategic infrastructure development allowing for any person or body to make submissions to the Board within the period allowed for the application to be inspected (minimum of six weeks). These submissions can reflect on

the implications of the proposed development on the proper planning and sustainable development and the likely effects on the environment of the proposed development.

The research has revealed that comprehensive records in relation to public consultation on the scheme are available in the period since the adoption of the *Kilkenny City and Environs Development Plan 2002-2008*.

#### **a. Kilkenny City and Environs Development Plan 2002-2008**

It is important to note that the Bridge and Phase 1 of the IRR was contained in Variation 2 to the *Kilkenny City and Environs Development Plan 2002-2008*, entitled *Variation No. 2: Kilkenny Inner Relief Road*, which included a revised route for the IRR. This Variation was on public display from 16<sup>th</sup> July 2004 to 13<sup>th</sup> August 2004, for the requisite statutory timeframe in accordance with the provisions of the *Planning and Development Act 2000* (as Amended), and consultations were held with landowners and the general public. A total of 15 submissions were received, with no submissions being made on the KCAS (or proposed bridge). This Variation was subsequently adopted by resolution of the Elected Members of KCC on 18<sup>th</sup> September 2004, and by those of the Borough Council, on 14<sup>th</sup> September 2004.

#### **b. Kilkenny County and City Environs Development Plan 2008-2014**

The '*Manager's Report on Submissions to the Draft Kilkenny County and City and Environs Development Plan 2008-2014*' which outlines in full the entire public consultation process undertaken during Plan development; including meetings, public awareness, number of submissions received etc., was reviewed as part of this independent evaluation. With regard to those submissions relating to the KCAS, of nine unique submissions received in relation to the KCAS, there were a total of four objections. Two others (from the same submittant at different stages) were ambivalent and sought the removal of the route on the Map and its replacement with a general objective. There were also three submissions in support of KCAS, while none of the submissions referred to the extension of the ORR.

#### **c. Kilkenny County and City Environs Development Plan 2014-2020**

The '*Manager's Report on Submissions to the Draft Kilkenny County and City and Environs Development Plans 2014-2018*' which outlines in full the entire public consultation process undertaken during Plan development; including meetings, public awareness, number of submissions received etc., was also reviewed as part of this independent evaluation.

With regard to submissions relating to the KCAS; of the eleven submissions received, there were five unique objections (total of nine which included four from An Taisece and two from the same resident), all of which supported the extension of the Ring Road. There were also two submissions in support of the KCAS.

#### **d. The application to An Bord Pleanála**

Notwithstanding the statutory public participation processes which preceded the making and adoption by the Elected Members of successive Kilkenny City Development Plans which contained the relevant objectives to support the project, the Environmental Impact Statement (EIS) submitted to the Board as part of the application, (ABP Ref 10.HA 0014) included reference to public participation which had been undertaken in the run-up to the submission of the subject application.

A public meeting was held with the residents of both Wolfe Tone Street and Michael Street on the 19<sup>th</sup> of June 2007, this consultation built upon one which had previously taken place in February 2003 (which had also included the residents of The Butts). The proposal was then presented at a plenary meeting, of both KCC and KBC, which was held on the 11<sup>th</sup> of September 2007. A non-statutory public exhibition of the proposed IRR (i.e. an open day for the Draft EIS), including the bridge ‘Nore River Crossing’, was also held in the 12<sup>th</sup> of September 2007. This meeting was widely publicised and a consultation brochure was printed which included a visual representation of the proposed bridge (suspended from a steel arch by cables), in addition to a detailed description of the project and proposals for the way forward. Public submissions on the proposal were requested by the 28<sup>th</sup> of September 2007. A further statutory period of limited public consultation in October and November 2007 followed the submission of the application to the Board.

The Environmental Impact Statement (EIS) in respect of the KCAS was put on display at a number of publically accessible locations, including the Roads Design Office, Dean Street, County Hall, John Street and City Hall, High Street, from the 6<sup>th</sup> of June 2008 to the 21<sup>st</sup> of July 2008. An information evening was also held at the River Court Hotel on the 2<sup>nd</sup> of July 2008, which coincided with a radio advertisement about the event.

