

RESPONSE TO MI

Pat O'Neill

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

From: Mary Burke [mailto:marylucyburke@gmail.com]
Sent: 14 February 2019 13:21
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: Re: Kildysert Village Renewal CLG - File ref. FS 006836

Pat
Please note we have no comments to make in relation to the submission by the Marine Institute and will comply with imposed conditions
Mary Burke

RESPONSE TO CLARE Co Co

Pat O'Neill

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

From: Mary Burke [mailto:marylucyburke@gmail.com]
Sent: 14 February 2019 13:23
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: Re: Kildysert Village Renewal CLG - File ref. FS 006836

Pat
Please note that we have no comment to make on the Clare Co Council response
Mary Burke

RESPONSE TO WMA

Pat O'Neill

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

From: Mary Burke [mailto:marylucyburke@gmail.com]

Sent: 08 March 2019 12:54

To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>; Deirdre O'Shea <doshea@clarecoco.ie>

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

*Pat

I received your letter and note the contents therein from your Department's Water and Marine Advisors (WMA). The applicants will comply with any conditions imposed

Thanking you

Mary Burke

RESPONSE TO DAFM

Pat O'Neill

To: Mary Burke
Subject: Kildysert Village Renewal - File ref. FS 006836

From: Mary Burke [mailto:marylucyburke@gmail.com]
Sent: 14 February 2019 13:25
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: Re: Kildysert Village Renewal - File ref. FS 006836

Pat
Please note that we have no comment to make on the DAFM submission
Mary Burke

Pat O'Neill

RESPONSE TO IFI

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

From: Mary Burke [mailto:marylucyburke@gmail.com]
Sent: 14 February 2019 13:22
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: Re: Kildysert Village Renewal CLG - File ref. FS 006836

Pat
We have no comments to make on the IFI submission and will comply with any conditions attached
Mary Burke

RESPONSE TO MSO

Pat O'Neill

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

From: Mary Burke [mailto:marylucyburke@gmail.com]
Sent: 14 February 2019 13:17
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>
Subject: Re: Kildysert Village Renewal CLG - File ref. FS 006836

Pat
With respect to submission made by MSO, we have no comments to make, and will comply with any imposed conditions regarding public notices
Mary

RESPONSE TO ARCH (1)

Pat O'Neill

Subject:

Kildysert Village Renewal CLG - File ref. FS 006836

From: Mary Burke [mailto:marylucyburke@gmail.com]

Sent: 04 December 2018 12:08

To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>

Subject: Response to your letter Reference FS 006836, dated 30-11-2018

Pat

Please find attached Archaeology report already completed in accordance with the Planning Permission granted by Clare County Council for the Crovraghan quay improvement project (P18/252).

You will note that the surveyor (Graham Hull) was issued with the appropriate licence for the survey, and has clearly noted that there are no underwater works associated with the proposed project (with all works being above the low water level).

I am preparing a response to the Nature Conservation submission and will revert with this response in the coming days.

Thanking you

Mary Burke

Pat O'Neill

RESPONSE TO NATURE (1)

Subject:

Kildysert Village Renewal CLG - File ref. FS 006836

From: Mary Burke [mailto:marylucyburke@gmail.com]

Sent: 08 December 2018 15:47

To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>

Subject: Response to letter of 30-11-2018, FS 006836

Pat

Further to submission of Archaeology report, please find response to the Nature Conservation aspect of the submission.

I have worked in the area of Environmental Protection in County Clare since 1994, as Senior Chemist with Clare County Council, with a broad range of responsibility in the area of protection of aquatic and terrestrial habitats, water quality protection, and fully involved with the preparation of the numerous County Development Plans (between 1994-2014), and contributed actively to the preparation of the Shannon River Basin Management Plan (2009-2015), followed by implementation of the plan and training of business interests and community groups in the implementation of the River Basin Management Plan. I have hopefully taken as objective and scientific an approach as possible in the preparation of data submitted, and have addressed the matters of concern arising.

In the event that the Department would prefer to have a stand alone screening for the purpose of the Foreshore Licence for the proposed development, you might advise accordingly. The Kildysert group are voluntary community group, not motivated by profit, but providing for the needs of this local rural area. Their commitment to the area is admirable. The scope of this project is quite limited, and is supported by Leader funding (again limited).

Thanking you

Mary Burke

Taking account of the submission of the National Parks and Wildlife Service to this Foreshore Licence application, and the objectives of the Strategic Integrated Framework Plan (SIFP¹) for the Shannon Estuary 2013-2020, and the judgement of C323-17, we respond to yours, dated 30-November 2018 (FS 006836), as set out hereunder .

