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Marine Institute Comments on Forehsore Lease Application by Killadysert Village Renewal CLG – Improvement works to the existing slipway at Crovraghan Quay, Killadysert Co. Clare (FS006836)

Killadysert Village Renewal CLG has submitted an application for a Foreshore Lease to carry out improvement works to the existing slipway at Crovraghan Quay, Killadysert Co. Clare. The works will include the construction of a reinforced concrete slipway and retaining wall and associated works. The location of the proposed works, which is located circa 3Km northeast of Killadysert Village, is shown in the following drawing submitted by the applicant:

- Site Location Map (OSI Map – Plot Reference No 19772007_2 , dated 12 February 2018)

Details of the proposed works are shown in the following drawings submitted by the applicant:

- Drawing No P/18/12/SL, “Proposed Site Layout Plan”, dated 27/03/2018
- Drawing No P/18/12/SS “Proposed Site Section” dated 27/03/2018
- Drawing No P/18/12/01 “Proposed Concrete Slipway”, dated 27/03/2018
- Drawing No P/18/12/02 “Proposed Slipway Section”, dated 27/03/2018

The area of foreshore involved is 0.295Ha. It is anticipated that the works would be completed in 2 months

Planning Permission for the works, subject to 3 No. Conditions, was granted by Clare Co. Co., in June 2018

Considering the location, nature and scale of the proposed works significant impacts on the marine environment are not considered likely.

On the basis of the above the Marine Institute has no objections to a Foreshore Lease being granted.

It is recommended that the following Conditions should be attached to any Foreshore Lease that may be granted

1. The Lessee shall use that part of the Foreshore the subject matter of this lease for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Lessee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to the foreshore occur during the works. Contractor’s arrangements for the control of pollutants should be notified to the Department of the Housing, Planning and Local Government for agreement prior to works on the foreshore commencing.

Dr. Terry McMahon
Marine Environment and Food Safety Services
Marine Institute

07 November 2018

Pat O'Neill

CLARE CO CO.

Subject: Kildysert Village Renewal CLG - File ref. FS 006836

From: Linda McNerney [mailto:LHMcinerney@clarecoco.ie]
Sent: 26 November 2018 16:37
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: FW: Kildysert Village Renewal CLG - File ref. FS 006836

A Chara,

I refer to your email and the attached application form.

Report from Area Planner:

The Planning Department granted permission for this development under Planning Reference P18/252. Provided development is in compliance with the permission (and conditions) then the Planning Department has no objection to this licence application. It is noted that the development has been screened for AA.

Report from Environment Section:

The issues in respect of potential environmental impact have been addressed in the AA Screening document which appears comprehensive and has determined as an outcome that there are no significant effects.

Mise le meas,

Linda McNerney
Clerical Officer
Planning Department
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
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COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

WMA



An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil
Department of Housing,
Planning and Local Government

06/03/2019

File ref. FS 006836

Report: Foreshore Lease Application for a Slipway at Crovraghan Quay, County Clare by Kildysert Village Renewal CLG

Pat O Neill,

Project Description

Kildysert Village Renewal CLG have applied to construct a reinforced concrete slipway of 6m width and approx. 40m length on foreshore at Crovraghan Quay, County Clare. The location is currently used by farmers for transporting livestock to and from the islands in the Shannon estuary. The livestock barges currently land on to the shore which has been simply reinforced with a hard-core type material. The slipway will also be available for general public use and for use by search and rescue groups. It is hoped that the facility will lead to increased visitors to the islands and the estuary.

Assessment

Documentation submitted by the applicant includes a method statement, Environmental Management Plan, AA screening etc. It is my opinion that if the works are conducted in accordance with these documents the works will not have significant adverse impacts on the environment. (Subject to confirmation by the MLVC).

Considering the proposed use of the development it is in the public interest. It is my opinion that the works as proposed will have a significant positive impact on the public use of foreshore and for navigation or fishing in the area.

Recommendation

I recommend approval of the Foreshore Lease application subject to the following conditions,

- The Map titled "Foreshore Lease Map" Date: 08/10/2018 Drg. No.: KILD-SW-001Rev.: A shall be attached to and referenced in the Lease document.
- The works shall be conducted in accordance with drawings and documents submitted with the application.
- The Department shall be notified 2 weeks prior to any works proceeding.
- Full public access is to be provided to the slipway for launching and recovering craft at all times.
- As this is a public and not for profit facility consideration should be given to a nominal rental.

