An Bord Pleanála

Inspector's Report ABP-320967-24.

Development	Kilkee Flood Relief Scheme.
Location	Kilkee, County Clare
Planning Authority	Clare County Council.
Applicant	Clare County Council
Type of Application	Local Authority development under the provisions of Section 175 and Section 177AE of the Planning and Development Act 2000 (as amended)
Observer(s)	None.
Date of Site Inspection	27th/28th February 2025
Inspector	Philip Davis.

Contents

Appendices: EIAR, AA and WFD forms.

1.0 **Introduction**

This application is a flood relief scheme in the town of Kilkee, County Clare. The works primarily involve hydraulic improvements to two streams and their tributaries within the town – the Victoria Stream and Atlantic Stream. The works involve improvements and replacements of existing channel structures and the replacement of some sections of artificial channel with more natural channels to improve water retention during flooding – these works take place on currently undeveloped lands within the town curtilage.

The application has been made under Section 175 and Section 177AE of the Planning and Development Act, 2000 (Local Authority Development Requiring Appropriate Assessment).

Section 175 of the Planning and Development Act (as amended) states that when a development belongs to a class for the purposes set out in section 176, the local authority shall prepare an environmental impact assessment report which shall be subject of the approval of the Board.

Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an Appropriate Assessment is needed in respect of development by a local authority, the authority shall prepare an NIS, and the development shall not be carried out unless the Board has approved the development with or without modifications.

A planning appeal has also been submitted against the decision of the planning application to grant permission to Uisce Eireann for a new WWTP for the town of Kilkee (**ABP-321258-24**). This proposed WwTP includes works to the Victoria Stream pumping Station which is also part of the flood relief scheme. The WWTP is not part of this application. The Board decided to grant permission for this plant in June 2025.

2.0 Site Location and Description

2.1. Kilkee, County Clare

Kilkee is a coastal town and seaside resort in south-west County Clare, located at the base of Moore Bay. It is accessed via the R67 which runs from Kilrush along the Clare Coast. The permanent population at the 2016 census was 972, with substantially more during the summer. The town developed around a small fishing village in the early 19th century, developing as a popular resort after being connected to Ennis via the West Clare Railway and the South Clare Railway via a branch line running from Moyasta.

The core of the town is the early 19th century Grattan Street, with a cluster of shops, cafes, pubs and hotels behind the promenade which runs along Kilkee Beach. This part of the town consists largely of typical terraces of late 19th and early 20th century discontinuous terraces of one and two storey dwellings with some larger commercial buildings, including the prominent Stella Maris Hotel. There are extensive more modern estates of houses, many apparently holiday homes, inland from this part of the town. The Kilkee Bay Hotel (currently not in use as a hotel) is located on the town outskirts, next to one of the tributaries of the Atlantic Stream. On the north side of the bay, at Kilkee Coast Guard station, there is a further cluster of dwellings. On the south side of the bay is the 'West End' of the town, where on higher ground over the cliffs are terraces of early to mid-19th century houses. The former railway station terminus is now a dwelling. Older maps of the area indicated that the area inland of the beach was low-lying, with some marshy areas and drains – some marked as 'Liable to floods' on the earliest OS map. A number of minor watercourses discharged to the bay, most of which now appear to be culverted.

The Victoria Stream is the main watercourse draining the southern side of the town. It arises in farmland, with several tributaries, including one within the town (Well Stream) which arises from a holy well (St. Senan). The stream runs entirely though canalized sections, mostly forming backland boundary through the town. It runs under the promenade under a high culvert, and discharges to the southern side of Kilkee Beach.

The Atlantic Stream drains the northern and western side of the town. It runs through what was formerly salt marshes behind the beach, and is now canalized for

its length, running in a deep, mostly retained cutting for much of its way, and under culverts. It runs under a culvert next to the modern Kilkee Waterworld leisure centre, discharging in a culvert next to the breakwater at the northern side of the beach.

2.2. **The site**

The site subject to this application includes a number of different land parcels within the town, including build up areas, farmland, and open space. The red lined area of the site incorporates the existing water channels in addition to areas for diversions and those required for construction works. Full details are in the application documents.

3.0 **Proposed Development**

The proposed development consists of a Floor Relief Scheme for the town, including the following key elements:

- A new embankment to the south of the Kilkee Bay Hotel.
- A diversion of the open channel to the south of the Kilkee Bay Hotel into the centre of the floodplain and the installation of a new headwall and inlet culvert under the new embankment.
- An increase in heigh t of the existing boundary wall at the Dun an Oir Estate.
- A new embankment at the Sandpark Mobile Home and Caravan Park.
- The replacement of the existing debris screen at Kilkee Waterworld.
- The construction of two inlet manholes on an existing culvert at Meadow View Court.
- Upgrades the existing Atlantic Stream culvert System at Moore Bay, including the installation of non-return valves.
- A new embankment to the west of Cunninghams Holiday Park and the installation of a new headwall and inlet culvert under the new embankment.
- A new reinforced concrete u-channel along the existing Well Stream alignment to the north of Cunningham's Holiday Park.
- The replacement of the existing Well Stream culvert at Crescent Place.

- The resurfacing and regrading of the Well Road, the junction of Well Road with Marine Parade and the junction of Gerladine Place with Marine Parade. New surface water pump stations at Well Road and Carrigaholt Road and associated infrastructure.
- New surface water drainage infrastructure at Well Road, Crescent place, Victoria Park and Carrigaholt Road.
- New sluice gates at various locations along the Well Stream and Victoria Stream flood defences.
- The reconstruction of the Victoria Court boundary wall along the Victoria Stream.
- Repairs and replacement of the Victoria Stream left bank wall at Crescent Place.
- A new embankment to the west of Carrigaholt Road.
- A new flood defence wall along the left bank of the existing Victoria Stream alignment from Victoria Park to Crescent Place.
- A diversion of the Victoria Stream to the centre of the floodplain to the north of Victoria Crescent.
- A new embankment to the southwest of Cunninghams Holiday Park.
- A diversion of the Western Tributary to the centre of the floodplain to the north of the Cluan na Mara estate and a new outlet culvert under the new embankment.
- The regrading of lands to the north of the Cluain na Mara estate and the west of Cunningham's Holiday Park.
- The works also include for road reconstruction, road regrading, drainage works, tree felling, tree planting, landscaping and all associated ancillary works.

4.0 Reports on file

4.1. Planning Authority Reports

The local authority has submitted a letter providing an overview of the proposed development. A summary report of public consultation dated March 2024 is submitted with the application.

EIAR

A full EIAR (three volumes) with supporting appendices outlining the background to the scheme along with the statutory content.

Appropriate Assessment Screening and Natura Impact Statement

The Screening Report concluded that adverse effects on the Conservation Objectives of the Kilkee Reefs SAC, site code 002264 could not be ruled out. An NIS concluded that the development will not adversely affect the integrity of the SAC.

Options Report

A report outlining all options addressed prior to the selection of the proposed scheme. These concluded that the proposed scheme would achieve the objectives of reducing fluvial and tidal flood risk with the least impact on land uses, ecology, and the local environment.

Preliminary CEMP

Initial Construction Management Plan for the project. This outlines largely standard construction protocols for managing the construction works, with a focus on ensuring there is no release of suspended solids or pollutants during the works.

Climate Change Adaptation Plan (SCCAP)

A plan addressing how the scheme incorporates potential uncertainty in the face of a rapidly changing climate.

Public Consultation Document

A document outlining the public consultations feeding into the final design.

Hydraulic Modelling Report and Hydrology Report

Two reports outlining the technical aspect of the proposed works.

4.2. **Prescribed Bodies**

As set out in Section 175(4) of the Act, as amended, the statutory bodies for such developments are An Chomhairle Ealaíon, Failte Ireland, An Taisce, The Minister for Housing, Local Government and Heritage, the Heritage Council, the Regional Fisheries Board, CIA and the Railway Procurement Agency, the National Roads Authority, the Health Service Executive, the Minister for Communications, Marine and Natural Resources, and Irish Water.

Department of Housing, Local Government and Heritage (DAU).

Notes and acknowledges EIAR section on cultural heritage and recommends standard conditions for such works. This includes a pre-construction stage Archaeological Impact Assessment. Full details set out in the submission. It is also noted that the CEMP should include the location of any and all archaeological and cultural heritage constraints.

The input of a Conservation Architect is recommended for any elements of the built heritage to be subject to alterations.

Transport Infrastructure Ireland

No specific observations to make on the proposals.

4.3. **Third Party Observations**

None on file.

4.4. **Further correspondence**

The planning authority was invited to comment on the submissions by the prescribed bodies above. No response was received.

5.0 Planning History

The proposed flood protection works on the Victoria Stream include a pumping station functionally connected to the proposed Wastewater Treatment Plant for the town of Kilkee. The proposed WwTP is south of the town, with a discharge point at Intrinsic Bay. This was refused planning permission by Clare County Council, but ABP granted permission on appeal **ABP-321258-24** in June 2025.