The policies ENV1.5-1.8 of the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary 2013-2020, raised in the communication, are attached (Attachment 1) to this response. The SIFP document and objectives were not referenced directly in the Screening for Appropriate Assessment for the Crovraghan slipway proposal. However, the conservation objectives set out in the SIFP are objectives which underpin the approach taken in protection of the designated site network and associated habitats and species of conservation interest (both within and outside the designated network). In this context, the ongoing statutory protection of water quality and implementation of the Shannon River Basin Management Plan also significantly underpins the protection of aquatic habitats in the Fergus and Shannon Estuaries. Direct reference was made in the screening document to the findings of current water quality status of the estuary (Table 2, Page 9), and the “good chemical status” of the water body was highlighted. The protection of this good status is a common denominator required to protect all aquatic habitats.

It should be noted, by reference to the SIFP 2013-2020, and in the context of cumulative or in combination effects of development impacts in the area that the nearest Strategic Development Zone (defined in this plan) to the Crovraghan quay is Cahercon, located 7 km due south of the Crovraghan quay. Assessment of the likely effects – direct, indirect, cumulative was included in the Screening for Appropriate Assessment, on the basis of available information (desk study, area and planning survey). As the proposed works will not have any significant impacts on any of the qualifying interests or special conservation interests of the nearby Natura 2000 sites, it cannot have any cumulative impact with any other proposals planned or on-going in those Natura 2000 sites

The Crovraghan quay history is documented in the Archaeology report prepared as a requirement to the Planning Conditions (P18/252), and provided on 4th December 2018 to your Department in response to this (same) request of 30th November 2018. The establishment and ongoing use of the quay predates the commencement of the Habitats Directive and associated Regulations. Notwithstanding this, there is no negative impact on water quality, aquatic habitats or species associated with the development. The scope of the proposed works at the quay does not require any additional parking, or any additional hard surfacing in the area, over and above the slipway to improve access at various tide levels. There were no additional tourism proposals presented for the area in the application

It is understood that the Planning Authority also took account of the SIFP in their consideration of the proposed development under File Reference P18/252, (see attached report of Environmental Assessment Officer in the Clare County Council Planning Department). In this context it is relevant to note that the Clare County Council Environmental Assessment Officer was formerly employed with RPS in the preparation of the SIFP.

¹ www.clarecoco.ie, included as Volume 7 in the Clare Co Development Plan 2017-2023

Since the submission of the Article 6(3) Screening for Appropriate Assessment report on this proposed development, the judgement of the European Court in the proceedings *People Over Wind and Mr Sweetman vs Coillte Teoranta (C323-17)*² has been published, with implications for consideration of any mitigation measures proposed or associated with development proposals on sites for which a screening for Appropriate Assessment is required. Your submission refers to the need for mitigation measures and refers to the construction methodologies (described in the Screening Report) to be employed by the contractor in the works proposed at the slipway.