The summary of responses received following public consultation is outlined in Figure 15 below and highlights the following principal themes:

Item	Topic	Details
1.	Construction Phase Impacts - St. Canice's Place	<ul style="list-style-type: none"> <li>• Maintain traffic flow during construction;</li> <li>• Maintain access to businesses and dwellings during construction;</li> <li>• Minimise road closures during construction;</li> <li>• Minimise impacts on trade during construction;</li> <li>• Potential impacts in terms of reduction in passing traffic.</li> </ul>
2.	Permanent Impacts – Businesses in Irishtown	<ul style="list-style-type: none"> <li>• Concerns about potential impacts on:</li> <li>• Ability to access and exit business;</li> <li>• Loss of loading bays;</li> <li>• Removal of parking;</li> <li>• Increase in through passing traffic.</li> </ul>
3.	Loss of Frontage – St. Canice's Place	<ul style="list-style-type: none"> <li>• Ensure access, parking area, loading areas and road frontage lost as a result of the scheme is replaced with suitable alternatives.</li> </ul>
4.	Property Devaluation/ Landtake - Waterbarrack	<ul style="list-style-type: none"> <li>• Concerns raised regarding property devaluation;</li> <li>• Concerns regarding landtake to be acquired;</li> <li>• Loss of potential land for development.</li> </ul>
5.	Loss of Land for Development - Irishtown	<ul style="list-style-type: none"> <li>• Floor space will be lost on a site, which has been granted planning permission for commercial development.</li> </ul>
6.	Alternative Road Alignment	<ul style="list-style-type: none"> <li>• Three submissions were received detailing proposed alternative road alignments in the vicinity of:</li> <li>• Kenny's Well Road,</li> <li>• Tullaroan/ Loughmacask,</li> <li>• Lousybush, and</li> </ul> <p>In each case, landowners submitted drawings showing alternative alignments for consideration.</p>
7.	Phasing and Timing of Scheme	<ul style="list-style-type: none"> <li>• It is suggested that the portion of the scheme from the Freshford Road to the Tullaroan Road be completed in the first phase.</li> <li>• Submission received requesting programme to be speeded up.</li> </ul>
8.	Road Design	<ul style="list-style-type: none"> <li>• Suggest the cycle and footways could be combined to make more room for vehicles.</li> </ul>
9.	Bridge Design	<ul style="list-style-type: none"> <li>• Two submissions received outlining a preference for a stone structure for the proposed bridge.</li> </ul>
10.	Road Design - Waterbarrack	<ul style="list-style-type: none"> <li>• Query raised regarding the finished road levels in relation to a dwelling; extent of disruption to dwelling entrances, proposed boundary treatment and the location of pedestrian crossings.</li> </ul>
11.	Impacts on Linear Park	<ul style="list-style-type: none"> <li>• Concerns raised about the impact of the proposed road on the proposed Linear Park along the Breaghagh River.</li> </ul>
12.	Impacts on Wolfe Tone St.	<ul style="list-style-type: none"> <li>• Details sought on the proposals for Wolfe Tone Street in terms of proposed screening, proposed road surfacing and proposed parking arrangements.</li> </ul>
13.	Traffic	<ul style="list-style-type: none"> <li>• One submission received outlining concerns that traffic levels will be increased in certain areas.</li> </ul>

**Figure 15: 'Summary of Received Following Public Consultation on the Proposed KCAS'** (Source: Environmental Impact Statement for the Proposed Central Access Scheme for the City of Kilkenny, Volume 2 – Main Report, Table 4.1, p. 35, May 2008)

The Board held an Oral Hearing in the Ormond Hotel in Kilkenny City on the 1<sup>st</sup> - 3<sup>rd</sup> of December 2008. This provided an open and transparent public forum in which all interested stakeholders (who had made submissions on the planning application) could make their views on the scheme known and could also review and comment upon all available information and opinions on the scheme.

Following the Board's notice dated the 7<sup>th</sup> July 2009, the KCAS Phase 1 was revised and both KBC and KCC approved the submission of this revised development proposal to the Board in 2010.

A new design for the Bridge was proposed replacing the proposed cable stay bridge structure with an elegant urban character and lighter construction. It also incorporated a viewing platform and created an urban street of 700m (approx) in length.



Notice of the EIS for the revised proposal was given to the Board on 23<sup>rd</sup> February 2011 and the EIS was put on public display from Friday the 25<sup>th</sup> February 2011 to Monday the 11<sup>th</sup> of April 2011.

There were three consultative innovations in the KCAS process:

1. A day long colloquium took place in Butler House between all interested parties including the Heritage Council, An Taisce, the Kilkenny Archaeological Society and the Department of the Environment, Heritage and Local Government on the 21<sup>st</sup> May 2008 under independent Chairmanship’;
2. A Royal Institute of Architects of Ireland (RIAI) peer review of design principles for the Bridge;
3. Joint site inspection and discussion between archaeologists of various views at Vicar Street in April 2014.