There are a number of planning permissions within the area of the town which to some degree overlap with the proposed development. This includes permission for a solar farm at Termon West (**16/708**), An extension to the Kilkee GAA clubhouse (**18/812**), Kilkee Sub Aqa Club (new diving centre (**21/884**) and electrical facilities for a caravan park at Well Road adjoining one part of the site (**24/60126**).

6.0 Policy Context

6.1. National and Regional Policy

EU 'Floods' Directive 2007 (Directive 2007/60/EC). This provides an obligation on EU countries to assess all areas where significant floods could take place, map the flood extend and assets and humans at risk, and take adequate and co=ordinated measures to reduce flood risk. The requirements of the Floods Directive are being implemented in Ireland as part of the CFRAM program.

National Planning Framework (NPF). Flood relief measures are highlighted in Section 9 of the NPF. NPF Objective 57 emphasises the importance of flood relief works as part of the national agenda for climate adaption.

Climate Action Plan 2025: This sets out carbon budgets and sectoral emissions and identifies the role flood rick mitigation can play in the adoption to climate change.

Climate Change Sectoral Adaption Plan for Food Risk Management 2015: This sets out policy on climate change adaption for the OPW.

Our Sustainable Future: Framework for Sustainable Development: This set s out general objectives for the development of urban areas – Flood management is acknowledged as a challenge as part of the required objectives.

The Planning System and Flood Risk Management 2009: Departmental Guidance on addressing flood risks in development management.

Mid-West Area Strategic Plan 2012-2030. Sets out an overall strategy for the region. Notes the importance of appropriate flood risk mitigation.

Regional Spatial & Economic Strategy (RSES), Southern Region. Sets out a number of objectives for infrastructural investment in order to achieve the overall development objectives of the RSES, which are stated to be in line with the NPR and other national and EI objectives. RPO 9 sets out as an objective to ensure the

delivery of infrastructure prioritises compact growth and sustainable mobility, and RPO 89 sets an objective to support measures to build resilience to climate change. RPO 113; 114; 115; 116, 117, and 118 set out specific policies on flood risk management and other planning/environmental objectives.

6.2. Development Plan

Kilkee is identified as a 'small town' (the third tier of settlement) in County Clare and in the strategic flood risk assessment attached in an appendix to the Clare County Council Development Plan 2023-2029. It is an objective within the CDP to develop a flood relief for the town. Paragraph 7.4.3 of the strategic flood risk assessment notes that the proposed bypass for the town is largely outside the flood risk zone but does cross a number of watercourses. Section 11.2.10 of the flood risk assessment summarises a justification for development for sites within zones A and /or B within the town, with regard to specific CDP policies. It is stated that the town has suffered from fluvial and tidal flooding historically, although the risks are limited to certain areas. It is stated that until the flood relief scheme is completed, development within Flood Zone A and B is considered premature. It is further noted that there is the potential for the scheme to result in an increase in flood risk to lands which are currently in Flood Zone C, and this has been reflected in the zoning objectives (page 164 of the strategic flood risk assessment).

The proposed works cross lands with a variety of zoning designations in the CDP, mostly residential, 'buffer space', tourism and commercial. As the works do not substantively impact on the proposed uses of thes sites, I do not consider that the specific zoning designations are relevant in assessing the proposed development. With regard to Flooding and Flood Risk, the development Plan states with regard to Kilkee that:

> *A flood relief scheme is currently underway and until the scheme has been completed, development within Flood Zone A and B is considered premature. The Strategic Flood Risk Assessment in Volume 10c of this Plan states the following in relation to existing foreshore development, proposed residential development and existing less vulnerable development.*

It is noted that large scale residential development cannot proceed within the town until such time as the proposed upgrades to the wastewater treatment system are competed.

6.3. Natural Heritage Designations

The watercourses running through Kilkee discharge to Kilkee Bay, which is part of the Kilkee Reefs SAC, site code 002264, designated for the qualifying interests of:

- Large shallow inlets and bays
- Reefs
- Submerged or partially submerged sea caves.

7.0 Environmental Impact Assessment Report.

A full EIAR Screening and EIAR were submitted with the application.

Statutory Provisions

Schedule 5, Part 1/2, Class 10(f)(ii) Infrastructure projects, requires EIA for *'Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres*.'

The works proposed are on a sub-catchment of approximately 188 hectares, it therefore exceeds the 100 hectare threshold. The total length of stream to be affected is 2.502 kilometres, which is above the two kilometres threshold.

The proposed development therefore requires EIA.

EIAR Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended

by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

> a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
>
> b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- Construction impacts, including sub chapters on air quality and dust, climate, noise and vibration, and Population and Human Health
- Biodiversity
- Land and Soil
- Water – surface and groundwater
- Material assets,
- Cultural heritage
- Landscape and visual impact assessment
- Interactions and cumulative impacts.

In addition, a third volume includes a full set of appendices in support of the EIAR.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made herein.

Issues Raised

Issues raised in respect of EIA by parties to the application were made by the Development Applications Unit of the DAU and Transport Infrastructure Ireland.

- All archaeological and heritage mitigation measures set out in Section 11.6 of the EIAR should be implemented in full (Details provided).
- No specific observations.

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A full description of the proposed development is set out in section 4 of the EIA, including a full development, including a set of detailed plans. The works involve a series of proposals along the Atlantic Stream and Victoria Stream as they run through the town of Kilkee. These include works by the Kilkee Bay Hotel (construction of a 200 me embankment c. 1.5 metres high and the diversion of 110metres of open channel), the Dun an Oir Estate (increase in the height of a boundary wall), Sandpark mobile park (construction of a 110m long embankment), replacement of an existing debris screen at Kilkee Waterworld, Alterations to the Atlantic Stream Outfall at Kilkee Beach. *At the Victoria Stream, works will include the construction of 146 metre long embankment at the Well Stream (a small tributary), reconstruction of the boundary wall at Victoria Court, repairs and improvements to features along the Victoria Stream and of the Western Tributary.*

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
A full description of likely effects on the environment are set out in the relevant chapters 6 to 12 of the EIAR.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
Mitigation and other design methodologies are set out in the relevant subsection of chapters 6 to 12.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
Section 3 of the EIAR outlines alternatives considered. A total of 10 separate approaches were assessed briefly – this include the repurposing of Uisce Eireann infrastructure (the floodplain), additional storage within the catchment, inline storage on watercourses, the diversion of flow around the area, improved flow rates and additional containment – in addition, nature based improvements were assessed. Key elements of the above were implemented in the second stage, which included an analysis of the 'do nothing 'approach. A number of more detailed options were set out in Table 3-4, with a brief assessment on the overall environmental impact. Table 3-6 summaries the various options, using a selection score methodology (MCA). The final preferred option is a combination of options 1 and 2, as applicable to the two streams.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
Each individual section has a description of the baseline environment (details of baseline measurements are set out in each relevant sub-section). The existing two streams are in largely artificial alignments running through the existing town of Kilkee.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
Each individual section sets out the forecast method used. Section 1.4 provides an overview of the format and methodology.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Each individual section sets out expected significant adverse effects with regard to potential major hazards or disasters.
Article 94 (c) A summary of the information in non-technical language.
A non-technical summary was submitted with the application.
Article 94 (d) Sources used for the description and the assessments used in the report
Section 5 of the EIAR sets out all sources and consultations used in the EIAR.
Article 94 (e) A list of the experts who contributed to the preparation of the report
Section 1.5 names and identifies the experts who contributed to the preparation of the report.

Consultations

- The only submission made is in regard to standard mitigation measures with regard to cultural heritage – including the requirement for the presence of a suitably qualified conservation architect for some elements of the work and for archaeological investigations where appropriate.
- The application has/ submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. In addition, the applicant has carried out public consultation (provide details as necessary/relevant). Submissions have been received from statutory bodies and are considered in this report, in advance of decision making. No third-party submissions were received.
- I am satisfied/not, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

Compliance

- Having regard to the foregoing, I not satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

Construction impacts

Issues raised

No issues were raised regarding construction impacts.

Examination of the EIAR

The EIAR identifies construction impacts as having potentially greater impact than the final works – much of the construction is along already engineered watercourses

and should result in substantial environmental improvements in the long run, in addition to the identified flood risk protection.

The study focuses on air quality (primarily dust during construction activities) and noise.

Context

The proposed works run across several parcels of land within and on the outskirts of Kilkee. The original town, largely developed in the late 19th and early 30th century, was constructed on what was low-lying, mostly drained and possibly brackish mashes behind the beach, which became the promenade. Older maps show the area being drained by a stream now known as the Victora Stream, which flowed from the south of the village, with several tributaries, including at least one which arose within the current town environs from a spring (also a holy well). It ran through what would have been a series of drainage ditches, which over the years were largely formalised, sometimes with concrete revetments where houses were developed. The Victoria Stream was covered over along the promenade, flowing into the southern side of the beach.

On the northern side of the town a series of smaller streams and drainage ditches (now known as the Atlantic Stream) drained this part of the town and areas to the north and east. It now largely flows through deep ditches, and is culverted near the Kilkee Waterworld, emerging along a series of piles on the northern side of the beach.

