

1. Introduction

1.1 Introduction

The development of a route between Dublin and Waterford is identified in the National Development Plan 2000 – 2006 (NDP)⁽¹⁾. The route is to be developed to high quality dual carriageway standard and is intended to replace the existing N9 and N10 national primary routes between Dublin and Waterford, which are largely of poor standard. This proposed road development meets the above objective, and also includes a dedicated link road into Kilkenny City.

The existing network features two main national roads, the N9/M9 running generally north south between Kilcullen and Waterford and the N10 linking Kilkenny City with the N9.

The standard of the existing N9 (in particular) is mainly poor, with towns and villages experiencing problems of traffic congestion. This is reflected in the high accident rate on certain sections of the network, as discussed in Chapter 6.

In September 2000, Consulting Engineers were appointed to carry out the planning and preliminary design of the road development between Dublin and Waterford, titled the N9/N10 Kilcullen to Waterford Scheme. The team responsible for the production of this Environmental Impact Statement (EIS) is listed in Table 1.1 at the end of this Chapter. The road development has been progressed to the preliminary design stage. The development presented in this EIS relates only to the southern section of the overall project, i.e. between Waterford and Powerstown, Co. Carlow. The title of this road is the *N9/N10 Kilcullen to Waterford Scheme: Waterford to Powerstown* (the proposed new road development) and its general location can be seen on Figure 1.1 in Volume 3 of this EIS.

The EIS is a statement of the likely effects and impacts on the environment of the proposed road development and has been prepared as part of the Environmental Impact Assessment (EIA) undertaken in respect of the construction and operation of the proposed new road.

The EIS has been prepared on behalf of Kilkenny County Council (KCC) and Carlow County Council (CCC), by the Design Consultants and specialist sub-consultants, with the assistance of Tramore House Regional Design Office (THRDO).

The EIS comprises 3 volumes as follows:

- Volume 1 – Main Text (including Non-Technical Summary)
- □ Volume 2 – Book 1 Drawings
- □ Volume 2 – Book 2 Drawings
- □ Volume 3 – Appendices

The Non-Technical Summary has also been produced as a separate document.

1.2 EIA Legislation and Guidance

This EIS has been prepared as part of the development consent procedure for the N9/N10 Kilcullen to Waterford Scheme: Waterford to Powerstown required by European Community Environmental Assessment Directive 85/EEC/337⁽²⁾ (as amended by Directive 97/11/EC⁽³⁾) as transposed into Irish law by The Roads Acts, 1993⁽⁴⁾, as amended.

The requirements of the Roads Act, 1993⁽⁴⁾, as amended, in relation to Environmental Impact Statements (EIS), is summarised below. The sections of the Act applicable to the preparation and submission of an EIS are Sections 50 and 51.

Under Section 50 of the Roads Act, a road authority is required to prepare a statement of the likely effects on the environment of any proposed road development consisting of the construction of a motorway, a busway, or any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road.

The prescribed type of proposed road developments as defined in SI No.119 (1994)⁽⁵⁾, paragraph 8, is defined for the purpose of Section 50 of the Roads Act include:

“(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100 metres or more in length”

In accordance with the above legislation, an EIS is required for the proposed N9/N10 road development, as it will include construction of four or more lanes for a length of more than eight kilometres in length in a rural area, and will

include construction of 3 bridges of at least 100 metres in length.

The Roads Act, 1993 as amended ⁽⁴⁾, transposes into Irish law the EU Directives (85/337/EEC⁽²⁾ & 97/11/EU⁽³⁾) on the assessment of the effects of certain public and private projects on the environment. Section 50 of the Roads Act, 1993 as amended ⁽⁴⁾ requires, inter alia that the following information be included in an EIS:

"(2) An environmental impact statement shall contain the following specified information-

- (a) a description of the proposed road development comprising information on the site, design and size of the proposed road development;
- (b) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (c) the data required to identify and assess the main effects which the proposed road development is likely to have on the environment;
- (d) an outline of the main alternatives studied by the road authority concerned and an indication of the main reasons for its choice, taking into account the environmental effects;
- (e) a summary in non-technical language of the above information.

