



## Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh  
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

## Kilkenny County Council

County Hall John Street Kilkenny  
R95 A39T

Creating Sustainable Communities and Places



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

**RE: Part VIII -** The development of a new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road Kilkenny.

**Planning & Development Acts 2000, as amended  
Planning & Development Regulations 2001, as amended**

**DATE:** 22<sup>nd</sup> April 2024

Dear Councillor,

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

**PART VIII -** The development of a new access road to connect the existing housing at the end of Lousybush Lane to the proposed Loughmacask Link Road Kilkenny.

I attach herewith Report from the Senior Engineer Roads together with the Senior Planner's Report. I am satisfied that the proposed development is consistent with proper planning and sustainable development of the area and consistent with the provisions of the Kilkenny City & County Development Plan 2021-2027

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection, and amendments thereto, having considered the recommendations made by the Planning Department.

**Lar Power,  
Chief Executive.**

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



**In accordance with Section 179 of the Planning and  
Development Acts, 2000 as amended and Part 8  
Planning & Development Regulations 2001 as amended**

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

*For consideration by the Elected Members of Kilkenny County Council  
at Monthly Meeting to be held on the 22<sup>nd</sup> April 2024*

## **Introduction**

This report has been prepared for submission to the Elected Members of Kilkenny County Council and contains information regarding the proposed development. It also includes issues raised following the erection of the public notice of the proposed development with the display for public inspection of the plans and particulars and other matters as required in accordance with Section 179 of the Planning & Development Acts, 2000 as amended.

## **PROJECT DESCRIPTION AND PRINCIPLE FEATURES & REGULATIONS**

### **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 School 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 for:

- 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.
- Future provision of active travel measures on Lousybush Lane in accordance with the principles and strategies of the Loughmacask Masterplan 2023. (Objective 5a: To develop the existing Lousybush Lane as a pedestrian and cycle route connecting Loughmacask to the wider city network)

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.

#### 5. Notice of Development

The Part 8 application for the proposed development was advertised by Notice in the Kilkenny People newspaper, published on week ending 1<sup>st</sup> December 2023 to the 5<sup>th</sup> January 2024 . Notices were also erected at Lousybush Lane on that date. For copy refer to Appendix 1.

Details of the proposed scheme were also advertised via the Kilkenny County Council Public Consultation Portal <http://consult.kilkenny.ie/> and via Kilkenny County Council's website.

Plans and particulars for the proposed Scheme were made available for inspection from Friday the 1<sup>st</sup> of December, 2023 to Friday the 5<sup>th</sup> of January, 2024 inclusive and at the following office:

Planning Department, Kilkenny County Council, County Hall, John Street, Kilkenny City from 9am to 1pm & 2pm to 4pm Monday to Friday (*excluding weekends and Bank Holidays*).

Submissions and observations were invited with respect to the proposed development up to Friday the 19<sup>th</sup> January 2024. Submissions could be made via;

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

The documents were placed on public display as follows:

- Part VIII Explanatory Booklet;
- Appendix 1 Notice of Proposed Development;
- Appendix 2 Project Screening assessment
- Appendix 3 Screening for Environmental Impact assessment Report (EIAR);
- Appendix 6 Scheme Drawing.

#### 6.0 Submissions Received

No.	List of Submissions
1	Robert Druhan
2	Kieran & Anne Carroll
3	Mark Cantwell
4	Tomas Turley

All submissions were submitted via the online portal and are summarised with responses in Appendix 5.

#### 7.0 Implications for the Proper Planning and Sustainable Development of the Area

The Planning Authority has determined that the proposed development is consistent with the proper planning and sustainable development of the area of the proposed development (*See Planners Report in Appendix 4*) and the proposed development is consistent with the provisions of the Kilkenny City & County Development Plan 2021-2027.



**Recommendations:**

In light of the submissions received the following measures are advised and to be considered in the detail design of the scheme.