Barry Mc Donald M.Eng. M.I.E.I.

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DAFM

Pat O'Neill

Subject: Kildysert Village Renewal CLG - File ref. FS 006836

From: Kelleher, Evan [mailto:Evan.Kelleher@agriculture.gov.ie]
Sent: 08 January 2019 16:49
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Cc: Foreshore <Foreshore@agriculture.gov.ie>
Subject: RE: Kildysert Village Renewal CLG - File ref. FS 006836

Dear Pat,

Your Ref: FS006836

Our Ref: FW 11/16

Re: Foreshore Licence application by Killadysert Village Renewal CLG for the construction of a slipway with retaining wall and improvement works to existing slipway Crovraghan, Kildysert, Co. Clare

Further to your e-mail dated 31/10/2018.

It is not likely that the above licence application will have any impact on aquaculture or fisheries. This Department has no objections to the granting of a licence.

Kind regards,
Evan

Evan Kelleher
Aquaculture and Foreshore Management Division

An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and the Marine

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47
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IFI

MARINE LICENCE VETTING COMMITTEE:

Re: DHPCLG file ref FS006836 Foreshore Application by Kildysert Village Renewal CLG for Foreshore Lease application for the construction of a slipway with retaining wall and improvement works to existing slipway at Crovraghan, Kildysert, Co. Clare

Request for observations from Mr. Patrick O' Neill (DECLG) dated 31.10.2018

Overview from application documents:

This proposal involves improvement works to existing slipway including construction of a reinforced concrete slipway (208 m²) with retaining wall. The improvements are designed to improve slipway access at all water levels. Anticipated works duration is 2 months.

The AA Screening document provides detail of the proposed works method

The works requires pouring of concrete within an aquatic environment. It is proposed to isolate the works site with steel shuttering so that works can proceed in the dry and without any loss of cement leachate to the aquatic environment

IFI comment:

Documentation provided indicates that a CEMP document will be developed and agreed in advance with Clare Co. Council. IFI requests that this document be made available to its Limerick office (Mr. Michael Fitzsimons), again for agreement prior to works commencement. The arrangements specified in the AA screening document for the construction works must be incorporated into the contractor's methodology. Particular attention to activities likely to generate suspended solids and/or other pollutants and the proposals to prevent these pollutants need to be specified. No discharge of soiled water in excess of 20 mg/L should be allowed from the operational area of the site. It may be necessary to have appropriate settlement facilities including the use of "dirt filtration bags".

As this is a marine area IFI recommend that a floating boom with an appropriate skirt above and below the floats should be available in the event that any spillage of hydrocarbon oils takes place.

Notwithstanding that this area is in the marine environment IFI requires that all equipment including machinery which is likely to have any contact with the aquatic environment should be power washed and sprayed with Virkon disinfectant in accordance with the IFI's biosecurity protocol.

The Appropriate Assessment Screening Report has concluded that there is no risk of significant effects on the Natura 2000 network arising from the proposed works. Inland Fisheries Ireland would broadly agree with this assessment of 'No Impact'.

Inland Fisheries Ireland does not have any issues with the proposed Foreshore application.

James J. King (IFI R&D) and Michael Fitzsimons (IFI Limerick)

Inland Fisheries Ireland

CC Terry Mc Mahon MLVC;

22.11.2018

MSO

Pat O'Neill

Subject: Kildysert Village Renewal CLG - File ref. FS 006836

From: CANTWELL Nick [mailto:NickCANTWELL@dtas.gov.ie]
Sent: 03 November 2018 14:30
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Cc: MEEHAN Marie <MarieMeehan@dtas.gov.ie>
Subject: RE: Kildysert Village Renewal CLG - File ref. FS 006836

Hello Pat.

This office raises no objection to this proposed development. A notice in a local paper will suffice.

Best regards.

Nick Cantwell (Capt).
Marine Survey Office

An Roinn Iompair, Turasóireachta agus Spóirt
Department of Transport, Tourism and Sport

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NATURE (1) + ARCH (1)

Pat O'Neill

From: Foreshore EPA Marine
Sent: 30 November 2018 09:01
To: Pat O'Neill
Subject: Foreshore Licence FS006836

RE: Foreshore Licence FS006836 by Kildysert Village Renewal CLG for the construction of a slipway with retaining wall and improvement works to existing slipway at Crovraghan, Kildysert, Co. Clare.