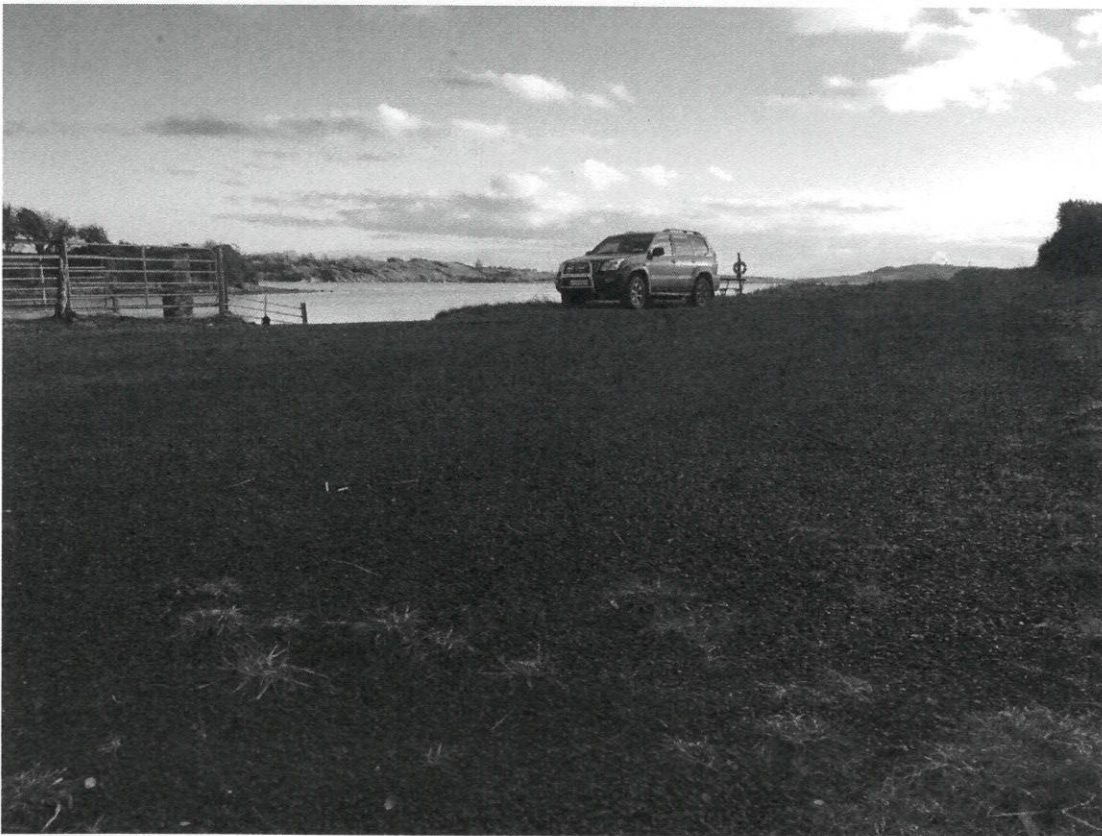
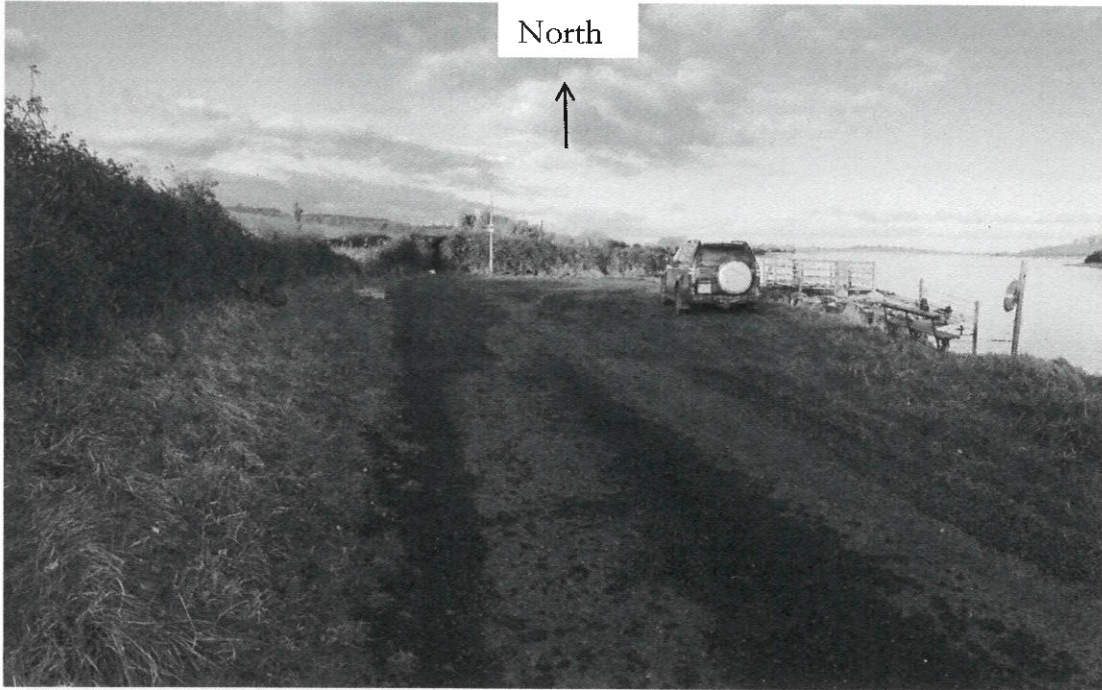
The normal construction methodology (shuttering) described in the Article 6(3) Screening for Appropriate Assessment Report (as provided) is not solely included as methodology to mitigate or reduce potential environmental impact. This approach would be used on any construction site, regardless of whether the site was/was not adjacent to a European site. Put simply, the construction method is the normal practice, and is not a measure to avoid or reduce discharges to waters, but is an integral aspect of the construction works.

In so far as the works compound will be located on the western side of the quay side, away from the waters edge, this is also a natural location for the works area, keeping the access to the quay open for existing users of the area. This approach is a logical and safe approach to the management of the works, and would be the logical approach to works management (at any site) to ensure the route to the existing quay is kept clear. In this regard the proposed location of the works compound on the western side of the site does not constitute any additional mitigation measure. There is ample space for defining a small works compound for short term storage of materials, on the western side of the existing quay area, without compromising access to the quay for existing users of the facility. This can be observed from the site map data provided in the application and from site photographs hereunder, using the parked vehicle (1.8 metre width) as an indicator of the accessible area in the vicinity of the works. This is a normal safety consideration, which would be applied in the management of any construction site, regardless of location.