- Relocation of surface water soakaway.
- Agreement of accommodation works for impacted landowners.
- Provision of appropriate planting as visual mitigation measures.
- Provision of temporary access arrangements during the construction phase agreed with residents.
- Continued consultations with landowners and residents throughout the scheme design and construction process.

**Proposed Development: Part VIII Proposal. Lousybush Access Road Scheme**

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans and particulars made available for public inspection and taking into account the recommendations and commitments made in this report.

Signed:



Seamus Kavanagh  
Senior Engineer Roads

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and modification proposed thereto within this report, taking into account the recommendations and commitments made by the Roads Department and other Service Departments.

Signed:



Tim Butler  
Director of Service

## **Appendix 1**

### **NOTICE OF PROPOSED DEVELOPMENT BY A LOCAL AUTHORITY**

# 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.**



## **Appendix 2**

### **Habitats Directive Project Screening Assessment**

## AA: Template Screening Form

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

(a) File Reference No:	Proposed Part VIII
(b) Brief description of the project or plan:	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.
(c) Brief description of site characteristics:	Loughmacask
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	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/alteration 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> Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</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>  Alluvial Wet Woodlands (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>	N



	<b>Using the Source – Pathway- Receptor model, please consider the following</b>	Y/N
	<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	<p><b>Impacts on designated wetland habitats (bog, heath, marsh, fen).</b></p> <p><i>Please answer the following if the answer to question 2b in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></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	<b>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</b>  <i>Please answer the following if the answer to question 2c in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
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	<b>Impacts on other designated woodlands and grasslands (woodland, upland grassland, lowland grassland, coastal grassland including dunes).</b>  <i>Please answer the following if the answer to question 2d in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
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	<b>Impacts on birds in SPAs</b>  <i>Please answer the following if the answer to question 2e in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
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>
In-combination/Other	None

(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 the site</li> </ul>	<p>None</p>
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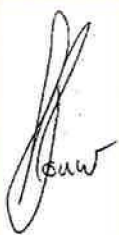
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant

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	



## **Appendix 3**

**Environmental Impact Assessment  
Screening for Environmental Impact  
Assessment Report (EIAR).**

**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**

Loughmacask, 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**

## **Appendix 4**

### **Planners Report**



**Comhairle Chontae Chill Chainnigh**  
**Kilkenny County Council**  
**Part 8 Planning Report**



**Planning & Development Act 2000-as amended**  
**Planning & Development Regulations, 2001 - amended**

**Part 8 Ref. No.:** Part 8  
**Development:** Part VIII application for new access road to Lousybush Lane  
**Date** 26/03/'24

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**Site Location and Description**

The proposal is for a new access road to connect the existing houses at the termination 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 Christian Brothers School (CBS) Development granted under Planning Ref 21/327. The Scheme layout can be seen in the attached drawing LB-PT8-01

The Roads Section state that the aim of the proposed works provides for:

- 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.
- Future provision of active travel measures on Lousybush Lane in accordance with the principles and strategies of the Loughmacask Masterplan 2023. (Objective 5a: To develop the existing Lousybush Lane as a pedestrian and cycle route connecting Loughmacask to the wider city network)

**Planning History on site:**

None

**In the vicinity**

Ref 21/327: The development will consist of the construction of a part 3-storey, part 2-storey 37-classroom school building with a total floor area of 10,564 sqm and incorporating associated support teaching spaces, offices and meeting rooms, a multi-use hall