A chara,

Please find the underwater archaeology and nature conservation recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned foreshore application.

Underwater Archaeology

The slipway is located at the site of Crovraghan Castle, a recorded monument RMP CL060-022 which is afforded statutory protection under Section 12 of the National Monuments Act 1930-2004. It is noted that an Archaeological Impact Assessment (AIA) is proposed part of the appropriate assessment to be carried out for this planning application. The appropriate archaeological assessment should be an Underwater Archaeological Impact Assessment (UAIA) to cover all works below the high water mark. It is noted in the application that stones from the castle site were used to build the original slipway but an earlier slipway could also have been located there, directly associated with the castle when in use the remains of which could be buried. Such remains could be impacted by the proposed works. The UAIA should take the following format:

- The services of a suitably qualified and suitably experienced underwater archaeologist should be engaged to carry out the UAIA.
- The UAIA should assess all proposed impacts both terrestrial, foreshore and subtidal and should include an underwater diver survey of the existing slipway and area that will be impacted by all works, including that of plant and machinery.
- A handheld metal detection survey shall also accompany the UAIA.
- The archaeological assessments shall be licensed by the National Monuments Service and a detailed method statement shall accompany the licence applications.

A detailed report should be submitted as Further Information and the applicant shall await formal comment from the Department.

Nature Conservation

The Department refers to the above foreshore application for a proposed slipway, retaining wall and improvement works (and any associated and ancillary works on the foreshore) at the existing slipway at Crovraghan, Killadysert, Co. Clare. Reference is also made to the completed application form, drawings, and 'Screening for appropriate assessment' report by Mary Burke, which accompany the application.

The following observations are not exhaustive and are made in the context of this Department's role in relation to nature conservation. They are offered to assist your Department in its review and evaluation of the current proposal in the context of, among other things, the obligations that arise in relation to European sites, and screening for appropriate assessment, and the appropriate assessment if necessary, under Part 5, Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (hereafter the '2011 Regulations'). Other matters relating to biodiversity and environmental protection may also arise in this case.

Project description and setting

The application area (0.259ha) is located at the site of an existing slipway to the Fergus Estuary at Crovraghan, close to Illaunbeg or O'Donnell's Island. There is an existing road to the site and a small area for parking. It is indicated that use of the existing facility will continue through the construction period (two months) for the new development. The proposed slipway footprint measures 6m by 32m, and will entail significant local excavations, and the need for storage and disposal of surplus material. The slipway and retaining wall may impact on local patterns of sedimentation and erosion, and could necessitate maintenance dredging or other works in the future.

The need for extended parking in the short to medium term may also arise, if tourism uses are promoted by, or increase as a result of the new development. The islands listed in the application form, i.e. Coney, Canon, Horse, Shore, Inishtubbrid and Lowe islands, are all within European sites.

European sites and conservation objectives

The application area and proposed development are within and adjacent to the European sites, Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). The SAC has been selected for the conservation of a series of Annex I habitats and Annex II species (and their habitats), i.e. the qualifying interests of the SAC. The SPA has been selected for the conservation of a series of Annex I bird species, other waterbirds and migratory species, and for wetlands, i.e. the special conservation interests of the SPA. Both sites have site specific conservation objectives. These specify whether the conservation objective is to maintain or to restore the favourable conservation condition of the habitat or species in question within the site in question, as well as setting attributes and targets which define conservation condition. The conservation objectives also contain maps and the data on which these maps are based are made available via the NPWS website.

Reference to available data associated with the conservation objectives of the above sites establishes that the proposed development occurs within mapped areas of:

1. the Annex I qualifying interest habitats, Estuaries, and Mudflats and sandflats not covered by seawater at low tide.
2. habitat of the Annex II qualifying interest species, Otter.
3. habitat of the Annex II qualifying interest species, Bottlenose dolphin.
4. the special conservation interest, wetlands.

It should be noted that the fact that the application area overlaps with the above features is not identified in the available screening report. At a minimum, available data and mapping, and the conservation objectives of the sites, should be included among the best available knowledge and objective information on which screening for appropriate assessment is carried out.

