



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Ref: FLD008

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

01/03/2024

Dear Sir/Madam,

Re: Kilkee Flood Relief Scheme

Clare County Council (CCC), in conjunction with the Office of Public Works, are proposing a flood relief scheme for Kilkee to address the risk posed by fluvial flooding. Having undertaken an extensive evaluation of the flood risks, considered a number of alternative options and having consulted widely with the public and relevant stakeholders, CCC now wishes to advance a preferred scheme through the necessary statutory consent processes.

The following sets out the background to the project and CCC's evaluation of the requirements for consent under the relevant legislation.

Background and Need for Scheme

Kilkee is located adjacent to Moore Bay along the west coast of County Clare. The study area for the scheme comprises the town centre with rural lands stretching outwards to the east.

The Victoria Stream and the Atlantic Stream are the two main watercourses that flow through the town of Kilkee. Historically, the town has been subject to fluvial flooding and as such, Kilkee was part of the Office of Public Works (OPW) Catchment Flood Risk Assessment Management (CFRAM) study programme. The Preliminary Options Report from this study concluded that a flood relief scheme would be viable and effective for the local community. The viable scheme option for Kilkee, as identified in the CFRAM Options Report, included a series of hard defences consisting of flood embankments and walls.

The overall purpose of the Kilkee Flood Relief Scheme (FRS) project is to design and build flood defences that will protect properties and critical infrastructure in future fluvial flood events.

Note, Kilkee is at risk of both fluvial and coastal flooding. This first Phase is to undertake works that will mitigate against fluvial flooding only. A second Phase will follow as part of a separate planning application that will provide mitigation against coastal risk. Cumulative risks will be considered as part of this application, and the second Phase will carry its own EIAR and NIS.

**Oifig Bainistíochta Tionscadail
An Stiúirthóireacht Forbairt Fhisiceach**

Margadh an Ime, Bóthar Dhrom Bigil, Inis, Co. Chláir, V95RR72

**Project Management Office
Physical Development Directorate**

Buttermarket Building, Drumbiggle Road, Ennis, Co. Clare, V95RR72



Proposed Development

The proposed development includes a series of flood defences situated within the catchments of both the Victoria, Well & Atlantic Streams, the three sources of fluvial flooding in the town. These comprise of:

- Flood embankments.
- Floodwalls.
- Land acquisition for temporary flood storage.
- Upgrade of existing boundary walls to flood defence walls.
- Culvert and sub-surface drainage installations.
- Pump stations and associated stormwater attenuation tanks.

EIAR Requirements

The Planning and Development Act 2000, as amended, Section 172 sets out the requirements for Environmental Impact Assessment (EIA). The Planning and Development Regulations 2001, as amended, Part 2 of Schedule 5 sets out the types of projects which must undergo a mandatory EIAR. The proposed development consists of a series of small-scale infrastructural developments on the Atlantic, Victoria and Well streams, and does not fall under Schedule 5, Part 1, but falls under Part 2.

This category contains three thresholds; if any of these thresholds are exceeded, the proposed development must undergo a mandatory EIAR. As such, they will be addressed in turn.

“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”.

Works are proposed on parts of the Atlantic Stream and Victoria Stream in Kilkee, Co. Clare. The contributing sub-catchment of these stretches of river is approximately 188 hectares. The scheme therefore exceeds the 100-hectare threshold.

“where more than 2 hectares of wetland would be affected”.

JBA ecologists have undertaken a Fossitt habitat survey of the scheme area and defined the habitats in the areas to be affected. The survey results showed that approximately 0.94 hectares of wetland are within the scheme area, but are unlikely to be impacted by the FRS. The scheme is therefore under the 2-hectare wetland threshold.

“where the length of river channel on which works are proposed would be greater than 2 kilometres”.



Works are proposed on a stretch of the Victoria Stream, Well Stream, and Atlantic Stream; all in the proximity of Kilkee town. The Victoria Stream would be 1472 meters, and the Atlantic stream would be 1130 meters. The total length of river channel affected is 2.602km, which is above the 2 kilometres threshold.

The proposed flood relief scheme is above two parts of the threshold; the immediate contributing sub-catchment of the works is over 100 hectares, and the length of river channel on which works are proposed is greater than 2km. Therefore, an EIAR has been automatically triggered for this proposed development.

Appropriate Assessment of certain development carried out by or on behalf of local authorities.

As part of the requirements of the Article 6 of Habitats Directive (Directive 92/43/EEC as amended), the Appropriate Assessment process is being undertaken for this scheme.

Given the presence of surface water and air pathways and the potential impacts posed by the proposed scheme on the Kilkee Reefs SAC, it is concluded by our consultants that it is not possible to screen out likely significant impacts on this Natura 2000 site. Therefore, the FRS has been brought forward to the second stage of the Appropriate Assessment process, that being the preparation of a NIS.

Accordingly, under Section 177AE (3), Clare County Council considers that it is required to apply to An Bord Pleanála for approval and that the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

Maritime Area Consent

Although the works are close to the foreshore, there are no proposed structures (temporary or permanent) seaward of the foreshore highwater mark. Hence, a Marine Area Consent is not required as part of this application.

Conclusion and Next Steps

The Scheme documentation is currently being prepared. An EIAR Scoping pack was issued to statutory consultees with responses now received and collated. We are currently considering same in the finalisation of the documentation including EIAR and NIS.

It is anticipated that Clare County Council will lodge an application to An Bord Pleanála in Q1 2024. We are writing to provide advance notice of the intention to make the aforementioned application and to afford An Bord Pleanála the opportunity to provide any direction if it considers that the process set out above is incorrect. We would be happy to accommodate and clarify any queries you may have, in which case you are invited to contact the undersigned. In the absence of any response, we will assume the approach outlined above to be appropriate and intend to lodge on that basis, unless directed otherwise.

Yours sincerely,

Stephen Lahiffe
Senior Executive Engineer

**Oifig Bainistíochta Tionscadail
An Stiúirthóireacht Forbairt Fhisiceach**

Margadh an Ime, Bóthar Dhrom Bigil, Inis, Co. Chláir, V95RR72

**Project Management Office
Physical Development Directorate**

Buttermarket Building, Drumbiggle Road, Ennis, Co. Clare, V95RR72