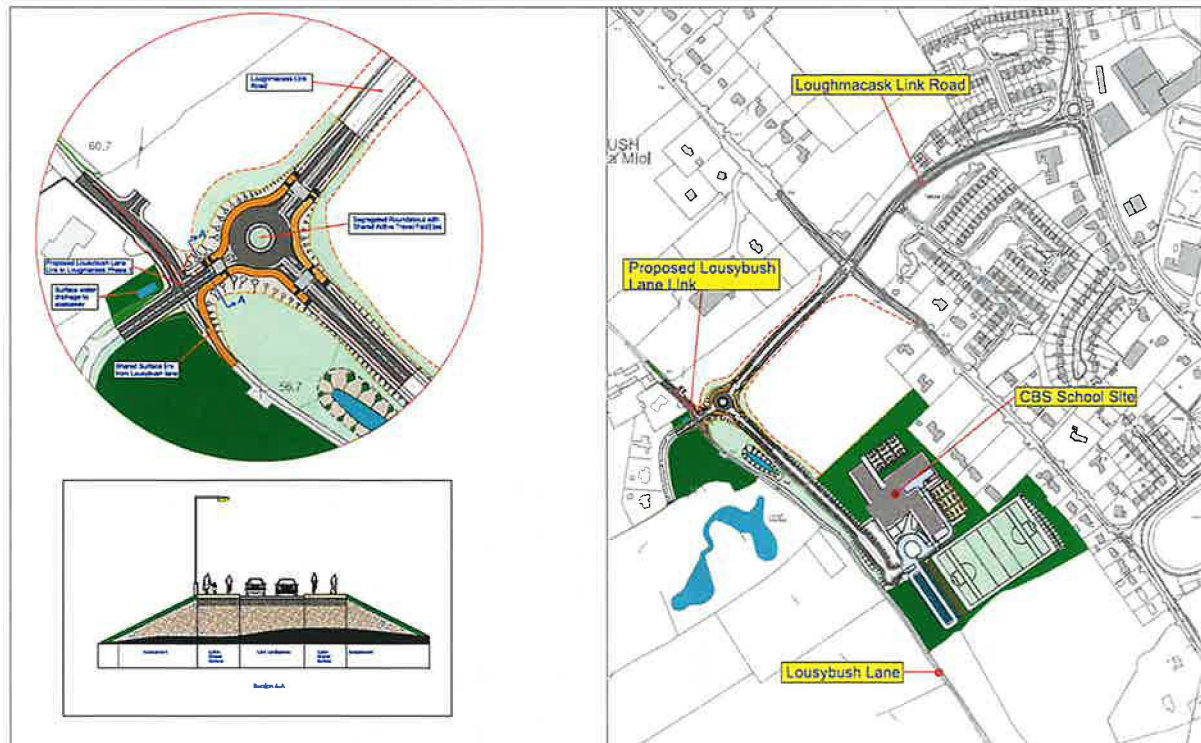
**Impact on Natura 2000 site (SAC or SPA):**

A Screening exercise was completed, which showed that no significant environmental impact is likely. It is therefore concluded that a Natura Impact Statement is not required.