(3) An environmental impact statement shall, in addition to and by way of explanation or amplification of the specified information referred to in subsection (2), contain further information on the following matters -

- (a) (i) a description of the physical characteristics of the whole proposed road development and the land-use requirements during the construction and operational phases,
- (ii) an estimate, by type and quantity, of expected residues and emissions (including water, air and soil pollution, noise, vibration, light, heat and radiation) resulting from the operation of the proposed road development;
- (b) a description of the aspects of the environment likely to be significantly affected by the proposed road development, including in particular-
 - human beings, fauna and flora,

- soil, water, air, climatic factors and the landscape,
- material assets, including the architectural and archaeological heritage, and the cultural heritage,
- the inter-relationship between the above factors;

(c) a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed road development on the environment resulting from-

- the existence of the proposed road development,
- the use of natural resources,
- the emission of pollutants, the creation of nuisances and the elimination of waste,

and a description of the forecasting methods used to assess the effects on the environment;

(d) an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the road authority concerned in compiling the required information;

(e) a summary in non-technical language of the above information;

to the extent that such information is relevant to a given stage of the consent procedure and to the specific characteristics of the proposed road development or type of proposed road development concerned, and of the environmental features likely to be affected, and the road authority preparing the environmental impact statement may reasonably be required to compile such information having regard, inter alia, to current knowledge and methods of assessment."

The format used in this EIS document seeks to allow the reader to access the issues of interest to them as easily as possible.

1.3 Consultation

1.3.1 Introduction

Non-statutory consultation with landowners and the general public was undertaken in three distinct ways for the proposed road development:

- 1) *Public Consultation* – providing information to the public on the road development and inviting submissions in accordance with National Roads Authority (NRA) National Roads Project Management Guidelines (NRPMG)⁽⁶⁾.
- 2) *Landowner Consultation* – a series of meetings was arranged with proposed affected landowners with KCC and CCC providing ongoing liaison.
- 3) *Informal EIS Scoping* – by means of written correspondence, with government and non-government organisations.

1.3.2 Public Consultations

The NRPMG⁽⁶⁾ outlines three stages where the public are engaged during the course of the planning and development of the road development. These consultations are discussed in Chapter 3, but are outlined in summary here.

The first public consultation (PC1) considered the initial study area (see section 3.2.2 for more detail) and took place in March 2001. PC1 was undertaken by way of a full-page advertisement in certain local newspapers.

The second public consultation (PC2) was undertaken in May 2001 over a two-week period, at a number of relevant venues. PC2 considered the Route Corridor Options that had been developed at that stage (see section 3.3.3 for more detail).

The third public consultation (PC3) took place in October 2001 over a 2-week period at which the Preferred Route Corridor was displayed.

1.3.3 Landowner Consultations

A number of landowner consultation sessions with individual landowners were conducted during the development of the road. The key stages where this took place were as follows:

- In association with PC3 (October 2001)

- At the initial stage of preliminary design (February 2003)

Landowners were invited to meetings attended by staff from the Design Consultants, CCC and KCC. Drawings of the proposed route corridor were given to those attending these meetings and every attempt was made to facilitate a meeting with all landowners.

In addition to the above, KCC and CCC consulted with all interested landowners in the final stages of the design, as follows:

- At an advanced stage of preliminary design (January/February 2004)
- At the final draft stage of preliminary design (May 2004)

The purpose of these meetings was to resolve any minor issues to the satisfaction of all concerned, where possible.

1.3.4 EIS Scoping

Consultation with a number of government and relevant non-government organisations was undertaken in late 2002. A total of 37 potentially interested parties were contacted by means of a letter and EIS briefing document. All comments received were taken into consideration in the preparation of the EIS. The potentially interested parties contacted are listed as follows:

- The Arts Council
- Bord Fáilte Éireann
- An Taisce – The National Trust for Ireland
- Department of Arts, Sports and Tourism
- Department of Environment, Heritage & Local Government (including the Heritage Service and National Parks & Wildlife Services)
- Carlow County Council
- Waterford County Council
- Southern Regional Fisheries Board
- The Heritage Council
- South Eastern Health Board
- Irish Aviation Authority
- Environmental Protection Agency
- Department of Communications, Marine and Natural Resources
- Wexford County Council

- Department of Agriculture and Food
- Department of Community, Rural and Gaeltacht Affairs
- Department of Enterprise, Trade and Employment
- Department of Defence
- Department of Transport
- Geological Survey of Ireland
- Iarnród Éireann
- Bus Éireann
- Office of Public Works (OPW)
- Teagasc (The Irish Agriculture and Food Development Authority)
- National Monuments Advisory Council
- National Authority for Occupation Safety and Health
- Bird Watch Ireland
- Irish Wildlife Trust
- Coillte Teoranta (Forestry Board)
- Irish Creamery Milk Suppliers Association
- Irish Farming Association
- Irish Peatland Conservation Council
- The Land Commission
- Bord na Mona Energy Ltd
- Waterways Ireland
- Central Fisheries Board
- Irish Development Agency (IDA Ireland)

Further consultation with a number of sections of the Dept of Environment, Heritage and local Government (DOEHLG), the Department of Communications, Marine and Natural Resources (DCMNR), the Southern Regional Fisheries Board (SRFB) and the Office of Public Works (OPW) are described in the relevant Chapters.