Strategic Integrated Framework Plan

There should also be reference to the Strategic Integrated Framework Plan for the Shannon Estuary 2013-2020 (given effect by Clare County Development Plan), and to any objectives it contains that would be of relevance to this proposed development and future uses of the slipway (e.g. tourism), including objectives for the environment and European sites (e.g. SIFP ENV 1.5 – 1.8 in the Written Statement, and in Appendix D).

Screening for appropriate assessment

When screening for appropriate assessment is carried out, the above points should be taken into account. Notwithstanding the gaps in the screening report (as outlined above), it should be noted that it identifies the potential for various aspects of the proposed development to have effects on the SAC and the SPA, e.g. as a result of temporary works, emissions (noise, silt, liquid concrete, and concrete washing), reduced water quality, damage to habitats in the SAC, and disturbance of birds. The potential effects are outlined in Section 3.2, Section 4.2, and Table 3 of the report, but without reference to the conservation objectives and associated attributes and targets of relevance. It is evident that mitigation measures are necessary, e.g. construction methodologies to be developed by the contractor, method statements, risk assessments, and a construction and environmental management plan (CEMP). These are not specified as part of the current application, but are to be developed at a later stage (i.e. after the consent stage and after the screening for appropriate assessment or appropriate assessment processes have concluded). In the absence of specified mitigation measures, and without explanation, the conclusion in section 6 of the report is that there will be no significant impacts on a European site (in view of its conservation objectives) arising from the proposed development. The subsequent consideration of cumulative or in combination effects does not include the associated tourism aspects of the development, or the Strategic Integrated Framework Plan for the Shannon Estuary and the development objectives and protective measures it contains.

The above matters also of relevance to the screening for appropriate assessment in the case of the related planning application (ref. 18/252).

The view of this Department is that it cannot be excluded that the proposed development, on its own, will have significant effects on one or two European sites in view of their conservation objectives. While not a large development, the combination of the following give rise to uncertainties as to the absence of likely significant effects in this case:

- location within two European sites,
- location within and minor losses of Annex I habitats and the habitats of at least one Annex II species,

- potential for alteration of the structure and function of habitats arising from altered patterns of sediment accumulation and erosion (retaining wall and larger slipway),
- location within wetlands used by birds,
- the potential for disturbance of bird species,
- the need for mitigation measures, and
- the unaccounted for effects of increased tourism that could result.

Mise le meas,

Connor Rooney
Clerical Officer

An Roinn Cultúir, Oidhreachta agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

Aonad na nIarratas ar Fhorbairt
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ARCH (2)

Pat O'Neill

Subject: Kildysert Village Renewal CLG - File ref. FS 006836

From: Foreshore EPA Marine
Sent: 11 January 2019 09:08
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: RE: Kildysert Village Renewal CLG - File ref. FS 006836

Hi Pat,

The Department's previous underwater archaeology comments still stand from the 30/11/2018 for an underwater archaeology impact assessment to be undertaken.

Kind regards,

Connor Rooney
Executive Officer

—
An Roinn Cultúir, Oidhreacht agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

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NATURE(2) - ARCH(3)

Pat O'Neill

Subject: Kildysert Village Renewal CLG - File ref. FS 006836

From: Foreshore EPA Marine
Sent: 21 March 2019 13:45
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: RE: Kildysert Village Renewal CLG - File ref. FS 006836

Hi Pat,

Please find the underwater archaeology and nature conservation recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned foreshore application.

Nature Conservation

The Department refers to the above foreshore application for a proposed slipway, retaining wall and improvement works (and any associated and ancillary works on the foreshore) at the existing slipway at Crovraghan, Killadysert, Co. Clare. Reference is also made to the Department's earlier nature conservation submission of 30/11/18 to the Foreshore Section.

The following observations are made by the Department in its advisory role in relation to biodiversity, nature conservation, and the nature directives (i.e. the Birds and Habitats Directives). They are again offered to assist your Department in its review and evaluation of the current proposal in the context of, among other things, the obligations that arise in relation to European sites, and the screening for appropriate assessment and the appropriate assessment (if necessary), which must be carried out before a licence may be granted.