**EIA Screening**

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

### Planning Proposal:



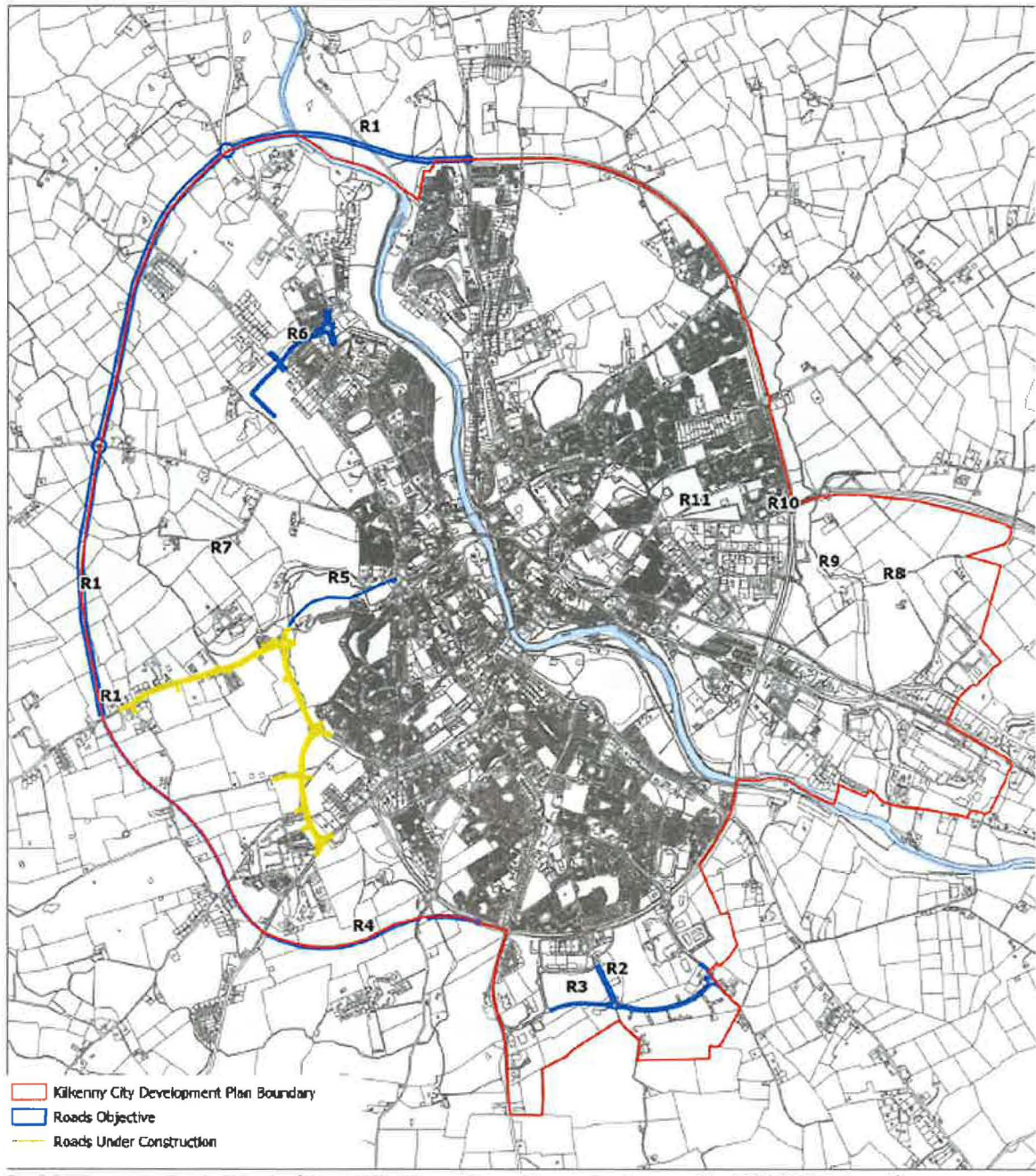
## Policy

## Kilkenny City and County Plan Development Plan 2021-2027

The following objective apply to road in the City and County Development Plan 2021-2027:

**R6: Provide for a road connection from the Freshford Road to the site reserved for a proposed secondary school within the Loughmacask masterplan area.**