Both the streams run through straight canalised sections running through the town – with tributaries also generally in artificial ditches. The Atlantic stream is also a feature within an area of open space behind Kilkee Waterworld where it is part of an attractive area of open space, albeit in a channel too deep to allow each access at each side. Both streams run through both residential areas and caravan parks in addition to unused open land (mostly marshy). There is a pumping station for the Victoria Stream, which also acts as the main foul water pumping station for the town.

Baseline

For air quality, EPA air quality guidance data is used to establish the baseline. No direct measurement studies were carried out. The nearest EPA monitoring centre is in Ennistymon. While this is hardly directly relevant to Kilkee, I accept that given the

nature of the lands it is reasonable to assume a baseline of clean air without the need for surveys with regard to soiling, human health and ecological impacts.

The Climate assessment focuses on GHG emissions and so the baseline is the national baseline for emissions (as set out in the EPA National Inventory Report, March 2023).

For noise, a baseline noise monitoring survey was undertaken in proximity to residential properties along the sections where works are proposed. The results are set out in Table 6-16 (page 109). The levels are low, as to be expected for a small town/suburban area. The primary sources of baseline noise was traffic – generally intermittent, and the ocean.

Section 6.4 outlines the existing data on population and human health in the town. The latest census indicated a rise in population to 1,214, with a peak of up to 15,000 in the holiday season. 954 households are identified within the town. The works will take place in proximity to a significant number of dwellings, many of which are holiday homes. One childcare facility is identified within 350 metres of the works.

Mitigation

It is concluded that with regard to the nature of the area and the relatively modest extent of the proposed works, no specific operational mitigation measures are required for dust or other air emissions. No mitigation measures are proposed for climate impacts.

Mitigation measures for noise are all standard controls on construction timing and the use of heavy plant – these are set out in section 6.3.

Mitigation measures for population and human health are standard construction management methods, set out in page 120 of the EIAR.

Residual effects

Table 6-10 sets out the significance of residual impacts, following IAQM (Institute of Air Quality Management) guidance. This indicates that the predicted levels of dust emissions will be negligible from all stages of development (demolition, construction, earthworks, trackout) with no significant impacts on human health or ecology. No residual climate impacts are identified. No residual noise impacts are identified.

Residual effects of a 'do nothing' scenario on population and human health are identified as significant and negative. Construction phase impacts are identified as temporary, imperceptible, negative. Overall operational impacts on population and human health are considered positive and long term.

Analysis, evaluation and Assessment: Direct and Indirect Effects

The EIIAR addressed direct, indirect, cumulative and interactions with the impacts predicted in the subsequent EIAR chapters (6 to 12), and other identified developments in the area – specifically the proposed new WwTP at Victoria Park (currently with ABP/ACP on appeal), in addition to three identified planning permissions for developments in the vicinity. It concluded that there were no significant impacts, although there may be cumulative impacts if construction takes place if other developments in the area overlap. Any such impacts are considered to be temporary in nature.

Conclusion: Direct and indirect effects

The EIAR notes that most predicted impacts on the environment would come by way of construction, not operational impacts. As such it highlights the role of the CEMP to ensure that adequate controls are in place to minimise disruption and potential interference with local residents, wildlife, material assets and other sensitive environmental receptors. I am satisfied that the measures set out will ensure that any residual direct and indirect impacts will be imperceptible to minor. Minimal maintenance will be required of the works so no impacts by way of construction are anticipated following completion of the works.

Biodiversity

Issues raised

No specific issues were raised in submissions on the EIAR.

Context

The works are to take place on and close to two streams (with tributaries, including one arising from a well within the town), which were engineered in the 19th and early

20th century as the town grew – older OS plans show they were originally running through agricultural drains. The watercourses are generally lined with concrete or stone and so of minimal biodiversity value – one section of the Atlantic Stream runs in a cutting through open space with natural vegetated banks. The area next to the Victoria Stream for which a new channel is proposed is currently unused land behind existing residential areas – this land is unused and is primarily regenerating wet grassland with some rushes and reeds. The two streams discharge to the bay, which is a designated SAC.

Baseline

The EIAR study outlines a number of surveys to establish the baseline. Snipe, fisheries, amphibians and bat surveys were carried out, details in section 7.3. Section 7.4 notes that there are eight EU sites within 15km of the site – the Kilkee Reefs SAC is the only one that could not be screened out in the Appropriate Assessment. It is noted that a number of sites in the area such as Allenders Field and the Victoria Stream were identified in the local Biodiversity Action Plan as of importance. Some are considered potential snipe roosting habitat, summer habitat for sedge warbler, and of potential interest for amphibians. For the most part, the watercourses (Victoria Stream, Well Stream and Atlantic Stream) are canalized and while they have high diversity, there are no habitats of high conservation interest. A full habitat characterisation survey with photographs is set out.

Flora of interest within the survey area include densities of western march Orchid (the only orchid species endemic to Ireland) – this species is considered of high value but is not covered in national or EU legislation. The lands are considered of regional importance for this species.

36 species of birds were identified within the footprint (listed in Table 7-7). Wintering Common Snipe were recorded in three fields, with up to 50 birds recorded. Sedge Warbler is likely in the area but was not recorded.

Surveys of the streams identified stickleback, flounder and European Eel. The streams are considered of low value and not of value to salmonids or fisheries. It is noted that the eel and flounder are likely to be present coinciding with high spring tides and flood gate openings. One part of the Victoria Stream is identified as of

importance for eel – this site is identified as of regional to national importance. It is of local importance for flounder.

Frog and Smooth Newt records are known, although they were not identified during the surveys. The lands are considered of local importance for frogs due to the suitable habitat.

Badgers were recorded in the area, but otter and hare were not identified, although there is suitable habitat for the hare outside the urban area.

There is considered to be limited roost features within the area for bats. Some potential foraging habitat was identified (of local importance). No potential roosts were identified in the works area.

No records were found for protected invertebrates – no suitable habitat for vertigo snails or marsh fritillary were identified. It is outside the known range for the white clawed crayfish and Kerry Slug.

A number of invasive species were identified including Japanese knotweed, cherry laurel and three cornered leek.

A summary of the predicted impact on habitats is set out in Table 7-11.

Mitigation

Standard construction practices to mitigate impacts are set out (the EIAR also refers to those set out in the NIS) in section 7.6 of the EIAR. The works are to follow standard environmental best practice as laid out in the CEMP. Additionally, a five-year monitoring programme is set out to determine how management measures are performing, in particular with regard to water quality. These also apply specifically to the proposed habitat enhancement and creation works (these are not set out as mitigation – these are an inherent part of the proposed flood protection scheme). These are anticipated to provide significant habitat benefits for a range of species. Specific mitigation measures are summarised in Table 7-12.

Residual effects

Residual impacts are summarised in Table 7-12. A series of slight and temporary negative impacts are identified on a variety of grassland, wetland and freshwater habitats. Positive impacts are identified on water quality and habitat enhancements.

Analysis, evaluation and Assessment: Direct and Indirect Effects

Impacts on habitats from the proposed development will be overwhelmingly due to the direct construction works, which will include additional works to the already canalized water channels, and significant realignments of the watercourses through what are now wet grasslands. The existing watercourses and surrounding grasslands and brownland sites are generally of low, but still significant habitat value. The damage and removal of these habitats will be short term and temporary. The realignment of the watercourses, particularly of the Victoria Stream, should enhance the habitat value of the wetlands in the long term.

Impacts on water quality, and indirect effects during the construction period can be mitigated by way of standard construction environmental control measures. Standard measures, including monitoring, will ensure no significant impact on species with the potential to be in the area, such as the European Eel (present in part of the Victoria Stream), bats and otters, and will the habitat enhancement measures proposed along the new stream alignments will succeed in their ecological objectives.

Conclusion: Direct and indirect effects

I conclude that all direct and indirect effects on wildlife and habitats will be slight to imperceptible and will be limited to the construction period. Monitoring during construction will be required to ensure no identified species of importance (in particular the European Eel) are present or could potentially be interfered with at the time of the works. The long term operational impacts will be slight but positive for a range of flora and fauna. No impacts are anticipated on the Kilkee Bay SAC or any other EU habitats or species protected by national legislation.

Land and Soil

Issues raised

No issues have been raised in submissions on the application.

Context

Older OS plans show that the town of Kilkee was developed behind a sandy beach on what was probably saline marshlands, intercut with drainage ditches. As the town developed a promenade was constructed with culverts to allow freshwater to drain into the sea, with the network of drains and streams formalized into the existing two main streams via canalized watercourses.

The EIAR includes details of a site investigation which included boreholes, dynamic probes, slit trenches and trial pits.

It is estimated that around 20,000 cubie metres of engineered clay will be required for the construction of embankments and the regrading of storage areas. Topsoil will be reused on site.

Baseline

The lands overlie a bedrock of sandstone, siltstone and mudstone of Upper Carboniferous age. There are no karstic features in the vicinity. Marine sediments underlie the beach, with subsoils being gleys and brown earths overlying till material. No geohazards were identified. Some made ground is in the area with the possibility of contaminated material, although none was encountered in the surveys. There are no records of landfills or quarries within the affected lands. There is one geological NHA at Foohagh Point, close to the existing outfall for wastewater from the town – no proposed works are close to this site.