It should also be noted that the area in which works are proposed is already a hard surfaced area, traversed by vehicles and animals, with the existing quayside and boat movements, the provision of the improved slipway does not give rise to fragmentation of any existing habitat for foraging or roosting bird species. No change in vegetation status is involved, no removal of hedgerows or trees are proposed, and the construction works will have associated noise levels typical of agricultural machinery, for a short period of time. As the hinterland of the quayside is agricultural (see lands due west of the road, shown in the photograph), this will not be a significant different noise in the area during the short term works program. No interference with bird nesting or feeding in the area is likely to be associated with the works.

²

curia.europa.eu/juris/document/document.jsf?text=&docid=200970&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=622614



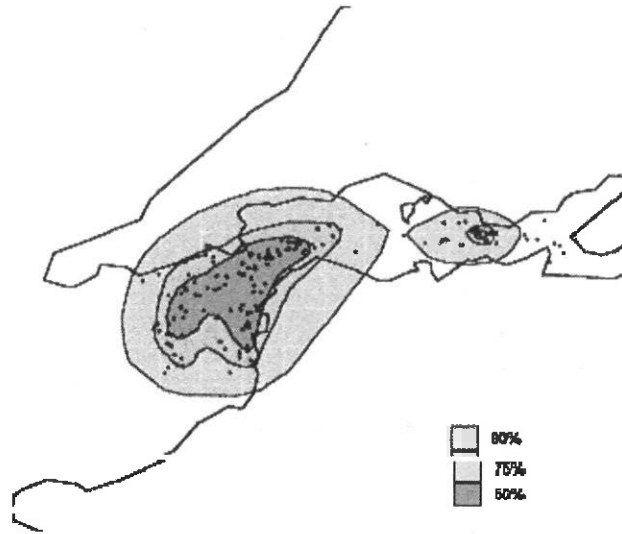
While the Stage 1 Screening for Appropriate Assessment report summarises the entirety of works and materials associated with the works program proposed, it is important to remember that this material will be brought to site incrementally, as required. Relatively small amounts of material will be handled at the site on any given day. In this context, there is no potential for

significant impact to arise due to works or discharges from the facility. There is a very well defined, confined construction area, with limited excavation, above low water mark. No additional parking is proposed and any such proposal would require a separate permission application (accompanied by a stand alone Article 6(3) assessment), even if this were to be proposed at a later stage.

The Annex listed habitats and species described in the conservation objectives of the Natura 2000 sites adjacent to Crovraghan Quay (Lower River Shannon SAC Site Code 002165 and River Shannon and River Fergus Estuaries SPA Site Code 004077) as features of Qualifying Interest (for SAC) or of Special Conservation Interest (for SPA) were the main focus of the screening assessment for likely significant effects arising from the proposed improvement works at Crovraghan Quay.

During the course of site visits and desk study reviews of published surveys, (undertaken in the preparation of the Article 6(3) Screening for Appropriate Assessment report provided), attention was given to the Annexed habitats and mobile species associated with this area. No data records were found for the area of the Crovraghan quay in the Species Database held by the National Biodiversity Data Centre (March, 2018) for Otter or Dolphin in the immediate area (See square R277601 and R26Q), and the works site does not overlap with listed Annexed habitat including the Annex I habitats (1140, Mudflats and Sandflats not covered by water at low tide Estuaries and Mudflats) and special conservation interest wetlands. The main habitat area for Bottle Nose Dolphin is located in excess of 20 km from the Crovraghan site.

The Shannon Estuary is the most important site in Ireland for bottlenose dolphins (*Tursiops truncatus*) and was designated as a SAC for this species in 1999 (Berrow *et al.*, 2012a) The first study of the dolphins in the estuary was carried out in 1993-1994 (Berrow *et al.*, 1996), which showed the dolphins were resident and calved in the estuary making it of high conservation value. Further studies were undertaken between 1996 and 1998, 2000 (Ingram), 2002 and 2003 (Ingram and Roghan), 2006-2008 (Englund *et al.*), and 2010 , 2012 (Berrow *et al.*) providing abundance estimates and defining critical habitats for the species in the estuary. Dolphins have been located in the estuary area from Tarbert west to Kilbaha Bay, with concentrations off Kilcredaun Head, Kilbaha, Leck Point in the outer estuary and Carrig Buoy in the middle estuary. You will note that the closest Dolphin habitat to the Crovraghan site is in excess of 20 km from the site. It is considered that the proposed development will not impact on the water quality of the estuary complex, so that there is no potential impact likely to arise for feeding grounds for the species, and no impact will arise from the proposed works on the dolphin habitat in the Shannon estuary



Critical areas for Bottlenose dolphin in the Shannon Estuary (from Ingram and Rogan 2002)³.