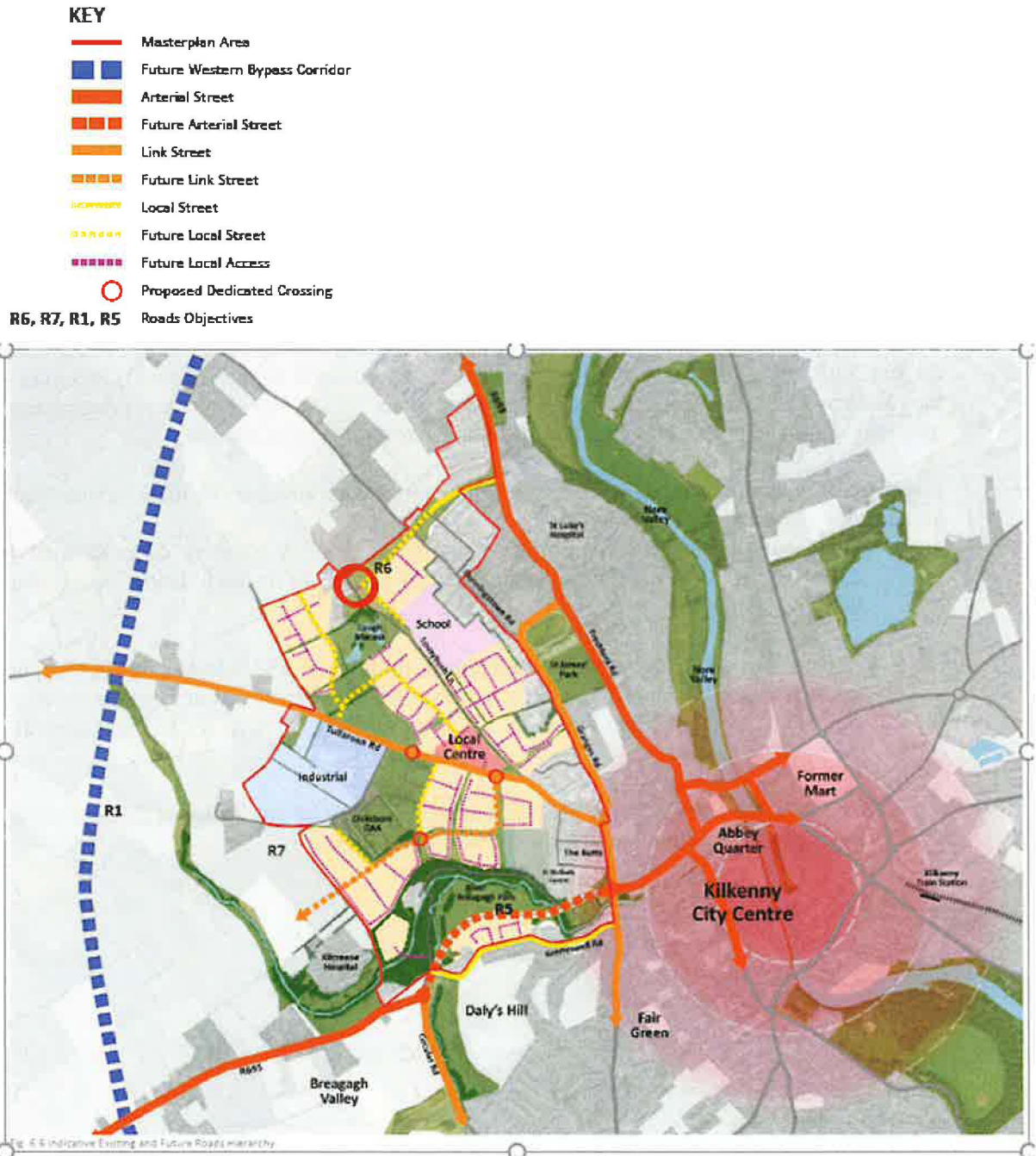




### **Loughmacask Masterplan:**

The following objective apply to Lousybush lane in the Loughmacask Masterplan.

Objective 5a: To develop the existing Lousybush Lane as a pedestrian and cycle route connecting Loughmacask to the wider city network.



The Loughmacask Masterplan shows the link as future Local Access.

### Referrals:

None

### Third Party Submissions

- 1 Robert Druhan
- 2 Kieran & Anne Carroll
- 3 Mark Cantwell
- 4 Tomas Turley

Responses have been provided by the Roads Section and is appended as Appendix 5 to their report.



### **Assessment**

Having regard to the provision of the City and County Development Plan as well as the Loughmacask Masterplan, the submissions received and the response from the Roads Section it is considered that the proposed access would improve overall access to the houses currently dependent on Lousybush lane which is a substandard lane. The proposal will also assist with the implementation of objective 5a of the Loughmacask Masterplan. I consider that the proposal would have no negative impact on the overall area and would remove some vehicular movement from the Tullaroan road and consequently Lord Edward Street.

### **Conclusion and Recommendation:**

The Planning Authority considers that the principle of the proposed development as set out in the subject Part 8 Application plans and particulars accords with the policies and objectives of the Kilkenny City and County Development Plan 2021-2027 and the Loughmacask masterplan and the proper planning and sustainable development of the area.