The Kilkee Cliffs SAC is designated for submarine features and coastal caves. None of these are to be directly or indirectly impacted upon by the works.

Mitigation

Standard mitigation measures, as set out in Section 8.6 would include testing of soils, a full soil management programme as part of the CEMP, and appropriate measures to prevent and/or control spills and leaks. After construction, silt fences will remain in place until the soil has stabilised, and grass and other vegetation has fully rooted.

Residual effects

It is anticipated that any residual impacts will be short term, imperceptible, neutral. It is not anticipated that there would be any permanent impacts on soils and geology that are not imperceptible.

Analysis, evaluation and Assessment: Direct and Indirect Effects

Impacts will be minor and imperceptible, but there would be some overlap with surface and groundwater issues and biodiversity. Much of the works will be on already disturbed land. The primary risk during construction is by way of accidental spillage or leaks – these can be mitigated by way of standard measures. No land contamination has been identified in the baseline surveys, but it is possible that some contaminated material could be encountered during excavations – the CEMP has measures to ensure no release of contaminated materials to the wider environment will occur. Standard soil protection measures, including the reuse of stripped topsoils in the restoration of embankments will be implemented. Immediately after the works, standard measures to prevent soil loss will be implemented until such time as vegetation is established on any bare ground.

There will be no direct or indirect impact on any geological features of historic or scientific interest.

Conclusion: Direct and indirect effects

I am satisfied that any residual direct or indirect impacts on soils and geology will be temporary and imperceptible. The works will be entirely on lands within the developed area of Kilkee, on soils and subsoils where were extensively drained and worked prior to the towns expansion. Soils will be imported for embankments, but for the most part the works will involve materials taken from within the site. Operational impacts on soil and geology will be imperceptible.

Water – Surface and Groundwater

Issues raised

None of the submissions addressed surface and groundwater issues.

Examination of the EIAR

The EIAR uses baseline water quality monitoring data from the EPA and Clare County Council and other online databases for its analysis. The EIAR addresses the status of the watercourses and standing water within the context set by the Waters Directive (see forms in the Appendix to this report).

Context

Kilkee Beach is a Blue Flag beach and a popular holiday destination. The two streams flow directly onto the beach (one at each side). The Victoria Stream flows under a culvert – fenced off to prevent access from the beach – the existing pumping station in the past has been used to control water entering the beach. The Atlantic Stream discharges via a pipeline next to a breakwater/harbour. There are additional smaller outlets for local water sources along the beach – these appear to discharge from localised sources and drains along and behind the promenade. The Victoria Stream is fed by one small stream known as the Well Stream which arises from a holy well within the town. Otherwise, all the streams arise in the agricultural lands surrounding Kilkee.

Baseline

The two streams arise from wells and agricultural/roadside drains in the wider area, flowing into what would have been a tidal marsh up to the 19th Century. The Kilrush groundwater body underlies the site – this has a 'Good' status and is Not at Risk. There are no registered groundwater abstractions within 2km of the study area.

The watercourses have a history of flooding – in the case of the Atlantic Stream, this is generally due to blockages of the trash screens at the outfall culvert. Both streams are subject to both fluvial and tidal flooding.

Both streams are assessed as part of the Kilkee_Lower_010 WFT sub-basin. This has a Moderate Status.

All the streams run through the urban area in canalized courses, with some culverts.

The primary impacts are likely to be in the construction period, which includes the creation of new alignments, alterations to existing embankments and retaining

structures, and some groundwater pumping to facilitate works. These works are identified as being temporary with impacts generally medium impact.

It is indicated that there will be temporary, slight negative effects possible on the hydro morphology of the Atlantic Stream due to changes in sedimentation.

The operational effects of the stream would be to change the hydro morphological regime of both streams. This can have an impact on sediment transport, with potential knock-on effects on habitats and species. The changes in stream velocity are set out in tables 9-3 to 9-5.

The main significant negative impact would be on the Well Stream (a tributary of the Victoria Stream). It is proposed to concrete line this cut channel. This would be a long-term significant effect.

The overall impacts are considered to be medium, leading to an overall permanent and moderate negative impact on water.

There is considered to be a low magnitude, overall temporary slight negative impact on groundwater due to ground hardening from plant access and an increase in hard standing.

Mitigation

Mitigation measures include standard best practice construction methods for the construction phase. For instream works there will be specific silt mitigation measures, plus measures set out in the ecology section for protecting habitats.

In the operational phase, groundwater recharge will be encouraged by way of chisel ploughing post the works to promote rechange, and the use of natural bed material to cover the base of a precast concrete u-channels.

Residual effects

Residual impacts from construction are anticipated to be temporary, slight negative to imperceptible. Operational impact are long term and slight, with a neutral to slightly positive impact on water quality.

There would be some direct and indirect effects along with interactions with biodiversity impacts, impacts on lands and soils, population and human health.

Conclusion: Direct and indirect effects

There would be some direct and indirect effects along with interactions with biodiversity impacts, impacts on lands and soils, population and human health. The overall direct impacts would be primarily through the construction works, which unavoidably involves direct interference with the existing channels. I am satisfied that standard measures can prevent anything above minor short term impacts. Groundwater impacts will be slight to minor, with little to no long-term impact. Operational impacts will be primarily on the morphology of the channel, with some increased flow to the sea, although the impact on this will be minor. There will be indirect impacts and interactions with lands and soils and biodiversity, although I do not consider that these will be significant. Residual impacts will be slight.

Material Assets

Issues raised

No issues were raised in the submissions.

Examination of the EIAR

The EIAR focuses on the impact on traffic from the proposed works using existing data. A full Traffic and Transport Assessment was submitted for the construction elements.

Context

Kilkee is a small coastal town served by the N67 National Secondary Road, which terminates at the town. A number of smaller roads converge at the town and the Wild Atlantic Way passed through. The town is congested during peak holiday periods but is otherwise quiet and is not a significant through route for traffic between other settlements of significance. The Wild Atlantic Way route runs through the town. It is proposed to terminate the West Clare Greenway at the town (pending consultations). There is an intermittent bus service terminating at the town centre. There are no major infrastructural connections within or close to the town. Apart from tourism and related services, there are no major commercial or employers within or around the town.

Baseline

The EIAR focuses on traffic impacts from the construction works. A number of properties (indicated in Chapter 4) will be impacted in a temporary, moderate negative way by way of their proximity to the construction compounds and areas of works. Traffic impacts are considered to be a temporary, slight negative on existing road conditions, which vary widely according to time of year. The town is fully serviced with water and power, and it is indicated there may be short term disruption depending on construction requirements.

Mitigation

Mitigation measure for traffic are standard measures set out in the Construction Traffic Management Plan (CTMP). These are standard measures, with details to be agreed with the relevant statutory undertakers when required. A Resource Waste Management Plan will be developed to address waste issues.

No mitigation measure are considered necessary for operational impacts.

Residual effects

Residual impacts, primarily temporary disruption to traffic and some impact on utilities are considered to be temporary and negligible.

Analysis, evaluation and Assessment: Direct and Indirect Effects

Material impacts are considered to be minor and temporary, with no significant indirect effects, although it is possible there could be cumulative impacts with other permitted developments in the area. These are not considered significant.

Conclusion: Direct and indirect effects

The construction works are considered likely to result in short term temporary impacts, which can be mitigated by way of standard best practice construction methods. As with any extensive construction projects on lands within an urban area, some level of disruption to traffic can be anticipated, but I am satisfied that it will be short term and temporary, with just minor residual impacts. There is some possible interaction with other works, in particular the proposed WwTP which

connects at the Victoria Stream Pumping Station, but these would not have significant overall impacts in the longer term.

The overall operational elements of the project will have very significant positive benefits for the town in reducing flood risk and facilitating further developments.

Cultural Heritage

Issues raised

The Department of Housing, Local Government and Heritage (DAU) noted and acknowledged EIAR section on cultural heritage and recommends standard conditions for such works. The input of a Conservation Architect is recommended for any elements of the built heritage to be subject to alterations.

Examination of the EIAR

The EIAR was based on a desk top study of available information on the site and surrounding area and a site survey, including walk over survey of the lands.

Context

Kilkee town dates from the 19th century, but there are remains indicating the lands were settled back to the medieval period and earlier. There are a number of sites indicated in the Record of Monuments and Places within the town (Figure 11-10 of the EIAR). There is a designated Architectural Conservation Area within the town, and a number of protected structures. None of the structures to be altered as part of the works are considered to have conservation value, although some date back to the original development of the town in the later 19th Century.

Baseline

The site does not include any identified recorded ancient monuments or protected structure. The works do not impinge upon any recognised structure of historical or intangible importance. The existing stream channels are canalized and were originally on trained salt marsh and so archaeological remains are very unlikely. One tributary to be lined – the Well Stream – arises from a Holly Well (St. Senans

Well). The structures around this well are of 19th century or later date and surrounded by a relatively modern stone perimeter wall with metal fencing. Some minor stone revetments were identified along this stream and the two main channels, and other sections of wall – these are of unknown origin, but likely 19th Century. Under a number of bridges there are indications of multiple phases of stone construction. Photos 11-17 to11-22 of the EIAR indicate examples. The identified heritage sites are listed on Table 11-7.