Incidence of Otter in the Shannon catchment was estimated at 59.3% in the 2010/2012 population assessment (Reid *et al.*, 2013), and there are no records for the Fergus Estuary from Biodiversity Ireland . However, the writer has observed otter at the Doora Bridge , located just east of Ennis town. Locals using the Crovraghan quay were consulted in the preparation of the Article 6(3) Stage 1 Screening for Appropriate Assessment, but did not report any otter sighting, and no otter spraint was identified in the area of the quay.

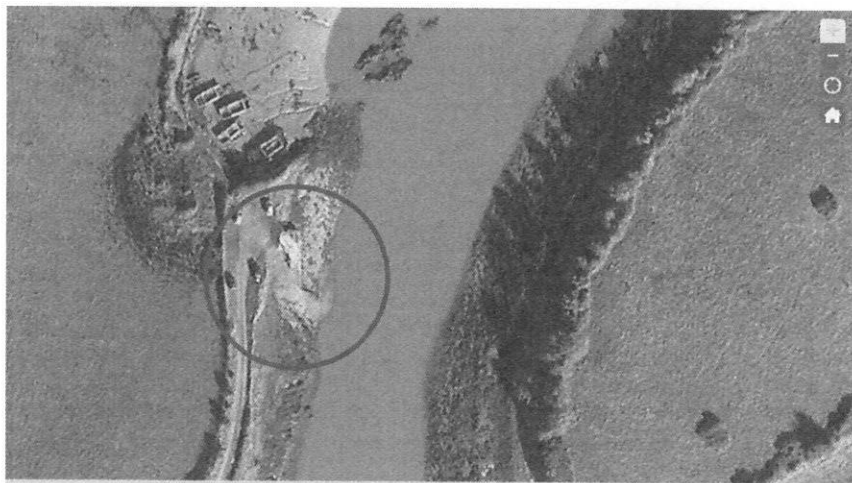
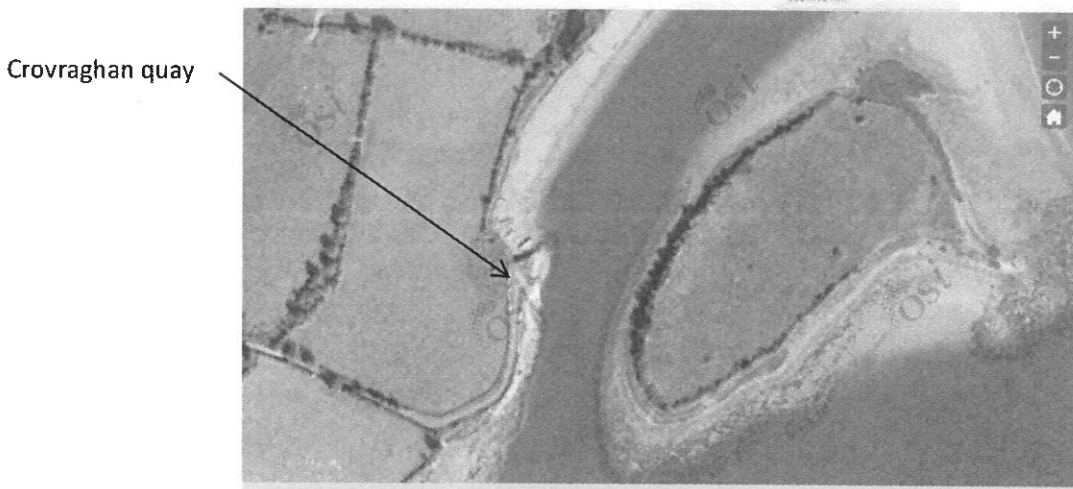
The site works are above the low water mark, as shown in the aerial views (Bing aerial maps and Geohive (Ordnance Survey of Ireland) during low tide at the location. The shore line side immediate to the eastern edge of the Crovraghan quay location is not dominated by Annex 1 habitat (1140, Mudflats and Sandflats not covered by water at low tide). Annex 1 habitats and Annex II species listed as qualifying interests for the Natura sites were considered in the Stage 1 Screening report provided (See Section 5 of the Screening report).