It is therefore recommended that the Part 8 Application be approved by Council having regard to the following recommendations.

1. KCC will provide an appropriate planting scheme. A planting proposal will be developed further during the detailed design phase and through further consultation with the landowner.
2. Access for residents will be maintained throughout the construction phase and through the provision of temporary access roads to be removed on completion of the scheme. Accommodation works to boundaries where required are to be agreed with the relevant landowner.
3. The location and design of proposed soakaway is to be confirmed at detailed design stage and in consultation with the relevant landowners.



26/03/'24

Date \_\_\_\_\_

\_\_\_\_\_  
N. Louw  
Senior Executive Planner  
I agree with the above report.



27/03/2024

\_\_\_\_\_  
D. Malone  
Senior Planner



## **Appendix 5**

### **Submissions Received and Response to same**

## Submissions

Robert Druhan	<p>Raised concerns regarding levels as submitted as per CBS Planning application 21/327 and the as constructed levels of the roundabout to be accessed from Lousybush lane. Questioned if roadway can be constructed at maximum road gradients without impacting on private property located to the north of the road.</p> <p>Concern regarding the location of the proposed soakaway located in private property associated with a residential dwelling to the north of within curtilage private property to the north of the proposed connection roadway. Suggested alternate location of soakaway to open lands to the southern boundary of the proposed roadway</p>	<p>The Lousybush roundabout is being constructed as Design and Build type contract. This allows the contractor to develop the granted planning design to detailed design stage. KCC is satisfied that the proposed new link can be constructed with appropriate gradients to access the CBS school road.</p> <p>KCC has had preliminary discussions residents whose property boundaries will be impacted by the works. Appropriate accommodation works and access arrangements to be agreed.</p> <p>Agreed. Location and design of proposed soakaway to be confirmed at detailed design stage and in consultation with the relevant landowners.</p>
Kieran & Anne Carroll	<p>Concerns about the difference in height between the newly constructed roundabout on access road and the proposed site of link to Lousybush Lane. This planning application went live as the height of the access road reached its peak. There does not appear to have been any consideration about how residents at the top of Lousybush Lane will access the public road network. There was no indication on the original plan for the access road to CBS school that the road and roundabout would be raised to such a height. Major works will now be required to have a safe gradient from Lousybush Lane up to the roundabout.</p> <p>There was no consultation from Kilkenny County Council with us. (Redacted-Personal Information). We have left this submission to the last possible day and all we got was a series of Xs and numbers in yellow writing on the lane.</p>	<p>The as constructed levels of the roundabout have been confirmed and are in line with that as approved under the CBS School Development (Planning ref 21/327). KCC is satisfied that the proposed new link can be constructed with appropriate gradients to access the CBS school road.</p> <p>Noted, however consultations did take place with some landowners where land take is required. The Part 8 process facilitates interested parties to makes submissions or objections to a scheme on a formal basis. As part of this process discussions with the Carrolls have since taken place regarding potential accommodation works and temporary access arrangements during the construction phase. There will be ongoing</p>