Mitigation

Table 11-8 summaries impacts and proposed mitigation measures. The impacts on structures, mostly the existing stone revetment walls, are considered generally slight to significant, with the mitigation proposed being archaeological monitoring, with intervention when required.

The works are not considered to have any impact on protected structures or the ACA, as the altered channels will not directly or indirectly impact upon them or be visible from their curtilages.

Residual effects

It is considered that all residual impacts will be imperceptible to slight. There would be the destruction and removal of existing watercourse artificial channel structures, all of which are of relatively modern origin (19th Century and later). It is not anticipated that significant archaeological remains will be encountered, but archaeological monitoring, in line with the request of the DAU, will be implemented. As the watercourses are all canalized, archaeological testing of the channel beds is not considered necessary.

It is considered that residual impacts will be imperceptible to slight.

Analysis, evaluation and Assessment: Direct and Indirect Effects

Section 11-8 addresses interactions and cumulative impacts. These are considered to be slight to negligible.

Conclusion: Direct and indirect effects

The proposed works are along channels which have been incrementally constructed from the 19th Century onwards There is no stonework or other structures considered of significant historical value. There is minimal likelihood of encountering archaeological remains, but monitoring during the works will address any unexpected discoveries. The DAU requested a monitoring condition, I consider this to be reasonable, although such monitoring is already proposed as part of the mitigation measures.

The works will not impact upon any protected structures or the ACA within the town. The closest protected structure is a church – there are no clear views from the curtilage of the church to the area of works and is sufficiently distant that any vibration or other impact will be negligible.

I am satisfied that with the proposed mitigation, any impacts on the cultural heritage of the town will be minimal and negligible, and there are no significant indirect or cumulative impacts likely.

Landscape and Visual Impact Assessment

Issues raised

None in submissions

Examination of the EIAR

The EIAR uses standard methodology to assess the significance of landscape and visual effects and to describe the receiving environment.

Context

Most of the works are to be carried out within the existing channels of the streams, along with the creation of new 'natural' channels on what is now open untilled land. Kilkee lies in a distinct dip between natural rises to the north and south, with no prominent topographical features in the landscape. The dense development pattern of the town results in relatively few direct viewpoints towards the streams. Both run through culverts before discharging to the beach area.

The town has an attractive streetscape of mostly 19th and early 20th century terraces, typical of seaside towns of the period. Later developments are typical modest density suburban estates along with extensive caravan parks.

Baseline

The existing watercourses mostly run through either natural earth cuttings or are protected with retaining structures which vary widely from dry stone structures to more recent concrete or block construction. Almost all these structures are purely functional in nature with little aesthetic value. Views of the watercourses are intermittent and are usually from bridge crossings or backlands views. Most identified receptors are residential units within view of the streams.

There are two designated scenic routes within Kilkee – these are outside the town and there are no direct views from or to the sites from these routes. The Wild Atlantic Way (which is also part of the EuroVelo Atlantic Coast Route) runs through the town. Any views of the streams from this are intermittent and occasional. Figure 12-9 in the EIAR indicates these designated sites. I also note that there is a proposal to terminate the West Clare Greenway at the town (present plans indicate that the former Kilkee Railway line will be the main conduit, with a road link to the promenade). A final alignment of this Greenway has not been confirmed but it will likely follow the former railway to the outskirts of town, and then follow existing roads/paths to the promenade, where it will terminate.

Mitigation

The EIAR listed out all effects, the significance of which have been identified as temporary, negative, slight during construction, and permanent, imperceptible and permanent positive during operation. No mitigation measures are proposed, and no residual impacts are identified.

Analysis, evaluation and Assessment: Direct and Indirect Effects

Figure 12.10 and Table 12-2 summarise overall impacts – it does not make a clear distinction between direct and indirect effects. None of the impacts post construction are considered significant.

Conclusion: Direct and indirect effects

The overall topography of Kilkee is relatively flat (with a gentle rise in levels to the north and south of the town) and there are few clear views of the streams. Most receptors are residential dwellings within the town, with clear views of the stream mostly from upper floors. While the immediate works will have an impact, in the longer term I concur with the EIAR conclusion that long term impacts will be negligible and somewhat positive, in particular with regard to those sections where canalized alignments will be replaced with more natural flows. There are no major intrusive features proposed, most permanent works are at or below existing ground levels. One semi 'natural' stream – Well Stream – is currently in an overgrown roadside ditch and is to be concrete lined, which would be slightly negative, but I consider within the overall context, to be negligible once vegetation has re-established along the roadside verge. I do not consider that there would be any views of the permanent works from any designated scenic route or other designated viewpoint or tourist road/cycleway.

Interactions

Interactions between the above factors are summarised in Table 13-1 of the EIAR. These interactions are mostly from the construction period. All impacts arising are identified as slight or not significant. I concur with this conclusion – the overall impacts on the town of Kilkee are likely to be slightly negative during construction (mostly from interactions of traffic, noise and dust and general disturbance), but following the completion to the works will be overall positive.

Cumulative Impacts

The proposed development is primarily intended to protect the town of Kilkee from fluvial flooding but is linked to the proposed upgrade to the towns wastewater treatment plant and a number of other significant developments in Kilkee, such as the new (exiting) water sports facility that adjoins the Atlantic Stream close to where it discharges to the sea. Table 14-1 identifies 6 permitted schemes, with the most significant being the proposed Kilkee WwTP, currently with ABP for consideration. I

would also note that there is a proposed connection of the town to the West Clare Greenway, and this is likely to very significantly increase tourism within and around the town if completed, but at present the scheme is out for consultation and no formal planning submissions have been made.

The EIAR concludes that while some cumulative issues may occur if there is an overlap of construction periods, overall impacts will be slight to negligible. The overall cumulative impacts should be positive as the flood protection works will facilitate the further economic growth of the town without impacting on any key environmental variables.

Final Conclusions

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers during the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts for material assets and ecology and water quality, due to improvements to the water channels and the reduction of flood risk during the post construction phase;
- direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, the control of construction hours, implementation of a construction traffic management plan, noise minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;
- direct negative effects arising for water and aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on water and biodiversity;

- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- direct negative effects arising for the visual amenities and landscape / townscape of the area during the construction phase, which would not be significant and would be of temporary duration and direct effects arising for landscape / townscape post construction, which would have slight to moderate and positive effects for the appearance of the area, resulting in no residual impacts for landscape and visual amenities.

Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

8.0 **Assessment**

Under the provisions of Section 177AE (6) of the Planning and Development Act 2000 (as amended), the Board is required, before making a decision, to consider the following:

- The likely consequences for the proper planning and sustainable development of the area,
- The likely effects on the environment, and
- The likely impacts on any European sites.

8.1. **The likely consequences for the proper planning and sustainable development of the area.**

I will address this under the following headings:

- Policy context
- Cultural heritage
- Design considerations and amenity
- Flooding and drainage
- Biodiversity
- Traffic
- Conclusions

8.1.1. **Policy context**

Kilkee is identified as a 'small town' (the third tier of settlement) in County Clare and in the strategic flood risk assessment attached in an appendix to the Clare County Council Development Plan 2023-2029. It is an objective within the CDP to develop a flood relief scheme for the town. Paragraph 7.4.3 of the strategic flood risk assessment within the CDP notes that the proposed bypass for the town is largely outside the flood risk zone but does cross a number of watercourses. Section 11.2.10 of the flood risk assessment summarises a justification for development for sites within zones A and /or B within the town, with regard to specific CDP policies. It is stated that the town has suffered from fluvial and tidal flooding historically, although the risks are limited to certain areas. It is stated that until the flood relief scheme is completed, development within Flood Zone A and B is considered premature. It is further noted that there is the potential for the scheme to result in an increase in flood risk to lands which are currently in Flood Zone C, and this has been reflected in the zoning objectives (page 164 of the strategic flood risk assessment).

The proposed works will take place on or adjacent to land with a variety of zoning designations in the CDP, mostly residential, 'buffer space', tourism and commercial. As the works do not substantively impact on the proposed uses of these sites, I do not consider that the specific zoning designations are relevant in assessing the

proposed development. With regard to Flooding and Flood Risk, the development Plan states with regard to Kilkee that:

> *A flood relief scheme is currently underway and until the scheme has been completed, development within Flood Zone A and B is considered premature. The Strategic Flood Risk Assessment in Volume 10c of this Plan states the following in relation to existing foreshore development, proposed residential development and existing less vulnerable development.*

It is stated in the plan that large scale residential development cannot proceed within the town until such time as the proposed upgrades to the wastewater treatment system are competed.

In other respects, the proposed flood relief scheme is fully in line with EU, national and regional policy to protect vulnerable urban areas from flooding, subject to the works being undertaken with full regard to other policy and statutory requirements, in particular with regard to the Water Framework Directive and the Habitats Directive.

