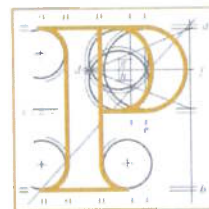


Our Case Number: ABP-321937-25



An
Bord
Pleanála

Development Applications Unit
Department of Housing, Local Government and Heritage
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 23 April 2025

Re: This proposed development is for flood defences at key locations along the Carrickmines and Shanganagh rivers including new walls/raised existing walls, culverts, localised screens upgrades and localised works in the river. An Environmental Impact Assessment Report (EIAR) is submitted with application
This proposed Flood Relief Scheme for the Carrickmines-Shanganagh Rivers at sites in the townlands of Woodside, Kilgobbin, Carrickmines, Brennanstown, Shankill, Loughlinstown, Shanganagh and Hackettsland

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Aisling Reilly
Executive Officer
Direct Line: 01-8737131

JA03

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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Aisling Reilly

From: LAPS
Sent: Tuesday 15 April 2025 17:59
To: Aisling Reilly
Subject: FW: S177AE application for Carrickmines Flood Relief Scheme
Attachments: S177AE Carrickmines FRS DLR.pdf

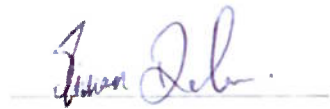
From: Simon Dolan (Housing) <Simon.Dolan@npws.gov.ie>
Sent: Tuesday 15 April 2025 14:54
To: LAPS <laps@pleanala.ie>
Subject: S177AE application for Carrickmines Flood Relief Scheme

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the Archaeological & Nature Conservation recommendations.

Regards,



Simon Dolan

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
Executive Officer
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90



Planning Ref: 177AE-Carrickmines FRS
(Please quote in all related correspondence)

15 April 2025

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email: laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended

Proposed Development: S177AE application for the Flood Relief Scheme for the Carrickmines & Shanganagh Rivers

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

Having considered the documentation supporting this application, and especially the Environmental Impact Assessment Report (EIAR) and Appropriate Assessment (AA) screening, the Department notes that the design of the flood relief works proposed has to a considerable extent taken into account their potential to result in adverse effects on flora and fauna, and also that various measures are set out in the supporting documentation to minimise or avoid adverse effects which might arise during the construction or operational phases of the flood relief scheme. For instance in the Hacketsland area downstream and to the east of the Shanganagh Bridge the flood wall to protect the Brookdene estate is to be constructed behind the existing mature treeline/wooded area on the left bank of the Shanganagh River thereby avoiding damaging this ecologically valuable riparian strip. Also survey work by the Council's ecological consultants has identified in detail the distribution of the invasive introduced plant species occurring along the Carrickmines-Shanganagh river system and facilitated the drawing up a preliminary Invasive Species Management Plan presented in Appendix 8.5 of Volume 3 of the EIAR, which sets out how these species will be dealt with in the course of the proposed flood defence works to prevent their spread.

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90



However the apparent failure of the applicant to have any or insufficient survey work undertaken in relation to the distribution of certain species of fauna in and about the sections of the Carrickmines-Shanganagh river system where the flood relief works are to take place, and also the absence from the supporting documentation of sufficient measures to ensure that the proposed works will not potentially significantly adversely affect some of these species does not permit a full and proper evaluation of the effects of the proposed scheme on biodiversity.

While some survey work of the stretches of the Carrickmines and Shanganagh Rivers where flood defence works are proposed, of the usage by bat species and otter, species subject to a system of strict protection under the Habitats Directive (92/43/EEC), was carried out on behalf of the applicant, this survey work seems to have been concentrated in the vicinity of the Shanganagh Bridge and Commons Road in the Shanganagh/Loughlinstown/Hacketsland area. No trees with any potential to harbour bat roosts were identified along the sections of the rivers where flood defence works are to be undertaken, which is not credible. Given that relatively large numbers of trees are to be removed at Glenamuck Road near Carrickmines and along the most downstream section of the Carrickmines River behind the buildings fronting the Old Bray road at Loughlinstown to facilitate the flood defence works, with a few trees to be removed elsewhere as well, this raises questions as to whether the possible effects of this scheme on bat species have been fully evaluated.