### **c. Expropriation by means of Compulsory Purchase Order (CPO)**

CPO No. 1 of 2008 was the original order for the expropriation of land for the KCAS. Newspaper notice of the CPO was given on the 5<sup>th</sup> of September 2008 and it was put on display from the 1<sup>st</sup> of September 2008 to the 22<sup>nd</sup> of October 2008.

CPO No. 1 of 2011 was for the CPO reflecting the revised proposal submitted to An Bord Pleanála (in 2010), which included only Phase 1 the KCAS. CPO No.1 of 2011 was advertised publically in February 2011 and was put on public display until the 22<sup>nd</sup> of March 2011.

Following the Board’s confirmation of the amended CPO (No.1 of 2011) on 12<sup>th</sup> December 2011, both KCC and KBC published notice of this confirmation on the 27<sup>th</sup> of January 2012.

A notice to treat was issued to City Mart, Padmore and Barnes Dohenys and Diageo which covered the route of Phase 1 of the KCAS on the 12<sup>th</sup> April 2012.

A notice to entry was to City Mart on the 15<sup>th</sup> May 2014.

From the foregoing independent evaluation, I am satisfied that all statutory requirements for public consultation were followed, both in the adoption of the relevant statutory documents, as well as the statutory application process to the Board.

## Module 4 - Project Implementation

### a. EIS (2008) Bridge Proposals

A description of the KCAS Bridge proposal was set out in the *2011 Revised Environmental Impact Statement for the Proposed Kilkenny Central Access Scheme* and stated the following:

*“This section of the proposed scheme will incorporate the proposed new River Nore bridge crossing, which will be symmetrical, double pylon cable stayed structure with pylons each side of the river”* (Source: *Revised Environmental Impact Statement 2011 for the Proposed Central Access Scheme for the City of Kilkenny*)

### An Bord Pleanála Direction 2009

In 2009, the Board issued a finding that Phase 1 of the KCAS, subject to significant modifications, was generally appropriate. Phase 2 and 3 of the KCAS, were considered premature pending progress on the ORR.

### b. EIS (2011) Bridge Proposals (including peer review)

The 2011 Revised Environmental Impact Statement for the Proposed Kilkenny Central Access Scheme stated the following in this regard:

#### *“Alternative Bridge Design*

*On review of the Board’s letter of the 7<sup>th</sup> July 2009, it was decided to eliminate bridge types which involved supporting structures above the carriageway level, as they imposed on too many key views of the City. Based on initial appraisal of bridge options that would not require supporting structures above the carriageway level, three such options were developed. Each of the three options compromised of clear span structures over the River Nore and as follows:*

- *Bridge Option A: Three Span Concrete with Isolated Pier Supports;*
- *Bridge Option B: Five Span Concrete with Splayed Supports; and*
- *Bridge Option C: Three Span Concrete with Central Arch Support.*

*Following an initial evaluation process, Option A was considered to be the preferred design option.”*(Source: *Revised Environmental Impact Statement 2011 for the Proposed Central Access Scheme for the City of Kilkenny*)

The successful design for the proposed Bridge is outlined in Figure 16 below:



Figure 16: 'Bridge Option A – Approved' (Source: Revised SID Application to ABP, 2011)

### **c. ABP Approval 2011**

The 2011 (revised) proposal for the development of the KCAS Bridge that was submitted to the Board concerned the construction of a link between St. Canice's Place in Kilkenny City and the Castlecomer Road.

The Board granted approval for Phase 1 of the KCAS in December 2011 subject to four conditions after due process. These conditions focused upon the protection of cultural heritage, clarity and protection of the environment, historic streetscape of this part of Kilkenny City.

### **d. Detailed Design**

A peer review took place on the Bridge design by the Royal Institute of Architects of (RIAI) Ireland on two occasions, on 2<sup>nd</sup> March 2010 and the 29<sup>th</sup> November 2012.

The Bridge is designed to carry services e.g. fibre optic broadband over the river and into the St. Francis Abbey Creative Quarter.

### **e. The Tender Process**

The contract for building the KCAS Phase 1 Bridge was put out to public tender on 15<sup>th</sup> October 2013 on both the Government's Public Procurement website, e-Tenders, and the European Journal (OJEC) 2013/5/2020-348958 - 17/10/2013.

The closing date for the receiving of proposals under this tender process was 15<sup>th</sup> November 2013. Fourteen firms submitted expressions of interest. A report on the Suitability Assessment was compiled by Malone O'Regan Consulting Engineers and those with scores of less than 80 were no longer considered and excluded from the tender

process. Nine contractors met the minimum standard. Documentary evidence was sought on each of the nine to ensure that they met the minimum criteria set out in form QW1 and the suitability assessment questionnaire. All nine of the contractors were found to be compliant with QW1. As a result of this exercise, nine firms were shortlisted on the 15<sup>th</sup> of January 2014.

