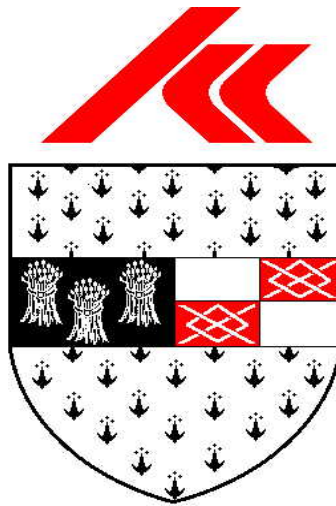


**KILKENNY COUNTY COUNCIL**  
**Comhairle Chontae Chill Chainnigh**



**Part 8 Statement**  
**Lousybush Access Road Scheme**

**November 2023**

## **PROJECT DESCRIPTION AND PRINCIPLE FEATURES**

### **1.0 BRIEF DESCRIPTION OF PROPOSED WORKS**

The proposal put forward provides for the following:

- A new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road. The new access will link directly into the new roundabout south of the Dunningstown Road to be constructed as part of the CBS Development granted under Planning Ref 21/327. The Scheme layout can be seen in the attached drawing LB-PT8-01

### **2.0 BACKGROUND AND REASONS FOR SCHEME**

Kilkenny County Council, as the Project Promoter, proposes to undertake works to connect the existing houses at the end of Lousybush lane to the proposed Loughmacask Link Road to be constructed as part of the CBS School development.

The aim of the proposed works provides:

- Removal vehicular traffic from Lousybush lane which is narrow in cross section with a substandard junction with the L1007 Tullaroan Road, and is subject to flooding.

The primary reasons for undertaking the project include:

- The existing Lousybush lane currently serves approximately eight dwellings and a farm/ builder's yard. It is narrow in cross section which restricts the safe movement of two-way traffic. Its junction with the Tullaroan Road is substandard with limited sight visibility and is restricted in width due to existing structures.
- The proposal will provide for safe vehicular access for the existing dwellings at the end of Lousybush Lane onto the proposed Loughmacask Link Road.

### **3.0 Design Criteria**

The scheme shall be designed in accordance with the DTTAS Design Manual for Urban Roads and Streets and the Cycle Design Manual.

### **4.0 Funding**

The proposed works are to be funded by Kilkenny County Council.

# NOTICE OF PROPOSED DEVELOPMENT BY A LOCAL AUTHORITY

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council



Proposed development by a Local Authority  
Section 179 of the Planning and Development Act 2000 (as amended)  
Part 8 of the Planning and Development Regulations 2001 (as amended)

## Lousybush Lane Access Road

In accordance with Part 8, Article 81 of the above Regulations, Kilkenny County Council hereby gives notice of proposals pertaining to the following development:

The proposal put forward provides for the following:

- A new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road. The new access will link directly into the new roundabout south of the Dunningstown Road to be constructed as part of the CBS Development granted under Planning Ref 21/327.

Plans and particulars of the proposed development will be available for inspection from Friday **1<sup>st</sup> December 2023 to 5<sup>th</sup> January 2024 inclusive**, on the consult website <https://consult.kilkenny.ie/en> and at the following Kilkenny County Council office:

Kilkenny County Council,  
County Buildings,  
John Street, Kilkenny City.

From 9am to 1pm & 2pm to 5pm  
Monday to Friday  
(Except Public Holidays  
& 27<sup>th</sup> December)

Submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development will be carried out, may be made

- online at <https://consult.kilkenny.ie/en>
- in writing to the Planning Department, County Hall, John Street, Kilkenny

The latest date for receipt of comments on the above scheme is **19<sup>th</sup> January 2024**. Submissions should be clearly marked **Lousybush Lane Access Road Part 8**.

In accordance with the requirements of Article 120(1)(a) of the Planning and Development Regulations 2001 (as amended) and Section 50(1) of the Roads Act 1993 (as amended), the local authority has made a preliminary examination of the nature, size and location of the proposed development. The authority has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and a determination has been made that an Environmental Impact Assessment (EIA) is not required.

As per Article 120(3) where any person considers that the development proposed to be carried out would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of this notice apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have a significant effect on the environment.

**Tim Butler,  
Director of Services,  
Kilkenny County Council,  
County Buildings,  
John Street,  
Kilkenny.**

**Habitats Directive  
Project Screening Assessment**

## AA: Template Screening Form

### STEP 1. Description of the project/proposal and local site characteristics:

<b>(a) File Reference No:</b>	Proposed Part VIII
<b>(b) Brief description of the project or plan:</b>	A new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road. The new access will link directly into the new roundabout south of the Dunningstown Road to be constructed as part of the CBS Development granted under Planning Ref 21/327.
<b>(c) Brief description of site characteristics:</b>	Loughmacask
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	N/A

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

Natura 2000 European Site	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
See tables 2 and 3 below	See tables 2 and 3 below	See tables 2 and 3 below	Yes/No	Yes/No
River Nore/River Barrow			No	No

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

**Table 2: Identification of Natura 2000 sites (SACs and SPAs) which may be impacted by the proposed development**

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development. If the answer to

all of these questions is no, significant impacts can be ruled out for habitats and bird species. No further assessment is required. Please refer to tables 3 and 4 where the answer to any of these questions is yes.

