

Our Ref: 03.HA0038

Your Ref:

Barry Keating
Clare County Council
Planning, Land Use & Transportation
Áras Contae an Chláir
New Road, Ennis
Co. Clare

4th May 2012

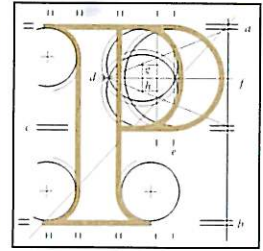
Re: Killaloe Bypass, Shannon Bridge Crossing and
R494 Improvement Scheme

Dear Sir,

I refer to the above-mentioned proposed road development which is before the Board for approval. Please be advised that the Board, in accordance with section 51(4) of the Roads Act, 1993, as amended hereby requires you to furnish the following additional information in relation to the likely effects on the environment of the proposed road development:

1. It is stated that a sustainable drainage system is proposed to be installed on the road (page 7/31 of the environmental impact statement and page 24 of the Natura impact statement) and that this system will prevent significant pollution to surface receiving waters. Some details of the proposed water quality and treatment methods proposed are detailed in 3.6.5 of the EIS, (page 3/13) and it is noted that 3.6.5 of the EIS states that 'many factors affect the selection of appropriate pollution control facilities including soil characteristics, traffic flows and characteristics, the sensitivity of the receiving environment and the expected constituents of the runoff'. Further information regarding the proposed sustainable drainage systems and the type of system proposed at each location is required having regard to the potential for differing types of system to impact on receiving waters and potentially impact on identified Natura 2000 sites and to support the conclusion contained in the NIS of no adverse impact on the conservation objectives of the cSAC. Cross referencing of any statements contained in the NIS with relevant sections of the EIS and submitted additional material on foot of this further information request is required.
2. On the basis of similar considerations as set out at Item 1 above, further details regarding the type of pollution control system proposed for the River Shannon crossing and the Kilmastulla Bridge are required such as would enable the conclusions contained in the NIS regarding the impact on qualifying interests of the cSAC to be supported and verified.
3. It is noted that as part of the mitigation measures contained in the EIS (pages 7/30 and 12/2) and NIS (page 23) it is stated that design and construction method statements will be submitted to Inland Fisheries Ireland and the National Parks and Wildlife Service for approval prior to commencement of construction'. Concerns have been expressed by the NPWS regarding the adequacy of this form of mitigation as it requires further assessment after the decision to approve the scheme thereby indicating that the full range of potential effects are not known at the consent stage. The Board note the outline of construction methodology for the Kilmastulla River, the railway and the Shannon River crossing outlined in 3.7.4 of the EIS (page 3/16) however notwithstanding these details the Board consider that

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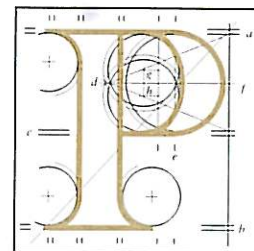
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such an approach is not consistent with the requirements of the Habitats Directive. The applicant is requested to provide a more detailed assessment of the type of mitigation which would be included in the design and method statements and to assist in determining whether the proposed development would or would not have an adverse impact on the integrity of the cSAC and its conservation objectives.

4. The applicant is requested to submit a cross section plan of the Kilmastulla River Bridge demonstrating how it is proposed to ensure that otter movement within the cSAC will be facilitated post construction. The applicant shall also provide further details of the proposed culvert designs demonstrating how safe otter / mammal passage will be facilitated.
5. It is noted that the NIS makes reference to spawning habitat downstream of Cool Bridge (page 16 of NIS) however the NIS and EIS do not explicitly state or indicate the extent of salmon and brook lamprey habitat downstream of this proposed crossing point. In support of the mitigation measures proposed and to facilitate assessment of the potential impact on cSAC qualifying interests and adequacy of mitigation proposed, the applicant is requested to provide further information regarding the extent of these habitats in this location.
6. The applicant is requested to provide an estimate (to be shown in map form) of the predicted zone of vibration influence of the proposed piling on the benthos of the river with the influence to be assessed in terms of significantly increased mortality of lamprey ammocoetes. The applicant is also requested to indicate whether there is any suitable spawning habitat for salmon or lamprey located within the predicted zone of vibration.
7. It is noted that section 10.1 of the NIS is headed Cumulative Impacts. It is considered however that this section does not address in sufficient detail the potential for cumulative impacts with other plans and projects. The applicant is requested to provide further details in this regard and should have regard inter alia to the potential impacts arising from the other plans and projects, including those referenced in the NPWS observation on the proposed development.
8. The applicant shall provide details of any derogation licences applied for and / or granted and any additional conditions that are relevant to the overall mitigation of the proposed scheme.
9. Areas of wet willow-alder-ash woodland (Ref. WN6 on drawings) are recorded at a number of locations along the proposed route and that the EIS / NIS determine that these areas do not comprise habitat that would come within the scope of Annex I priority alluvial woodland habitat. Full justification for the conclusion that the woodland does not comprise Annex I habitat has not been provided and in this regard the applicant is requested to provide botanical and ecological information to support the determination made in relation to the woodland type present.
10. Section 7.2 of the EIS contains information regarding the loss of hedgerow and roadside vegetation and proposals for mitigation including reconnection of severed linear habitat features (page 7/36). The applicant is requested to provide further clarification regarding the net loss of such linear habitat arising from the proposed development when regard is had to proposed mitigation and to give an assessment of the residual effect on habitats arising from the net loss arising from the development.

With regard to the above, the Board has noted the detailed comments received from the NPWS, which have previously been forwarded to your office, and you may wish to take note of the detailed commentary provided by the NPWS in it's observation when you are responding to this further information request.

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Should the Board consider that additional information furnished in accordance with this request contains significant additional data in relation to the effects on the environment of the proposed road development it will require you at that stage to -

- (a) publish in one or more newspapers circulating in the area in which the proposed road development would take place a notice stating that significant additional information in relation to the said effects has been furnished to the Board, that the additional information will be available, for inspection or for purchase (on payment of a specified fee not exceeding the reasonable cost of making a copy), at a specified place and at specified times during a specified period, and that submissions or observations in relation to the additional information may be made in writing to the Board before a specified date, and
- (b) send notice of the furnishing to the Board of significant additional information, and a copy of the additional information, to the bodies and persons and the authority (where appropriate) referred to in subsections (3)(b) and (c) of section 51 of the Roads Act, 1993, as amended and to indicate to such bodies and persons and the authority (where appropriate) that submissions or observations in relation to the additional information may be made in writing to the Board before a specified date.

Your response to this letter should be received not later than **5.30 p.m. on Friday the 25th May, 2012.**

If you have any queries in relation to this matter please contact the undersigned officer of the Board.

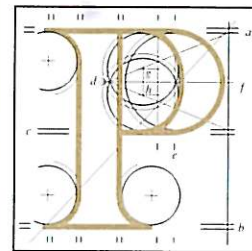
Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Kieran Doherty
Executive Officer
Direct Line: 01-8737248

AHC/HA3802.LTR

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