Tender proposals were invited on the 29<sup>th</sup> of January 2014, with a return date of the 14<sup>th</sup> of March 2014. Formal tender documents including the Public Works Contract for Civil Engineering Works (PW CF 3 V 1.8) – published by the Office of Government Procurement were issued to those who qualified. A total of eight tenders were received by KCC.

## **f. Contract Award Process**

The tenders were opened on the 14<sup>th</sup> of March 2014 in the presence of an elected representative and two KCC officials.

The three lowest priced tenders were examined for any disproportionate differences in the rates tendered. A tender error of €5 was found in the John Cradock Ltd. quotation. This was deemed insignificant, taking into account the size of the tender.

Following a detailed examination of the tenders, it was decided that John Cradock Ltd. submitted the most cost competitive tender. The external Consultants, Malone O'Regan Consulting Engineers, advised in the decision making process, and recommended that the contract be awarded to John Cradock Ltd. for the bridge and the related components of this aspect of the KCAS Phase 1.

Based on this recommendation, KCC decided to appoint John Cradock Ltd. To implement the decision the following steps were taken:

- On the 9<sup>th</sup> of April 2014, a meeting was held with John Cradock Ltd. to clarify matters and a further teleconference was held on the 10<sup>th</sup> of April 2014 with the piling contractor, to clarify outstanding matters;
- Managers Order No. 6 was issued by the County Manager, Mr. J. Crockett, on 16<sup>th</sup> of April 2014, approving the issuing of a letter of intent to John Cradock Ltd. in the sum of €4,138,794.21 (Excl. VAT) for Phase 1 of the KCAS (i.e. the bridge contract);
- The letter of intent issued to John Cradock Ltd. required the contractor to provide additional information in connection with the contract. The contractor supplied this information which was deemed satisfactory by KCC;
- On the 9<sup>th</sup> of June 2014, Manager's Order No. 7 was signed by Mr. J. Mulholland (Director of Services of KCC) approving the issuing of a letter of acceptance to John Cradock Ltd. for the tendered sum of €4.14 million excluding VAT and their appointment as Project Supervisor Construction Stage);

- On the 10<sup>th</sup> of June 2014, a letter of acceptance, tender agreement and appointment of project supervisor form was issued to John Cradock Ltd. in duplicate;
- On the 12<sup>th</sup> of June 2014, a copy of the document was returned, signed and sealed by John Cradock Ltd., forming the contract;
- This process created a binding contract between KCC and John Cradock Ltd;
- The acting Chief Executive sent an email to the Elected Members of KCC ‘Re: Commencement of Works’ on June 27<sup>th</sup> 2014;
- Work on the Bridge commenced on the 30<sup>th</sup> June 2014.

## **Module 5 -Archaeological / Heritage**

Concerns have been raised about the impact of the proposed KCAS upon the archaeology/ built heritage of a number of houses on Vicar Street. As the proposed KCAS would require the demolition of No. 21 and 22 Vicar Street, historical/archaeological investigations were carried out to ascertain whether or not these structures were of a medieval date.

A report on the ongoing archaeological/ historical investigations at 21-22 Vicar Street (a site within the medieval core of Irishtown) was produced by the external Consultant, Valerie J. Keeley Ltd Archaeological Consultancy. This report, which focused upon the historical and indeed medieval/ manse significance of the houses in the context of the development of Kilkenny City, did not appear to find any significant evidence to substantiate the historic medieval value of these houses. A related Archaeological Assessment was submitted to Kilkenny County Council and the Department of Arts, Heritage and Gaeltacht in October 2007. This document explored the historic morphology of the site and concluded that, while there had once been 13<sup>th</sup> century and 18<sup>th</sup> century buildings on site, the current iteration of the houses on Vicar Street most likely dated from the post-1860’s period. The findings of this research (undertaken in 2007/2008) were presented to the Board at the Oral Hearing in November of 2008.

A later report, produced by the external Historic Building Consultant, Rob Goodbody, in March 2013, examined the archaeological/ historical character and value of the buildings in the vicinity of the proposed KCAS, along both Wolfe Tone Street and Vicar Street, providing a survey and record of each in advance of their removal as part of the KCAS activities. Subsequent to this, the same Consultant produced a summary report which provided an overview of the findings of the investigations into the architectural heritage of the houses at 21 and 22 Vicar Street, Kilkenny. The report concluded that survey work on the houses revealed that none of the walls dated from the medieval period.