	<b><i>Using the Source – Pathway- Receptor model, please consider the following</i></b>	Y/N
<b>1</b>	<b>ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING</b>	
<b>1a</b>	<p>Is the development a one- off house/small extension/alternation to existing building within an SAC/SPA or within 100m of an SAC/SPA and likely to discharge pollutants or nutrients of a significant nature and amount to surface water within catchments of and SAC/ SPA as part of its construction or operational phase (including the installation of waste water treatment systems; percolation areas; septic tanks within SAC/SPA or very close proximity)?.</p> <p><b>If the answer to the above question is:</b>  - no, then no appropriate assessment required  - yes, then an appropriate assessment is required  - not sure, then an appropriate assessment is required in accordance with the precautionary principle</p>	N
<b>2</b>	<b>DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE</b>	
<b>2a</b>	<p><b>Impacts On Freshwater Habitats</b>  <i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same and does the development propose to discharge water to or abstract water from the habitat?</i></p> <p><b>Sites to consider:</b> Lower River Suir, River Barrow, River Nore. (these sites also include many tributaries – check on NPWS website)</p> <p><b>Habitats to consider:</b>  Alluvial Wet Woodland, (Lower River Suir and Nore), Dry Heath (some steep slopes along River Barrow and its tributaries) Rivers, Streams, Lakes and Lagoons, Old Oak Woodland, floating river vegetation,</p> <p><b>Species to consider:</b>  River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	N
<b>2b</b>	<p><b>Impacts On Wetland Habitats</b>  <i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or likely to discharge water to or abstract water from the wetland?</i></p> <p><b>Sites to consider:</b> Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p><b>Habitats to consider:</b>  Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans), wet grassland and Marsh (river floodplains)</p>	N
<b>2c</b>	<p><b>Impacts on Intertidal and Marine Habitats</b>  <i>Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and marine habitats and species, or within the catchment of same and likely to discharge water to or abstract water from the habitats.</i></p> <p><b>Sites to consider:</b> Lower River Suir</p> <p><b>Habitats to consider:</b> <i>Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</i></p> <p><b>Species to consider:</b> Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	N
<b>2d</b>	<p><b>Impacts On Woodlands And Grasslands</b>  <i>Is the development within a Special Area of Conservation whose qualifying habitats include terrestrial habitats, or in close proximity to same with a likely ecological impact?.</i></p> <p><b>Sites to consider:</b> Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p><b>Habitats to consider:</b></p>	N

	<b>Using the Source – Pathway- Receptor model, please consider the following</b>	Y/N
	<p><i>Alluvial Wet Woodlands</i> (River Nore below Inistioge and River Suir at Fiddown Island and Carrick on Suir), Eutropic tall herb vegetation (River Suir at Fiddown Island and Carrick on Suir), and grasslands (Spa hill and Clomantagh Hill, Cullahil Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p> <p><b>Species to consider:</b> Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p>	
2e	<p><b>Impacts On Birds</b>  <i>Is the development within a Special Protection Area, or likely to discharge water to same or likely to have another significant impact on the habitats of Birds in same?.</i></p> <p><b>Sites to consider:</b> River Nore</p> <p><b>Species to consider:</b>  <b>River Nore:</b> Kingfisher (Alcedo Atthis) – Nesting in river banks</p>	N

**Table 3: Determination of possible impacts on Natura 2000 sites.**

Where it has been identified in table 2 that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

	<b>Using the Source – Pathway- Receptor model, please consider the following- notwithstanding distance any direct link needs consideration</b>	
1.	<p><b>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</b></p> <p><i>Please answer the following if the answer to question 2a in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
1.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
1.2	Abstraction from surfacewater or groundwater within 1km of SAC/SPA.	
1.3	Removal of topsoil within 100 m of watercourses with potential for surface water runoff.	
1.4	Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff.	
1.5	Construction of drainage ditches within 1km of SAC/SPA.	
1.6	Construction within a floodplain or within an area liable to flood.	
1.7	Crossing or culverting of rivers or streams within 1km of SAC/SPA.	
1.8	Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse.	
1.9	Development of a large scale which involves the production of an EIS.	
1.10	Development of quarries, particularly where abstraction is below water table. Provision of process water silt management systems	
1.11	Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction.	
1.12	Development of pumped hydro electric stations.	
2	<b>Impacts on designated wetland habitats (bog, heath, marsh, fen).</b>	