8.1.2. **Design considerations and amenity**

The EIAR addresses alternatives (in particular the 'do nothing' option) for flood control. The works will involve substantial improvement to some unused lands within the town which will be enhanced ecologically by restoring a more natural and nature friendly alignment. In other respects, the design works generally minimise interference with adjoining properties and would not significantly impact on the amenities of nearby dwellings or caravan parks or other facilities within the town.

8.1.3. **Cultural heritage**

The watercourses are generally canalised and run through lands which have been heavily altered since the development of the town and so there is little likelihood of impacting upon any unknown archaeology along the alignment. The DAU requested archaeological monitoring of the works, and this is incorporated into the mitigation measures set out in the EIAR. There are remnants of dry stone wall revetments at

some points along the channels, but there is no indication that these have any significant conservation value.

The town includes a number of buildings of significant regional value, but there would be no significant impact on any of these – the closest protected structure is St. James Church on Church Road – there is no clear view from this church and graveyard to the nearest watercourse (Victoria Stream). One minor tributary of the Victoria Stream, Well Stream, arises from St. Senans Well to the west. This is surrounded by a relatively modern shrine. The proposed works would not directly impact upon the holy well or any associated structures.

I conclude that the proposed development would not significantly impact upon the cultural heritage of the area subject to a standard archaeological monitoring condition.

8.1.4. **Biodiversity**

A full Appropriate Assessment was submitted with the application, and I will address the biodiversity issues which relate specifically to the qualifying interests of the Natura 2000 sites in that section. I note that the impacts on the designated habitat are interrelated to that of the proposed wastewater treatment plant for the town, recently granted permission by the Board on appeal.

The two streams flow into Kilkee Bay, which is designated for its large shallow inlets and bays, reefs, and submerged or partially submerged sea caves. The streams and overall catchment have quite low ecological value, although eels are known to breed in the Victoria Stream, and bats were identified within the area, although the streams are not considered to be good quality roosting or foraging habitat for bats. Other species of note may be occasional visitors to the watercourse and associated open land, but it is not considered prime habitat for otter or other protected species or those listed within the qualifying interests of any SAC/SPA within the wider area.

The applicants submitted full details of ecological surveys and assessment as part of the EIAR and AA processes. I am satisfied that there is adequate mitigation within the proposed works to address potential impacts on flora and fauna, and in the longer term will enhance the value of the watercourses for wildlife.

8.1.5. **Flooding and drainage**

The proposed works are intended to significantly reduce the potential for fluvial or pluvial, or tidal enhanced flooding within the town. There is a slight risk that a flood occurring during works could be problematic, but I am satisfied from the submitted CEMP that this can be addressed by way of appropriate management.

8.1.6. **Traffic impacts**

The applicants submitted a full CEMP with associated traffic management plan. The construction works will generate some traffic congestion and related noise and dust arisings, but these can be fully mitigated by way of standard construction management methodologies, as set out in the submitted documentation. Any such impacts would be short term, and in the longer run the works would have no impact on traffic.

8.1.7. **Conclusions**

Having regard to:

- The existing potential for flooding within the town of Kilkee.
- The layout of existing infrastructure and the settlement pattern of the town.
- The minimal interference with existing channels and the design, which emphasises creating more natural hydraulic channels where possible

The proposed development is in accordance with development plan policy and other policies and would on balance have a positive impact on the sustainable development of the town of Kilkee and the surrounding area.

8.2. **The likely effects on the environment**

I will address this under the following headings:

- EIA Screening
- Appropriate Assessment
- Water Framework Directive

EIAR, WFD and AA forms are attached in the appendix to this report.

8.3. **EIA screening**

The applicants submitted a screening for EIA which concluded that the proposed development does requires a full screening.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the Regulations, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Regulations.
- Assessment of proposed development including its likely effects on the environment.

8.3.1. Project types / class of development.

The applicant in their submission has indicated the classes in Part 2 of Schedule 5 within which the development is considered to fall, i.e.:

> 10. Infrastructure projects:
>
> (f)(ii) Canalisation and flood relief works, where the immediate contributing sub0catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares of where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

The proposed works is above two of these thresholds – the total river channel works extend to 2.602 km, and the sub-catchment of the works is over 100 hectares.

An EIAR was submitted and my assessment of same is in section 7 above.

EIAR Conclusions

The full EIAR is assessed in Section 7 of this report above and my conclusions are set out at the end of that Section. I am satisfied that all relevant impacts have been fully assessed and that the mitigation measures set out in the EIAR, along with associated construction management control measures, will ensure that environmental impacts from the proposed works, directly and indirectly, and cumulatively with other projects (in particular, the permitted WwTP for the town, will not have significant negative impacts.

8.4. Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U (screening) and 177V (appropriate assessment) of the Planning and Development Act 2000 (as amended) are considered fully in this section.

A screening was submitted to the planning authority, and it was concluded that a Stage 2 NIS was required as adverse effects on one EU site – the Kilkee Reefs SAC 002264 – could not be ruled out. A full screening assessment and Stage 2 NIS Screening Determination is attached in Appendix 2 of this report.

No detailed comments were received with regard to the Appropriate Assessment. The NIS concluded that no significant change to the water quality of the Victoria Stream or the Atlantic Stream would arise. It is anticipated that additional vegetation to be established as part of the works will improve water quality. It is therefore concluded that there would be no adverse effects from construction or operational aspects (including maintenance) of the proposed works.

I am therefore satisfied that sufficient information has been submitted by the applicant with regard to adverse effects on the European sites in the area and that measures that are embodied within the proposed development and standard good practice construction measures are sufficient to address the potential run off during construction.

Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act

2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European site: Kilkee Reefs, SAC, site code 002264. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites, in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.5. **Water Framework Development**

As outlined in the EIAR and AA forms, the use of best practice construction methodologies will minimise any impact on the identified watercourses during construction. The works as proposed are anticipated to improve overall water quality following construction due to the creation of more vegetated watercourses. Cumulatively, with the proposed waste water treatment system for the town, it there will be a significant improvement to the Kilrush Groundwater body IE_SH_G_123 and the Kilkee Kilkee_Lower_010 watercourse.

9.0 **Recommendation**

I recommend that under Sections 175 and 177AE of the Planning and Development Act (as amended) the Board approves without modifications the submitted EIA and AA for the proposed flood protection works, subject to the conditions set out in Section 11 below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

a) The EU Habitats Directive (92/43/EEC);

b) The Climate Action Plan 2024;

c) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site;

d) The conservation objectives, qualifying interests, and special conservation interests for the Kilkee Reefs SAC, site code 002264;

e) The policies and objectives of the Clare County Development Plan 2023-2029;

f) The nature and extent of the proposed works as set out in the application for approval;

g) The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement;

h) The submissions received in relation to the proposed development, and the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the Kilkee Reefs site code 002264 is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained

therein, the submission sand observations on file, and the Inspectors assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely the Kilkee Reefs SAC site code 002264, in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- The mitigation measures which are included as part of the current proposal, and
- The conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out int eh Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

The Board completed an environmental impact assessment of the proposed development, taking into account:

a. the nature, scale and extent of the proposed development;
b. the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
c. the submissions from the prescribed body in the course of the application, and
d. the Inspector's report

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health: **The potential for significant adverse impacts on human health during the construction and operational phases can be avoided, managed, and mitigated by the measures that form part of the proposed development, the proposed mitigation measures and through suitable conditions. In addition, positive impacts on population and human health will include health and social/wellbeing benefits associated with the reduction of flood hazard in the area and the potential to facilitate future growth in the town.**

Biodiversity: The proposed development will result in minor short term loss of vegetation during the works. However, the proposed development will involve the creation of more natural, highly vegetated watercourses with the potential for greater biodiversity in the long run. Overall, it is considered that potential impacts on biodiversity will be mitigated by the application of best practice construction methodologies and the application of the proposed mitigation measures, such that no significant adverse effects arise.

Land, Soil, Water, Air and Climate: In terms of water, there is potential for localised deterioration in water quality during the works, which will directly impact upon the water channels. However, the implementation of mitigation measures and compliance with

suitable conditions will ensure that the potential impacts on the ground and surface water environment do not occur during the construction and operational phase of the proposed development and the residual impact will be imperceptible. The long term impacts, in particular by way of improvements in vegetation, will lead to a higher quality of water. Therefore, no significant adverse direct, indirect, or cumulative effects on the water environment, water quality or WFD objectives will arise as a consequence of the proposed development.

In terms of Impacts on Air Quality, it has been demonstrated that the risk of dust impacts on human health during the construction phase has been identified as ranging from negligible to low and no significant, adverse direct, indirect, or cumulative effects will arise as a consequence of the proposed development. Noting the scale and duration of the construction phase, the predicted traffic movements during the operational phase and the mitigation measures proposed, the effect of the proposed development on national GHG emissions will be insignificant in terms of Ireland's obligations under the Kyoto Protocol. Mitigation measures set out in the design will minimise emissions, which will be short term in impact, with no significant operational impacts. Therefore, the proposed development will have no significant impact on climate.