Similarly, field signs indicating the presence of otter were, according to EIAR Figure 8.34: 'Otter signs recorded during survey', only recorded in the Shanganagh Bridge, Commons Road section of the Shanganagh River, even though the Dún Laoghaire-Rathdown Otter Survey carried out by Triturus Environmental Ltd in 2019-20 referred to in the EIAR recorded a couch and a sprainting site on the lowest section of the Carrickmines River where flood defence works are proposed above its confluence with the Bride's Glen River. In addition, it identified another sprainting site just below this confluence and an otter holt nearby in the Loughlinstown Wood proposed Natural heritage Area (pNHA). Survey work undertaken more recently by Triturus in May-July 2023, reported in the 'Aquatic baseline report for the Dublin Array Offshore Wind Farm' included in Volume - 6-Appendix-6.5.2-Biodiversity Technical Baseline Report to the EIAR supporting the recent planning application for the Dublin Array to Bord Pleanála, identified a well-used sprainting site at the Carrickmines River N11 culvert and another spraint site and otter anal jelly site a short distance upstream, as well as an active holt at the Shanganagh Wastewater Treatment Plant downstream of Shanganagh Bridge.

In addition, though the EIAR for the currently proposed flood relief project identifies the beneficial effect of the installation of an additional channel to the Bride's Glen River culvert under the N11 in providing a new route for otter under this road except during flood events once the project becomes operational, there is no mention in this EIAR or other supporting documentation of making provision for the movement of otters along the stretches of Carrickmines and Shanganagh Rivers where flood defence works are to be carried out during the project's construction phase. In any case, where predicted water volumes are expected to fill road culvert channels on a water course to their full capacity during flood events it is best practice to provide a ledge or pipe/tunnel at a higher level to maintain access for otters under the relevant road without forcing them to risk a surface crossing of the road.



Also, no breeding bird surveys along the Carrickmines and Shanganagh Rivers were undertaken in connection with evaluating the potential effects of the proposed flood relief scheme, even though the supporting EIAR anticipates the carrying out of such surveys prior to and for five years after the completion of the scheme as part of the monitoring to access its effects on biodiversity. This is a particular weakness given the propensity for riparian specialist bird species such as the dipper and red listed grey wagtail to nest on ledges or cavities in bridges and other masonry features along river courses like those proposed to be modified during the flood relief works. And in the context of the currently proposed works it should be noted that dippers have often been observed in the vicinity of the N11 culverts of the Bride's Glen and Carrickmines Rivers and at Shanganagh Bridge, and a National Parks and Wildlife Service staff member observed a pair of grey wagtails at the Shanganagh Bridge on the 10.4.2025 and another pair at N11 culverts on the 11.4.2025. Further kingfisher, included in Annex Bird 1 of the Birds Directive (2009/147/EC), has been recorded as nesting in the past downstream of Shanganagh Bridge, on the Shanganagh River.

Recommendations:

In the light of the above the Department recommends that the Board should request the applicant to supply as Further Information the following:

1. Clarification of whether any of the trees to be removed to facilitate the proposed flood relief works have any potential to harbour bat roosts and a protocol for surveying any trees with such potential before they are removed and, if necessary, applying to the NPWS for a derogation licence to interfere with any identified bat roosts.

Reason: To avoid any injury to bat species subject to a system of strict protection under the Habitats Directive (92/43/EEC).

2. An Otter Conservation Plan for the proposed flood relief scheme incorporating provision for undertaking new otter surveys of the sections of the Carrickmines and Shanganagh river system to be affected by the planned flood defence works and at least 200m upstream and downstream of these works, and maintaining as far as possible free passage of otters along these water courses during the construction and operational phases of this scheme, including if feasible a high level pipe or culvert ledge to maintain safe passage of otter along the Bride's Glen River under the N11 during flood events.

Reason: To conserve otter, as species subject to a system of strict protection under the Habitats Directive.

3. A Riparian Bird Conservation Plan for the proposed flood relief scheme to provide for the survey of the stretches of the Carrickmines and Shanganagh Rivers for which flood defence works are planned for breeding birds particularly of the riparian species, kingfisher, dipper and grey wagtail, the avoidance of the destruction of the nests of such bird species in the course of these works, and alternate temporary nest sites for any birds which have to be excluded from nest sites during the works



and the installation of nest boxes or ledges suitable for to be used by these bird species during the operational phase of the scheme.

Reason: to conserve riparian bird species of particular conservation value and protected under the Wildlife Acts, 1976 to 2023.