Aerial view of proposed works area at Crovraghan Quay at low tide (Bing Maps extract)

³ Population status report for bottlenose dolphins using the Lower River Shannon SAC, 2006 – 2007

Aerial view of proposed works area at Crovraghan Quay (Geohive, www.osi.ie and Digital Globe image)



At the centre of the blue circled area is the proposed works site, which will not overlap with the with the Annex 1 habitat (1140, Mudflats and Sandflats not covered by water at low tide). The exposed bedrock mapping data, extracted from the Geological Survey of Ireland web site (www.gsi.ie) is also provided in Attachment 2 to indicated the presence of exposed bedrock along the eastern (i.e water's edge) side of the Crovraghan quay area. The photographs and maps have been ground truthed at low tide, as shown in the photographs provided in Attachment 3

Applying the significance indicators described in the (Box 4) European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC, it can be objectively concluded that the works program at Crovraghan Quay will not impact on or disturb the favourable conservations status of the Annexed habitats or species, or birds of

conservation interest in the adjacent Natura sites. No illumination of the site is existing or proposed.

Impact type	Significance Indicator	Crovraghan project
Loss of habitat area	Percentage of loss	No loss of habitat area
Fragmentation	Duration or permanence, level in relation to original extent	No fragmentation of habitat
Disturbance	Duration or permanence, distance from site	No disturbance associated with habitats or species of conservation interest
Species population density	Timescale for replacement	No change
Water resource	Relative change	No change
Water quality	Relative change in key indicative chemicals and other elements	No change

Box 4, EC (2001) Examples of significance indicators

Taking account of the nature of the proposed development, including the very limited area and construction period associated with the project; no proposed change in the parking at the quay side, the separation of the works compound from the high water mark; the containment of works within a defined site area; implementing best practise operational methodology during the project works, it is considered that there will be no impact associated with the proposed development project on the local environment, and no impact on elements of conservation interest in the Natura site network.

Conclusion

In summary, it is considered that the works program, as proposed at the existing Crovraghan quay area, which has already been established as a quayside for several decades, will not undermine the conservation objectives of any designated site, and will not have a significant effect on the Natura sites concerned, or give rise to any breach of objectives associated with Development Plans for the area (including the Clare Co Development Plan, Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary 2013-2020, Shannon River Basin Management Plan, (as amended).

Attachment 1

Policy Objectives referenced from Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary 2013-2020

SIFP ENV 1.5 Safeguarding Natura 2000 sites; To safeguard the integrity of all designated Natura 2000 sites by applying the appropriate level of protection in accordance with relevant Directives and associated legislation, regulations and guidance

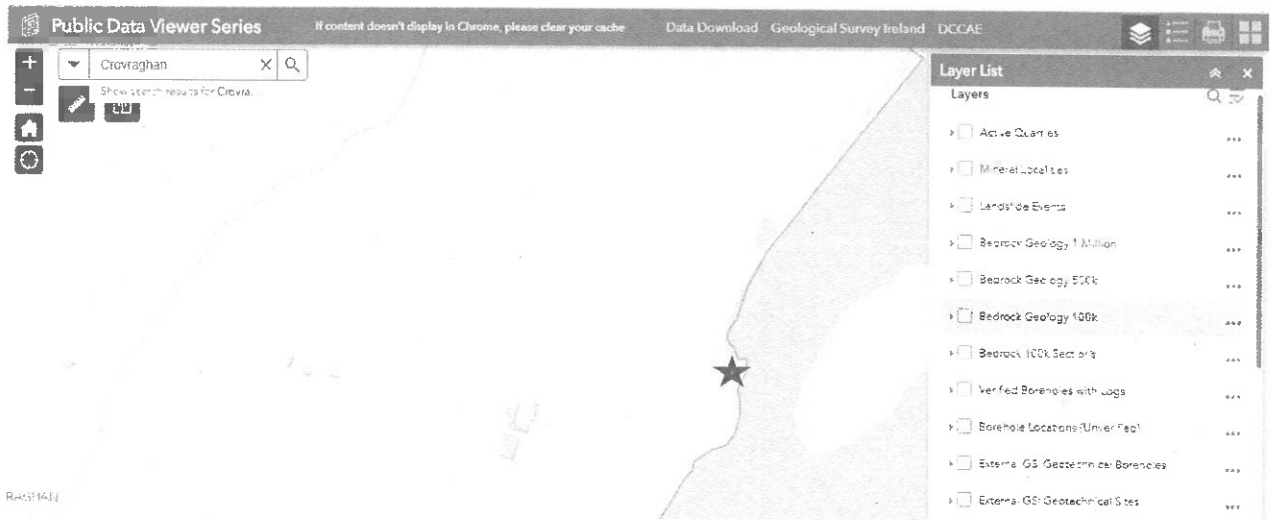
SIFP ENV 1.6 Appropriate Assessment; To ensure that there is appropriate protection of the qualifying features or interest features of the Natura 2000 network, by requiring all development proposals likely to impact on such sites to be subject to Appropriate Assessment and to comply with the requirements of the Habitats Directive