Material Assets, Cultural Heritage, and the Landscape: Potential directs impacts on Protected Structures, Recorded Monuments and unknown features of archaeology may arise during the construction and operational phase of the proposed development. However, these impacts will be mitigated by archaeological monitoring of groundworks and compliance with the various mitigation measures and conditions detailed below. Therefore, no negative residual impacts in the context of archaeology, cultural heritage and architectural heritage are anticipated. The site is not within the visual envelope of protected structures or other sites of heritage interest. There are dry stone revetments along the channel, but none are considered to be of heritage interest. Therefore, the proposed development will have no significant impact on cultural assets.

The Board completed an environmental impact assessment in relation to the proposed

development and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Proper Planning and Sustainable Development and the Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

   Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and the CEMP submitted with the application and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

   a) Location of the site and material compounds including areas identified for the storage of construction waste,

   b) Location of areas for construction site offices and staff facilities,

   c) Intended construction practice for the development, including hours of working and the season of works (to avoid any impacts on spawning salmon or trout),

   d) Means to ensure that surface water run-off is controlled in line with a Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,

   e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,

   f) The management of construction traffic and off-site disposal of construction waste,

   g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

   h) Specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and

   i) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of public health.

3. The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

    - Employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
    - The nature and location of archaeological material on the site, and
    - The impact of the proposed development on such archaeological material.

    Complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction staring on site. In addition, an updated Archaeological Impact Assessment should be completed.

    Complete a report, containing the results of the above assessments, regarding any further archaeological requirements (including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage within any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage for the recording and removal of any archaeological material which it is considered appropriate to move.

    Reason: In order to conserve the archaeological heritage of the site and secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

4. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, site clearance, demolition of the dwelling, and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

   Reason: In the interest of biodiversity and the protection of European Sites.

5. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

   Reason: To protect the integrity of European sites.

6. The mitigation measures submitted in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

   Reason: To protect the environment.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

. Philip Davis
Planning Inspector

25th July 2025

Appendix 1:

EIAR Forms

Form 1 - EIA Pre-Screening

Case Reference	APB-320967-24
Proposed Development Summary	Kilkee Flood Relief Scheme
Development Address	Kilkee County Clare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☒ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	If

type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☒ Yes, the proposed development is of a Class but is sub-threshold.	**11(c)** **The threshold is for 10,000 pe equivalent.**

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	
No ☐	

A. CASE DETAILS		
An Bord Pleanála Case Reference	**ABP-320967-24**	
Development Summary	**Flood Relief Scheme**	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	**Yes**	
2. Has Schedule 7A information been submitted?	**Yes**	
3. Has an AA screening report or NIS been submitted?	**Yes**	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	**No**	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	**Yes**	

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**Yes**	**The project involves improvements to the alignment of two streams within the town of Kilkee intended to prevent fluvial and tidal flooding within the town. All streams are currently canalised.**	**Yes**
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**Yes**	**There will be some realignment of the watercourses to create more natural flood features.**	**Yes**
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	**Yes**	**The plant will require considerable use of concrete and new embankments**	**Yes**

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	**Yes**	**The construction activities will involve some use of fuels and other construction materials.**	**No**
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**Yes**	**No**	**NO**
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**Yes**	**It is anticipated that in the long run the works will allow more vegetation along the route of the watercourses which should significantly improve water quality. There is some minor possibility of localised contamination during the works.**	**No**
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**Yes**	**There will be some noise and vibration during construction, but none during the operational phase.**	**No**
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**Yes**	**No.**	**No**
1.9 Will there be any risk of major accidents that could affect human health or the environment?	**No**	**There are no anticipated hazards associated with the works.**	**No**
1.10 Will the project affect the social environment (population, employment)	**Yes**	**The project will potentially allow for expansion of the by reducing flood risks.**	**No**
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	**Yes**	**The project, along with the proposed Waste Water Treatment Plant, is intended to ensure the town conforms to EU regulations on wastewater and flood safety, and to allow if required for further town expansion.**	**No**

2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	**Yes**	**The site is within 1km of the Kilkee Reefs SAC. The two streams discharge to Kilkee Beach, which is next to the designated SAC.**	**No**
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	**No**	**The lands to be affected are within the urban area, and most urbanised or brownfield. Surveys have not identified any habitats for flora or fauna apart from intermittent presence.**	**No**
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**Yes**	**The site is close to a designated scenic route and the Wild Atlantic Way. There are a number of recorded ancient monuments and other features in the town, but none close to the lands affected.**	**Yes**
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	**No**	**The lands are disturbed brownfield lands and low quality grazing land.**	**No**

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	**Yes**	**The works are on the entire surface water network of the town.The overall impacts are anticipated to be minor and generally positive.**	**No**
2.6 Is the location susceptible to subsidence, landslides or erosion?	**No**	**The lands are generally flat and currently developed**	**No**
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	**No**	**A number of roads converge on Kilkee, but there are no major routes through the town.**	**No**
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	**No**	**The streams run though the town close to a number of residential areas.**	**No.**
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	**Yes**	**The proposed works overlap with proposed wastewater treatment plant ofr the site. but the cumulative impacts are anticipated to be positive – the existing situation involves a potential flood risk and the discharge of untreated pollution to the sea.**	**No**
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**No**		
3.3 Are there any other relevant considerations?	**No**		
C. CONCLUSION			

No real likelihood of significant effects on the environment.	☐	EIAR **Not** Required
Real likelihood of significant effects on the environment.	☐	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR <u>not</u> Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
   (a) the limited nature and scale of the proposed development and the overall impact in addressing a shortfall of wastewater treatment facilities.
   (b) the absence of any significant environmental sensitivity in the vicinity of either sites.
   (c) the location of the development outside of any sensitive location specified in Article 109(4)(A) of the planning and Development Regulations 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicant, specifically the AA Screening carried out under the Habitats Directive.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the mitigation measures set out in the construction management plan and the proposal to use as much existing infrastructure as possible.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

Appendix 2:

Appropriate Assessment Forms

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development consists of a Floor Relief Scheme for the town, including the following key elements: • A new embankment to the south of the Kilkee Bay Hotel. • A diversion of the open channel to the south of the Kilkee Bay Hotel into the centre of the floodplain and the installation of a new headwall and inlet culvert under the new embankment. • An increase in heigh t of the existing boundary wall at the Dun an Oir Estate.

	• A new embankment at the Sandpark Mobile Home and Caravan Park. • The replacement of the existing debris screen at Kilkee Waterworld. • The construction of two inlet manholes on an existing culvert at Meadow View Court. • Upgrades the existing Atlantic Stream culvert System at Moore Bay, including the installation of non-return valves. • A new embankment to the west of Cunninghams Holiday Park and the installation of a new headwall and inlet culvert under the new embankment. • A new reinforced concrete u-channel along the existing Well Stream alignment to the north of Cunningham's Holiday Park. • The replacement of the existing Well Stream culvert at Crescent Place. • The resurfacing and regrading of the Well Road, the junction of Well Road with Marine Parade and the junction of Gerladine Place with Marine Parade.

	New surface water pump stations at Well Road and Carrigaholt Road and associated infrastructure. • New surface water drainage infrastructure at Well Road, Crescent place, Victoria Park and Carrigaholt Road. • New sluice gates at various locations along the Well Stream and Victoria Stream flood defences. • The reconstruction of the Victoria Court boundary wall along the Victoria Stream. • Repairs and replacement of the Victoria Stream left bank wall at Crescent Place. • A new embankment to the west of Carrigaholt Road. • A new flood defence wall along the left bank of the existing Victoria Stream alignment from Victoria Park to Crescent Place. • A diversion of the Victoria Stream to the centre of the floodplain to the north of Victoria Crescent. • A new embankment to the southwest of Cunninghams Holiday Park.