1.4 Statutory Development Consent Procedure

1.4.1 Introduction

The statutory period for submissions in relation to the likely effects on the environment of the proposed road development commences when KCC, as promoter of the road, provides notification to the public that the process has been commenced. The EIS is then available for inspection and/or purchase for a period of not less than one month from that date, at the following locations:

Kilkenny County Council

Project Co-ordination Office (Roads)
1 Dean Street
Kilkenny

Freephone 1800 488 884

Carlow County Council

County Hall
Athy Road
Carlow
County Carlow

Telephone (059) 9170300

ADDITIONAL VENUES

- Muine Bheag (Bagenalstown) Branch Library, County Carlow
- Loughboy Branch Library, Kilkenny
- Thomastown Branch Library, County Kilkenny
Newrath Area Office, Kilkenny County Council, Newrath, Co Kilkenny

All submissions in relation to this development should be sent to An Bord Pleanála (the Board) at the following address:

An Bord Pleanála

64 Marlborough Street,
Dublin 1

1.4.2 Road Authority Obligations

Part of this development lies within the boundaries of Carlow County Council (CCC). An agreement has been made between KCC and CCC (in accordance with Section 85 of the Local Government Act 2001⁽⁷⁾). This enables KCC as road authority to carry out all necessary functions, powers and duties in the administrative area of CCC for all purposes in connection with this proposed road including all necessary

statutory approvals and/or consents as may be required and the construction of the road, if approved.

Under provision of Section 215 of the Planning and Development Act 2000⁽⁸⁾, the proposed road development cannot be carried out without the approval (with or without modifications), of the Board.

1.4.3 What Happens Next?

Written submissions in relation to the proposed road development and/or this EIS may be made to the Board by the public or by prescribed bodies within the specified period.

An Oral Hearing may be undertaken should the statutory requirements for an oral hearing be met. The Board is only able to make a decision to approve the proposed road development, with or without modifications, after all submissions are heard and the Oral Hearing, if required, is concluded, and the report/recommendations of the Inspector appointed to conduct the Oral Hearing has been submitted to it.

1.5 EIS Format/Contents

This volume of the EIS (Volume 1) is divided into three sections as follows:

- *Non-Technical Summary* – briefly describes the road development and its context and presents the conclusions from the Environmental Impact Statement in non-technical language.
- *The Proposed Road Development* – General Information on the road development describing the background to the proposal, the physical characteristics of the route and the main alternatives considered (Chapters 1 to 5).
- *Environmental setting, impacts and mitigation measures* – outlining the effects/impacts that the proposed road development is likely to have on the environment during both the construction and operation phases. Mitigation measures are described to avoid, reduce and where possible, remedy the significant adverse effects, as appropriate (Chapters 6 to 21).

The other volumes of the EIS are as follows:

- *Volume 2* – Books 1 & 2 – EIS Drawings
- *Volume 3* – EIS Appendices

1.6 Study Team

The Design Consultants and the specialist sub-consultants, on behalf of and with the assistance of, the project teams of Kilkenny and Carlow County Councils, have prepared this EIS.

Table 1.1 details the Consulting Engineers and specialists involved in the preparation of this document.

1.7 Difficulties Encountered

There were difficulties with regards to land access in 2001 as a result of the restrictions imposed to avoid the spread of Foot and Mouth Disease and the Irish Farmers Association (IFA) dispute.

Further specific difficulties, technical limitations, assumptions and constraints are detailed within each of the relevant EIS chapters, as appropriate.

1.8 References

- (1) The National Development Plan 2000 – 2006 (2000).
- (2) Council Directive 85/EEC/337 on the assessment of the effects of certain public and private projects on the environment.
- (3) Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.
- (4) The Roads Act, 1993 (No. 14/1993), as amended.
- (5) The Roads Regulations, SI 119 of 1994 (1994).
- (6) National Roads Authority (2000), National Roads Project Management Guidelines.
- (7) Local Government Act 2001, (No. 37/2001).
- (8) Planning and Development Act, 2000, (No. 30/2000).

Table 1.1 Consulting Engineers and Environmental Specialists for EIS

Consulting Engineers	
Waterford to Ballyquirke	Arup Consulting Engineers
Ballyquirke to Powerstown	Roughan & O'Donovan – FaberMaunsell Alliance
Environmental Consultants	
Terrestrial and Aquatic Ecology	Natura Environmental Consultants
Landscape and Visual	Brady Shipman Martin
Community	Patrick J Newell Consulting Engineers
Agriculture	Crop Husbandry Advisory Services
Hydrogeology (Hugginstown Fen and Danganbeg Wetland)	Minerex Environmental Limited
Air Quality	Arup Menzies
Climate	AWN Consulting Limited
Noise and Vibration	AWN Consulting Limited
Archaeology and Cultural Heritage	Valerie J Keeley Limited
Architectural Heritage	Valerie J Keeley Limited