Archaeology

Overall, the Government's policy is to deliver some 150 additional flood relief schemes over the lifetime of the National Development Plan to 2030 and this submission supports this by proposing recommendations to the planning authority that align the development with State policies and legal codes for the protection of archaeological heritage. To this end, also, the National Monuments Service (in conjunction with our colleagues in the National Built Heritage Service) has attended pre-planning consultations with the proponents, reviewed and commented on an EIAR scoping consultation in March 2024 and undertook site walkovers of the proposed development area.

Summary Project Description:

The Flood Relief Scheme for the Carrickmines-Shanganagh Rivers is located at sites in the townlands of Woodside, Kilgobbin, Carrickmines, Brennanstown, Shankill, Loughlinstown, Shanganagh & Hackettsland. The proposed development is for flood defences at key locations along the Carrickmines and Shanganagh rivers including new walls/raised existing walls, culverts, localised screens upgrades and localised works in the river.

Planning Submission, Cultural Heritage Chapter EIAR:

It is noted that the plans, particulars and Carrickmines-Shanganagh River Flood Relief Scheme EIAR submitted as part of the planning application to An Bord Pleanála incorporates Chapter 13 Cultural Heritage. The baseline in Chapter 13 is informed by a desk study, which includes a review of primary and secondary archaeological and historical sources and synthesises the results of a site inspection, an underwater wade and metal detection survey, monitoring of site investigation works and a geophysical survey of the compound area associated with the Bray Road North measure. It is noted that 'archaeological testing was not suitable for much of the proposed scheme, owing to restricted space, and the obstacles of the existing walls, roads and services'.

The EIAR states that there are Record of Monuments and Places (RMP) sites located within 100m of the proposed flood measures at Belarmine Park, Cherrywood Road, Commons Road and Brookdene (RMP sites DU026-161, DU026-086001 and DU026-031001 respectively) but there will be no direct or indirect effects on them. The proposed Kilgobbin Road measure is within the historic settlement of Kilgobbin Village (RMP DU025-017/DU026-121) and archaeological investigations within the proposed compound area for the measure revealed significant associated medieval and post-medieval activity, which will be impacted by the Flood Relief Scheme (FRS) Measure. In addition, the Pale boundary (RMP DU026-087) is c. 5m from the eastern end of the proposed overflow pipeline for the Kilgobbin flood measure and the EIAR notes that it may impact on subsurface remains of its ditch along its route. The Carrickmines flood measure is within the Zone of Notification for Carrickmines Castle (RMP DU0026-005001-005; a National Monument) and settlement. Extensive excavations in advance of construction of the M50 uncovered widespread medieval and early modern remains



associated with the castle. The proposed flood measure is situated within a previously unexcavated portion of the site and it is noted in the EIAR that the proposed development may reveal previously unrecorded subsurface archaeological materials. An archaeological wade survey identified a boundary wall and a footbridge that the Bray Road North measure will impact upon.

Designed-in mitigation measures include the retention where possible of historic walls/features. Further mitigation measures include the retention of a Project Archaeologist, the pre-construction phase excavation ('preservation by record') of features identified in the compound area associated with the Kilgobbin Flood relief measure, archaeological test excavations at the Bray North Measure compound area, at the Glenamuck Road North Roundabout Measure in the vicinity of Carrickmines Castle and, along the watercourse and proposed overflow pipe in Kilgobbin within the Riverside property. In addition, it is recommended that all earthmoving activities will be subject to archaeological monitoring and dredged/excavated spoil that is removed from riverbeds, streambeds, alluvial environments, and other waterways will be archaeologically assessed.

Legal Codes and Policy Context:

Archaeological monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the area under consideration here. Underwater Cultural Heritage, encompassing a broad range of heritage, can also be protected in legal codes.

The assessment of the project that has been undertaken facilitates the Department to determine its likely significant effects on archaeological, including underwater cultural, heritage, resulting from the construction of the project and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects. Whilst the Department broadly concurs with the proposed mitigation



measures as set out in Chapter 13 of the EIAR, in order to ensure the project aligns with statutory obligations, policy and guidelines for the protection of the State's archaeological heritage, we recommend the following **conditions** are attached to any approval that may issue from An Bord Pleanála.