The further information from the applicant refers, among other things, to this Department's submission of 30/11/18. It is noted, however, that no information is provided to show your Department's request for further information or response to the applicant.

The application is accompanied by a 'Screening for appropriate assessment' report. No Natura Impact Statement (NIS) is available and, at this stage, it is unclear if your Department has formed the view that an NIS is or is not required. This Department had advised that it could not be excluded that the proposed development, on its own or in combination with other plans and projects, would have a significant effect on one or two European sites in view of their conservation objectives. Note that this is the trigger for requiring an appropriate assessment, and the preparation and submission of an NIS.

The following key points should be taken into account when screening for appropriate assessment is carried out. The further information does not provide a basis for discounting the relevance of these points for the screening exercise.

The application area and proposed development are within and adjacent to two European sites, Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). The European sites have site specific conservation objectives, and associated mapped habitat and species data that are available from www.npws.ie. The development is within:

- mapped areas of the Annex I qualifying interest habitats, Estuaries, and Mudflats and sandflats not covered by seawater at low tide.
- habitat of the Annex II qualifying interest species, Otter.
- habitat of the Annex II qualifying interest species, Bottlenose dolphin.
- the special conservation interest, wetlands.

While not a large development, the combination of the following indicate that the project, alone or in combination with other plans and projects, is likely to screen in for Appropriate Assessment. This Assessment will need to take account of any potential impacts, be they permanent or temporary in the context of the overall conservation objectives of the sites concerned, including;

- location within and minor losses of Annex I habitats and the habitats of at least one Annex II species;
- potential for alteration of the structure and function of Annex I and other habitats arising from altered patterns of sediment accumulation and erosion (retaining wall and larger slipway);
- location within wetlands used by birds in the SPA;
- the potential for disturbance of bird species;
- the need for mitigation measures to safeguard the European sites, and
- the potential for impacts from increased tourism and other development that could result. The screening report refers to the central location along the Fergus Estuary, the easy access to Coney, Canon, Horse, Shore, Inishtubbrid and Lowe islands, and the tours to these that could be provided from the slipway.

In addition to the above, any potential adverse effects or disturbances that could arise from site investigations or archaeological testing should be taken into account by the Foreshore Section, and mitigation should be included as necessary.

Underwater Archaeology

An 'updated' archaeological assessment report has been submitted by TVAS Archaeology Ltd. directly to the Underwater Archaeology Unit (UAU), National Monuments Service to address our previous requirements for same. Having considered the updated report the following are our observations and recommendations:

The 'Updated' AIA:

- The updating or 'Further Information' as requested is minimal and does not constitute a handling of the maritime context, particularly the wreck potential, of the area that will be the focus of works.
- While the National Monuments Service Wreck Viewer database was consulted, it did not take into account that the data contained in the Wreck Viewer represents 'known' locations for wrecks only. The more detailed Wreck Inventory of Ireland Database/Shipwreck Inventory held by the UAU list a high number of wrecks for the wider Shannon Estuary with no known location, and there is therefore the potential that wrecks or wreckage/associated artefactual material could be located in proximity to the site.

UAU Recommendations:

There remains the potential that submerged/underwater cultural heritage could be found during the course of the works for the proposed slipway. It is also noted in the attending application for a Foreshore Licence that a silt trap is to be excavated at the end of the proposed slipway and that the material excavated, including that for the slipway, is to be removed off site. The following is therefore required as a condition of any Foreshore Licence issued for the proposed works:

- The services of a suitably qualified and suitably experienced archaeologist with underwater archaeological experience shall be engaged to archaeologically monitor all works, this to include the silt trap, any drainage/services/ works, etc.
- The archaeological monitoring shall be licensed by the National Monuments Service and a detailed method statement shall accompany the application.
- All removed spoil/silts, apart from bedrock, shall be subject to hand held metal detection in advance of being removed from site. This will necessitate the spreading of the material to facilitate the metal detection. This shall also be subject to licence.
- A detailed monitoring report shall be forwarded to the National Monuments Service upon completion of all works.

Should archaeological material, particularly evidence for wrecks, be encountered during the course of the archaeological monitoring, the UAU should be contacted immediately to ensure there are no delays to works.

Mise le meas,

Connor Rooney
Executive Officer

An Roinn Cultúir, Oidhreachta agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

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