SIFP ENV 1.7 Mitigating Impacts; To ensure that any development proposal in the vicinity of or affecting in any way a designated European Site, or NHA, or pNHA, or Annexed habitats and species outside designated sites, provides sufficient information on the likely impact of the proposal on the designated site and how any such impact will be appropriately mitigated

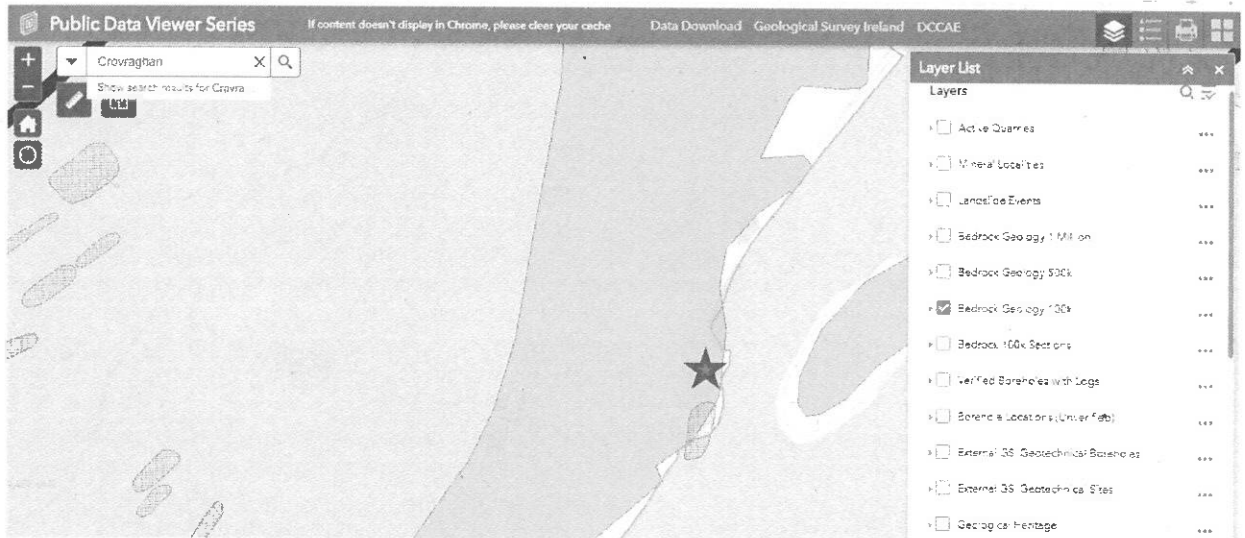
SIFP ENV 1.8 Natural Heritage Areas; To safeguard the conservation value of NHAs and pNHAs in accordance with the provisions of national legislation.

Attachment 2

Bedrock Map data for the Crovraghan quay area (100K)



1. Map from www.gsi.ie (public viewer with bedrock outcrop map, not switched on, to show the location of the Crovraghan quay site, indicated by blue star)



2. Map from www.gsi.ie (public viewer with bedrock outcrop map switched on, to show the location of the Crovraghan quay site, indicated by blue star, slightly off set to show the exposed bedrock right up to the coastal edge)

Attachment 3

Photographs from Crovraghan Quay at low tide, indicating absence of mudflats and Sandflats in the vicinity of the proposed works area, and exposed bedrock on the exposed coastal (eastern side) edge of the site.



RESPONSE TO ARCH (2)

Pat O'Neill

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

From: Mary Burke [<mailto:marylucyburke@gmail.com>]
Sent: 27 February 2019 11:56
To: Pat O'Neill <Pat.O'Neill@housing.gov.ie>; Deirdre O'Shea <doshea@clarecoco.ie>
Subject: Fwd: Crovraghan Kildysart Co Clare 18E0503

Pat
Please see attached email communication between Graham Hull (Archaeologist) and NPWS (Archaeology). Also find attached Graham's report, updated to include reference to matters of concern raised by the Underwater Archaeology Unit in NPWS.
Attached also are the method statement and environment management plan for the works, together with the design drawing for works proposed at Crovraghan.
Graham has referenced the tight time frame in his communication with NPWS, and we are all aware of the funding deadline for completion of the project by the end of June 2019.
Let me know if you have any questions or any difficulty with attached documents downloading.
Thanking you