	<p>This plan will have major implications for how we access the roundabout as well as a significant cost to the taxpayer. This plan will result in a major negative impact on our home where we have enjoyed peace and quiet for the last 25 years. Any work to change in the height of Lousybush Lane will result in us losing access to our home from the public road for the duration of the works and significant change to our entrance from the lane. Our boundary wall and gate would have to be completely rebuilt.</p> <p>(Redacted-Personal Information)</p> <p>We have also installed an EV charger. How will we be able access this charger for the duration of any works that are required?</p> <p>A plan to mitigate the sound and visual impact of the new roundabout on our home needs to be put in place. A screening fence or planting of a series of trees around the side of the roundabout would help. This requirement should be a condition of the planning approval for this access to Lousybush Lane.</p> <p>We would propose looking at an alternative access further down the lane but still above the flood plain with a more gentle slope up to the new road. The new road is lower about 50m below the roundabout and a gentle curved connection road joining the lane would be far less disruptive and expensive.</p>	<p>contact with residents during the detailed design and construction phases to address resident's concerns.</p> <p>It is noted that there is significant development on going in this area of the city with a number of residential developments and the construction of the new CBS School and road which in turn has impacted on the rural nature of the laneway and its environs. Access for residents will be maintained throughout the construction phase and it is envisioned this will be through the provision of temporary access roads to be removed on completion of the scheme. Accommodation works to boundaries where required to will be agreed with the relevant landowner.</p> <p>Noted. KCC is agreeable to the provision of appropriate planting. These will be developed further during the detailed design phase and through further consultation with the landowner.</p> <p>Noted: This option has been investigated however due to the extents of the attenuation pond this option is not feasible.</p>
Mark Cantwell	<p>We welcome the proposal to construct a link road from Lousybush Lane to the new road serving the CBS school as Lousybush Lane cannot safely accommodate pedestrians, cyclists and vehicular traffic that will be generated by the new housing developments and the new school.</p> <p>I would request the Council to construct</p>	<p>It is noted that author is welcoming of the scheme. There are a number of process's required to progress this scheme from completion of planning, through detail design, tender and construction. A completion date of Q4 2025 is anticipated.</p>

	<p>the new link at the earliest opportunity as:</p> <p>(1) The new road, as constructed, serving the new school crosses what was the overflow area/flood plain of Loughmacask and this will displace a large volume of flood <a href="#">water</a>. This will in turn generate heavier flooding on the lane and much earlier than heretofore and prevent us from accessing our home and farmyard.</p> <p>(2) The developers of Bishops Lough were allowed to use a site on Lousybush Lane as a construction site <a href="#">compound</a>. <a href="#">This</a> has generated a huge increase in the volume of vehicular traffic in the early mornings, lunch time and <a href="#">evenings</a> making it very dangerous for all users in particular pedestrians and cyclists.</p> <p>(3) As the adjacent housing developments are being completed more and more pedestrians and cyclists are using the <a href="#">lane</a>. <a href="#">Completion</a> of the new link road at the earliest opportunity would afford all users safe enjoyment of the lane.</p>	
Tomas Turley	<p>The proposed access from Lousybush Lane to the new CBS road is a sensible plan and in line with the policy of restricting the use of the Lane solely to active travel of pedestrians and cyclists and is to be commended.</p> <p>All this school road traffic will pass through the new traffic lights on Dunningstown Road giving this traffic the choice of using the Freshford Rd or Dunningstown Rd as a route to and from town.</p> <p>It was stated at KKCC meetings/consultations that this school traffic will not be allowed use Dunningtown Rd, being a small residential road, as a route to and from the city; I am not satisfied as to how this can be successfully achieved and suggest as follows:</p> <p>1. The traffic light junction be engineered in such a way as to prohibit school road traffic using the city end of Dunningstown Rd</p>	<p>Noted.</p> <p>Comments 1 through to 5 are outside the scope of this proposal.</p>

	<p>2. Very strong visual signage at the lights to help enforce compliance with 'No Left' and 'No Right' restrictions coming from the relevant 3 sides of the junction.</p> <p>3. The standard 'No Entry' symbols be used reinforced by also having the words 'No Entry' in clear writing.</p> <p>4. The lights assembly should include a light with a permanently red direction arrow in it for the prohibited directions of travel.</p> <p>5. Signage at the entry to Dunningtown Rd from Granges Rd stating that school road traffic is prohibited from entering .... this could be on a flashing screen to highlight the message ; this will also help prevent Dunningtown Rd city end becoming a 'drop off' car park for the school.</p> <p>The inclusion of the above measures will help ensure good compliant driver behaviour right from the beginning thereby promoting good relations between the school and the local residents which is surely an objective that will be supported by all.</p>	
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## Part 8 Display Drawing