	<p>Please answer the following if the answer to question 2b in table 2 was yes.</p> <p>Does the development involve any of the following:</p>	
2.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
2.2	Construction of roads or other infrastructure on peat habitats within 1km of a Natura 2000 site of which qualifying interests include peat, fen or marsh. (Only Peat habitat at Bruckana – consider Galmoy fen – impact unlikely	
2.3	Development of a large scale within 1km within a Natura 2000 site, whose qualifying features include fen or marsh, which involves the production of an EIS.	
3	<p><b>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</b></p> <p>Please answer the following if the answer to question 2c in table 2 was yes.</p> <p>Does the development involve any of the following:</p>	
3.1	Impacts on intertidal and marine habitats from potential development which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
3.2	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.3	Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.4	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
3.5	Removal of topsoil or infilling within 100m of Natura 2000 sites whose qualifying features include intertidal or marine habitats where potential for surface water runoff exists.	
3.6	Development of a large scale within 1km of Natura 2000 sites whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	
4	<p><b>Impacts on other designated woodlands and grasslands</b> (woodland, upland grassland, lowland grassland, coastal grassland including dunes).</p> <p>Please answer the following if the answer to question 2d in table 2 was yes.</p> <p>Does the development involve any of the following:</p>	
4.1	Works within the boundary of a Special Area of Conservation whose qualifying interests include woodland or grassland habitat types.	
4.2	Development within 200m of Natura 2000 site with woodland or grassland habitats.	
4.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	
5	<p><b>Impacts on birds in SPAs</b></p> <p>Please answer the following if the answer to question 2e in table 2 was yes.</p> <p>Does the development involve any of the following:</p>	
5.2	Erection of wind turbines within 1km of an SPA.	
5.3	All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes	
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	

5.5	Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites.	

**Conclusion:** If the answer to question 1 and 2a-e are no or n/a, significant impacts on habitats within Natura 2000 sites and on SPAs can be ruled out. No further assessment is required in relation to habitats or birds. If the answer to any question in table 2 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

**Table 4: Consideration of potential impacts on protected species**

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Otter	River Nore River Barrow Lower River Suir  Note: Otters are a strictly protected species. All breeding sites and resting places are protected regardless of whether or not they are within or external to Special Areas of Conservation.	Activities that interfere with river banks.	
Atlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Sea Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	

**Conclusion:** If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts are identified on Otters or on Bats outside designated sites, then further information should

be sought in the form of a species specific survey. In these cases, appropriate assessment is not required.

### STEP 3. Assessment of Likely Significant Effects

**(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:**

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>Small road extension to CBS road for local access. No direct pathway to Natura 2000 site. All works to be contained on site and discharge to ground. Distance to SAC/SPA such that vegetation clearance, light and noise will not impact SAC/SPA.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>Traffic remote to SAC</p>
<p>In-combination/Other</p>	<p>None</p>

**(b) Describe any likely changes to the European site:**

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of</li> </ul>	<p>None</p>
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the site

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No

#### Step 4: Habitats Directive Screening Conclusion Statement

Conclusion: There are no direct pathways to the

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 N. Louw Senior Executive Planner	

**To:** Seamus Foley Senior Executive Engineer

**From:** Nicolaas Louw: Senior Executive Planner

**Proposal:** Proposed Lousybush lane link road, Loughmacask, Co. Kilkenny

**Re:** Environmental Impact Assessment – Screening for Environmental Impact Assessment Report (EIAR).

**Planning Legislation:**

Planning and Development Regulations 2001-as amended, Schedule 5 and 7, Part 1 and 2  
European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 Article 75 which amends Article 120 of the Planning and Development Regulations 2001-as amended  
Planning and Development Act 2000 – as amended

**Characteristics of Project**

Under this proposal, Kilkenny County Council are proposing a new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road. The new access will link directly into the new roundabout south of the Dunningstown Road to be constructed as part of the CBS Development granted under Planning Ref 21/327.

**Location**

Loughmacsk, Kilkenny City.

**Type and characteristics of potential impact**

From assessing the documentation associated and considering schedules 5 and 7 of the Planning and Development Regulations 2001-2023, it is considered that the proposed development works are below sub threshold Part 2 activities and having regard to the environmental sensitivities of this area and the potential impacts based on the following environmental factors;

- Population and human health
- Biodiversity, with particular attention to special and habitats protected under the Birds and Habitats Directives
- Land, soil, water, air and the landscape
- Climate
- Interaction between above
- Expected effects from relevant major accidents and / or disasters

it is determined that there is no potential for likely significant effects on the environment. Accordingly, the project can be screened out and **no** Environmental Impact Assessment Report is required.

**Conclusion**

It is determined that based on the above preliminary examination, there is no real likelihood of significant effects on the environment arising from the proposed development works and therefore it is recommended that an Environmental Impact Assessment Report is not required for this proposal.



29/11/'23

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**N. Louw**  
**Senior Executive Planner**

I agree with the above



29/11/23

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**D. Malone**  
**Senior Planner**