Mary Burke

----- Forwarded message -----

From: Graham Hull <grahamahish@gmail.com>
Date: Tue, Feb 26, 2019 at 6:52 AM
Subject: Crovraghan Kildysart Co Clare 18E0503
To: <Karl.Brady@chg.gov.ie>
Cc: <marylucyburke@gmail.com>, <Fionnbarr.Moore@chg.gov.ie>, <Connie.Kelleher@chg.gov.ie>, Kate Taylor <kate@tvasureland.ie>

Hi Karl

Please find attached my revised archaeological assessment report for 18E0503, Crovraghan, Kildysart, Co. Clare
I have taken all of your observations onboard and have, I hope, addressed them.
The Wreck Inventory shows no wreck within 5km of the site. The Topographical Files show 2 stone axes from an unspecified location in the townland.
I have provided more detail (first page and Fig 6) for the proposed development and emphasized that the test trenching was to low water mark and that no development works will be below this line.
I hope you can now agree that an underwater archaeological assessment is, in this case, not needed.
My client, Kildysert Village Renewal CLG, is hoping to resolve this issue very soon as there are funding deadlines.
Please revert to me if I can provide more information

best regards
Graham

HI Graham,
Connie is on leave and has asked me to deal with this application. I am not familiar with the original planning application so I will require further information and an updated Archaeological Assessment Report to assist me with reviewing your request

for the UAU to withdraw a request for an underwater assessment.

Your report contains very little information regarding the proposed development. For example, how close to the low water mark does the slipway extend? Will the works impact the existing wall or quay? Can you supply a detailed description of the proposed development and any other works associated with the development. This should include detailed plans of the proposed slipway, retaining wall and details of the associated programme of works and construction methodology. An assessment of any potential indirect impacts from slipway and works such as the potential for scouring to occur and if the construction works, machinery and shuttering will extend or impact below the low water mark.

Can you confirm if you assessed the Topographical Files held in the National Museum of Ireland as I can not see any reference to them in your report.

I note also that your archaeological assessment has failed to include a review of the Wreck Inventory of Ireland Database. Wrecks over 100 years old are protected under Section 3 of the National Monuments (Amendment) Act 1987 and developments in marine environments have the potential to impact on known or potential wreck sites. This information should have been included in the assessment as a matter of course. A detailed assessment of the wreck database should be carried out and included in the revised Archaeological Assessment Report.

With regard to the water being muddy with no visibility, underwater archaeologists are well use to working in such conditions and are well capable of working in nil visibility. Water visibility would not prevent an underwater assessment being carried out.

If you can supply me with the above information I will revert to you as soon as I can so as not to cause any potential delays to the development. However, the request for an underwater assessment may still stand in addition to any other archaeological mitigation that may be deemed suitable by this Department.

Regards,

Karl Brady

Underwater Archaeology Unit
National Monuments Service
Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
Room G36, Custom House, Custom House Quay
Dublin 1
Tel: 00353 1 8882190 | Mobile: 087-6814803 | email: karl.brady@ahg.gov.ie

From: Graham Hull [graham@tvasireland.ie]
Sent: Monday, January 21, 2019 11:37 AM
To: Connie Kelleher
Cc: Kate@tvasireland.ie; marylucyburke@gmail.com; oliver@ogarry.com
Subject: crovraghan pier, co clare

Dear Ms Kelleher

I recently completed terrestrial test trenching at the proposed site of a pier upgrade at Crovraghan, Kildysert, Co. Clare (18E0503 report attached).

The planning consent requested an underwater archaeological impact assessment.

No building works will take place below Low Water Mark (LWM).

The works will be essentially pouring concrete into a shuttered form.

Further, the water on site is muddy and visibility below water is nil.

My report recommended no further archaeological work and given that all works will be above LWM, underwater assessment was not thought to be needed.

Notwithstanding this, the Underwater Unit of NMS has informed the client that underwater impact assessment is still required (letter attached).

For the reasons stated above, it is my professional opinion that further archaeological work is not needed.

Is it therefore possible for the Underwater Unit to withdraw its requirement?

best regards

Graham Hull



Virus-free. www.avast.com

RESPONSE TO NATURE(2) + ARCH(3)

Pat O'Neill

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

From: Mary Burke [mailto:marylucyburke@gmail.com]

Sent: 25 March 2019 14:04

To: Deirdre O'Shea <doshea@clarecoco.ie>; Pat O'Neill <Pat.O'Neill@housing.gov.ie>

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

Pat
This is to advise that we received your communication and note the comments and conditions presented,
and have no objection to these conditions
Mary Burke