Archaeological test trenching activity was subsequently operationalised as part of the KCAS, with an interim report being produced on archaeological measures by consultant archaeologist, Valerie J. Keeley Ltd., in April 2014 on the behalf of Malone O’Regan Consulting Engineers Ltd. and KCC. These activities formed part of the mitigation

measures contained in the Board's decision regarding the granting of planning permission for the construction of the KCAS (10.HA0014). The report noted that further pre-construction archaeological mitigation measures may be recommended on completion of the initial archaeological test trenching and that, archaeological monitoring of construction stage ground works in the location of No. 20-22 Vicar Street and the Diageo Ltd. car park will be required to ensure that these works do not impact upon any unknown archaeology.

The Department of Arts, Heritage and the Gaeltacht have requested additional information from KCC.

## **Module 6 - Bridge Design Options**

Many bridge design options have been considered in the four decades since the inception of the proposed KCAS Bridge. The Kilkenny IRR Bridge proposed in 1985 for example, was a three span structure, with a depth of 1.4 to 3.0 metres.

In 2008, it was proposed that the Bridge be a symmetrical double pylon cable stayed structure, with pylons on each side of the river. This design was not approved by the Board.

In 2011, three further design options were proposed, with the preferred option being a three-span concrete bridge with isolated pier supports. This design option was approved by the Board and construction on this Bridge started on the 30<sup>th</sup> June 2014.

## **Module 7 - Traffic Predictions (including HGV Management)**

### **a. Smarter Travel Alternatives**

Kilkenny KCC and KBC have adopted smarter travel initiatives which are providing for new and improved walking and cycling alternatives. So far, 50 km of cycle lanes have been created.

KCC adopted *the Kilkenny City and Environs Mobility Management Plan 2009-2014* and delivered a significant increase in recreational cycling and walking in the City and also a safer pedestrian and cycling environment. A review of the Plan has recently commenced and will be completed before the end of 2014. Following this review, it is proposed to develop and present a revised Plan for the operational period 2015-2019.

### **b. No KCAS/Ring Road only**

The ORR extension was estimated to reduce traffic on Green's Bridge by 2000 vehicles per day in 2019. It is observed that traffic congestion on the existing Green's Bridge has knock on effects on adjacent routes and leads to traffic congestion on High Street and

New Road. A case in point is when, for instance, two large Heavy Goods Vehicles are attempting to cross Green's Bridge at the same time, which limits the free flow of traffic across the bridge with the resultant tail backs.

## **Module 8 - Smarter Travel, EU and National Policy, the Aalborg Charter**

Phase 1 of the KCAS meets National and European Union Standards by enabling internal redistribution of traffic flows and creating additional connections between both sides of the City across the river Nore. The Phase, for example, contributes to the meeting the objectives of *Smarter Travel – A Sustainable Transport Future* the Government's transport policy for the period 2009-2020, which complements existing investment in transport infrastructure and sets out visions, goals and targets for achieving a more sustainable transport future.

The additional footpaths and cycle lanes on the bridge will increase Kilkenny City's compliance with the European Commission's *Aalborg Charter*, an urban environment sustainability initiative.

The project is wheelchair friendly and confirms to Part M.

## **Module 9 - Kilkenny Central Access Scheme Finance / Funding**

In the period since 1985, €3.2million has already been spent on this project from KCC and its predecessor's funds. In May 2013, KCC considered the draft *Capital Budget 2013-2015*, which included €0.7 million for the KCAS and approved this without dissent. The €0.7 million cost of the KCAS was to include a spend of €800k in 2013, €3.3 million in 2014, €5.2 million in 2015 and €1.4 million in 2016+.

Funding is to be provided from KCC resources of €2.5million, KCC development contribution scheme of €3 million, existing KBC provisions of €2 million, Government grants of €2.7 million and other funding of €0.5 million.

KCC in my opinion has the capacity to finance this projected cost of completing the project from the Castlecomer Road to Dean Street (Phase 1 of the KCAS).

The funding for the current €4.13 million contract with the contractor is in place with funding coming from development contributions, state grants and future development income.

The impact of the protests at the site entrances on the contract will lead to costs being increased which will have to be funded from KCC resources.

The completion of the ORR is estimated to cost in the range of €40 to €50 million. The Castlecomer Road to Freshford Road component is estimated to cost €15 to €20 million. The Freshford Road to Callan Road component is estimated to cost €30 million at today's prices.

It is acknowledged that sourcing funding for further stages of the ORR will be very challenging in today's economic environment.



## **Acknowledgements**

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