Archaeological Recommendations:

1. All recommendations and mitigation measures as set out in Carrickmines-Shanganagh River Flood Relief Scheme EIAR Chapter 13 Cultural Heritage shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological works.
3. All site investigation works shall be subject to archaeological monitoring and assessment by a suitably qualified and experienced archaeologist. The Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and geoarchaeological review. Where potential submerged palaeolandscapes deposits or other anthropogenic materials are identified, they shall be subject to geoarchaeological and palaeoenvironmental analysis and scientific dating, in agreement with the Department of Housing, Local Government & Heritage and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the Department of Housing, Local Government & Heritage shall be furnished with a final archaeological report describing the results of the works.
4. The Final Detailed Design for the project shall be the subject of an Archaeological Impact Assessment (AIA), to be submitted to the Department of Housing, Local Government & Heritage for review and approval, prior to the commencement of any construction works. The AIA report shall contain the following:
 - a. Results of licenced archaeological test-excavations, accompanied by a hand-held metal detection survey, of all areas of the proposed development area where ground disturbances will take place. The archaeological test-excavations shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service (NMS) and in accordance with an approved method statement. Licensed metal detection shall be undertaken in tandem with the test excavations and under a Detection Device consent (Section 2 1987 National Monuments Act). All test-excavations that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified osteoarchaeologist. Licenses should be applied for to the National Monuments Service and shall be accompanied by a detailed method statement. Note a period of 3-4 weeks should be allowed to



facilitate processing and approval of the licence application and method statement.

- b. Results of buildings archaeology investigations of all impacted historic structures, features and fabric that include:
 - Opening up works to facilitate the identification of building phases, architectural features, masonry breaks, historic repairs, loose and reincorporated carved stones, and the acquisition of samples for scientific dating and mortar analysis. Opening up works may require a Section 26 National Monuments Act 1930 excavation licence.
 - Interpretative phasing of the structures that includes, at a minimum, plan and elevation drawings marked up with colour-coded phases and with any identified architectural features, masonry breaks, historic repairs, and reincorporated carved stones.
 - A written account of the structure's overall form (structure, materials, layout) and of its successive phases of development, together with the evidence, and drawn and photographic records, supporting this analysis.
 - An account of proposed construction stage impacts, with proposed specifications for mitigation, and where appropriate, stabilisation, conservation and repair.
 - c. A detailed Archaeological Impact Assessment that addresses all identified or potential impacts on archaeological heritage, including on archaeological objects, sites and features. The AIA shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on archaeological heritage. The Developer shall be prepared to be advised by the Department of Housing, Local Government & Heritage in this regard or in regard to any subsequent recommendations that may issue. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department of Housing, Local Government & Heritage. No construction works shall be undertaken until formal approval in writing from the Department of Housing, Local Government & Heritage has been received by the Developer.
5. Archaeological monitoring shall be undertaken as follows:
- a. The services of a suitably qualified and experienced, to the satisfaction of the Department of Housing, Local Government & Heritage, archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that involve ground disturbance, removal of materials from river/stream channels/banks, or demolition and of any works where materials of archaeological importance may be uncovered.



- b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department of Housing, Local Government & Heritage, archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
- c. A Finds Retrieval Strategy shall be implemented and agreed with the Department of Housing, Local Government & Heritage, as part of the archaeological licence application. This shall include for systematic finds retrieval and metal detection of all spoil, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.
- d. Sufficient, suitably experienced and qualified, to the satisfaction of the Department of Housing, Local Government & Heritage, archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be mobilised in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act).
- e. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that involve ground disturbances or demolitions and of any works where materials of archaeological importance may be uncovered. Adequate notice (minimum four weeks) of all forthcoming works that require the attendance of the monitoring archaeologist(s) shall be provided by the works contractor.
- f. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the NMS and other statutory authorities, as required.
- g. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department of Housing, Local Government & Heritage. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological



- h. The planning authority and the Department of Housing, Local Government & Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the National Monuments Service and the National Museum of Ireland, with all resulting and associated archaeological costs to be borne by the Developer. Where significant archaeological discoveries are made, they shall be fully published in an appropriate format.
6. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the Final Design AIA and EIAR. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.
7. In default of agreement on any requirements of the Department of Housing, Local Government & Heritage, the matter shall be referred to the planning authority for determination.

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90



Is mise, le meas

A handwritten signature in blue ink, reading "Simon Dolan", written over a horizontal line.

Simon Dolan
Development Applications Unit
Administration