	• A diversion of the Western Tributary to the centre of the floodplain to the north of the Cluan na Mara estate and a new outlet culvert under the new embankment. • The regrading of lands to the north of the Cluain na Mara estate and the west of Cunningham's Holiday Park. • The works also include for road reconstruction, road regrading, drainage works, tree felling, tree planting, landscaping and all associated ancillary works.
Brief description of development site characteristics and potential impact mechanisms	The project includes an extensive linear are of land following the watercourses running through the town and including a number of brownfield and developed sites to be used for construction.
Screening report	Y
Natura Impact Statement	Y

Relevant submissions	**None**

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
Kilkee Reefs SAC (002264)	**1160: Large shallow inlets and bays 1170 Reefs 8330 Submerged or**	**Less than 1km.**	**Both main streams discharge to Kilkee Bay, which is**	**Y**

	partially submerged sea caves.		**adjacent to this SAC**	
Lower River Shannon SAC (002165)	Freshwater and estuarine habitats – listed in NPWS website.	**2.0 km**	**The two streams are not in hydraulic continuity with this SAC.**	**N**
River Shannon and River Fergus Estuaries SPA (004077)	Range of estuarine and freshwater birds, listed in NPWS website.	**3 km**	**No hydrological or other pathway connections. The streams are not in hydraulic continuity. Habitat surveys did not identify any birds associated with the SPA roosting**	**N**

			or feeding or nesting on the lands or immediate area. No suitable habitat identified.	
Illaunonearaun SPA (004004)	Barnacle Goose.	**4 km**	**The lands are not connected with the SPA and no suitable habitat for barnacle goose identified.**	
Tullaher Lough and Bog SAC (002343)	**Raised bogs and transition mires – listed in NPWS website.**	**5 km**	**The lands are not in hydrological continuity with this site and there are no QI**	**N**

			species or habitats identified on the sites associated with this SAC.	
Mid-Clare Coast SPA (004184)	Marine and coastal bird species. Listed in NPWS website.	10 km	The site does not provide significant supporting habitat for the listed species, and the aquatic habitats of this SPA are approximately 14km from the marine waters near the	N

			development site.	
Carrowmore Dunes SAC (002250)	Whorl snail, reefs, shifting and fixed dunes. Listed in NPWS website.	10 km	No identified source-pathway effects identified – no QI species or habitats on or close to the sites. The land is not in hydraulic continuity	N
Carrowmore Point to Spanish Point and Islands SAC (001021)	Coastal lagoon, reefs, stony bank vegetation, petrifying springs. Full	14 km	Sufficient distance and absence of pathways for pollution or other impacts	N

	list in NPWS website.		**and no QI species or habitats identified on the site.**	

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development involves construction works close to waterbodies that discharge to Kilkee Bay. In the event of inappropriate work practices, there is a possibility of run-off entering the bay and temporarily interfering with water quality. Standard good practice measures should rule this out.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***

	Impacts	Effects
Kilkee Reefs: 1160 Large Shallow inlets and bays **1170 Reefs** **8330 Submerged or partially submerged sea caves.**	Direct: Both streams discharge to the bay. Indirect: Possible short term water quality impacts during construction works. Possible in-combination effects with proposed Flood Protection Works for Kilkee.	There would be possible water quality impacts during construction which could result in short term water quality deterioration in the bay. With adequate measure, this has been ruled out. The possibility for adverse effects cannot therefore be ruled out.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

	Possibility of significant effects (alone) in view of the conservation objectives of the site* Reduction in water quality due to construction run-off	
	Impacts	**Effects**
The possibility of adverse effects is very unlikely, but cannot be ruled out. The operation of the works is not considered likely to have adverse effects. Construction works could result in short term deterioration of water quality via run-off to the Victoria Stream, and through in-combination effects with the proposed Kilkee Flood Relief scheme.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Kilkee Reefs SAC site code 002264 European site from effects associated with construction run off during the works.
An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a wastewater treatment system i Kilkee in view of the relevant conservation objectives of **Kilkee Reefs SAC** based on scientific information provided by the applicant and related submissions.

The information relied upon includes the following:

- Natura Impact Statement prepared by MKO.
- Report by Doran Consulting Engineers detailing samples taking at Kilkee Bay to assess existing water quality.
- EPA Annual Environmental Report on water quality sampling.
- Existing published information on water quality at Kilkee Bay (www.beaches.ie).
- Multidisciplinary walkover surveys carried out in 2021, 2022 and 2023 based on NRA (2009) guidelines and the Heritage Council guidance (2000).
- MERC Environmental Consultants marine survey of the environs around the existing disc point in Intrinsic Bay carried out in October 2019.
- Sampling of water quality at Kilkee Stream/Victoria Stream by Aran von der Geest Moroney c November 2023 under NEPA guidance.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

TII noted requirements under Chapter 3 of the Spatial Planning and National Roads Guidelines.

Department of Environment, Climate and Communications noted the proximity of a County Geological Site within 0.5 km.

An Taisce noted requirements under the Wastewater and Habitats Directive.

Local Authority stated that they considered that sludge disposal should be part of the AA.

Many local submissions noted general concerns about impacts on water quality, local habitats and impact on designated sites – general non-specific comments.

NAME OF SAC/ SPA (SITE CODE): Kilkee Reefs SAC 002264.

Summary of Key issues that could give rise to adverse effects (from screening stage):

[examples]

(i) Deterioration in water quality during construction phase)
(ii) Spread of invasive species

See Table 5.1 NIS				
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**	
1160 Large Shallow inlets and bays	**Maintain the favourable conservation condition**	**Impact on water quality during construction. Spreading of invasive species.**	**Standard mitigation measures for construction works close to surface waters. – set out in section 6.2.1.1 of the NIS** **Standard mitigation**	
1170 Reefs	**To maintain the favourable conservation conditions**	**Impact on water quality during construction.**		

			measures for construction works close to surface waters. – set out in section 6.2.1.1 of the NIS	
8330 Submerged or partially submerged sea caves	**To maintain the favourable conservation condition.**	**Impact on water quality during construction.**	**Standard mitigation measures for construction works close to surface waters. – set out in section 6.2.1.1 of the NIS**	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. There are existing control measures at the Victoria Stream				

pumping station which in the past has been used to minimise impacts on the beach. It is anticipated that impacts during construction can be mitigated by way of standard control measures. The long term operation of the flood relief works will allow for additional vegetation along currently canalized and retained banks and so might reasonably be anticipated to improve water quality discharging to the bay.	
Assessment of issues that could give rise to adverse effects view of conservation objectives The potential for adverse effects is at worst case construction impacts resulting in some water quality deterioration. This would be via adjoining watercourses discharging to the Bay. **(i) Water quality degradation** Potential impacts on water quality from run-off via the Victoria Stream to Kilkee Bay was identified. **Mitigation measures and conditions**	

Standard measures to ensure that no contaminated water (ground or surface) shall be allowed without running through silt traps and other measures to prevent suspended solids reaching the bay. In addition, standard control measures are set out to ensure no fuels, oil, or other materials can contaminated adjoining watercourses or groundwater. **(iii) Spread of invasive species** There is some identified potential for the spreading of identified invasive species to shoreline areas. **Mitigation measures and conditions** Standard measures set out in Section 8.1 address measures to ensure that there is no off-site migration of roots or seeds from identified invasive species on and around the site.	
In-combination effects	

I am satisfied that in-combination effects with plans and projects that could act in combination with the proposed development are detailed and assessed – specifically the Kilkee Waste Water Treatment (ABP-321258-24).	

Findings and conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation and decommissioning of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct or indirect effects are anticipated subject to measure to protect ground and surface waters during construction and to prevent silt laden run-off reaching Kilkee Bay via the Victoria Stream. Monitoring measures are also proposed to ensure compliance and effective management of the measures set out in the NIS and CEMP and related documents. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented in full. I am satisfied that in-

combination effects with the proposed Kilkee Floor Relief Scheme have been fully addressed and will not result in adverse effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Kilkee Reefs SAC. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Kilkee Reefs SAC site code 002264 in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of s.177U was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking account all observations, I consider that adverse effects on site integrity of the Kilkee Reefs SAC (002264) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of all construction, operational and maintenance impacts, specifically those that could result in a deterioration of water quality along the coast.
- the proposed development will not affect the attainment of conservation objectives for Kilkee Reefs SAC.
- Effectiveness of mitigation measures proposed and the adoption of the CEMP

Appendix 3: WIA Forms.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**ABP-320967-24**	**Townland, address**	Kilkee, County Clare
Description of project		Flood Protection Scheme	
Brief site description, relevant to WFD Screening,		Extensive area of streams to be subject to flood protection measures.	
Proposed surface water details		Two streams plus tributaries to be subject to channel improvements for flow and ecological improvements.	
Proposed water supply source & available capacity		Natural runoff.	

Proposed wastewater treatment system & available capacity, other issues	Not applicable
Others?	Not applicable

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	0	Kilkee_Lower_010	Good	At risk	Agriculture, urban pressure	Works to the watercourse

Groundwater waterbody		Underlying site	Kilrush Groundwater body IE_SH_G_123	Good	Not at risk	No pressures	Free draining soil conditions.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Kilkee_Lower_010	Direct works	Impact during works	CEMP	No	Screened in
3.	Ground	Kilrush Groundwater body IE_SH_G_123	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened in
OPERATIONAL PHASE							
3.	Surface	0010	None	None	None	No	Screened out

4.	Ground	0020	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives – Template

Surface Water

Development/Activity	**Objective 1: Surface Water**	**Objective 2:Surface Water**	**Objective 3:Surface Water**	**Objective 4: Surface Water**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
Reconstruction and realignment of the watercourse.	**Prevent deterioration of the status of all bodies of surface water**	**Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and**	**Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances**	

			good surface water chemical status		
	Describe mitigation required to meet objective 1: All details set out in CEMP and NIS	**Describe mitigation required to meet objective 2: Revegetating and creating more natural alignment.**	**Describe mitigation required to meet objective 3: Creating a more natural watercourse and improving vegetatin.**	**Describe mitigation required to meet objective 4: CEMP measures in submission**	**Yes**
Development/Activity 3 e.g. Creation of a transport crossing of watercourse.					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	**<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**<u>Objective 2: Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim**	**<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**		**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a**

		of achieving good status*		**derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction activities	Measures set out in CEMP and NIS mitigation.	N/A	N/A	Yes